# M A G A A R T


Theme:
Stability, Democracy and Rights in Post-Conflict Areas

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# Preface to special issue: stability, democracy and rights

*Jens Seeberg, Aarhus University*

The acronym of MAGAART contains the initials of all the universities – Maseno (Kenya), Aarhus (Denmark) Gulu (Uganda), Aalborg (Denmark), Roskilde (Denmark) and Tribhuvan (Nepal) – that in 2014 joined hands in an innovative and interesting experiment: Using E-learning to strengthen PhD-training across the three continents of Africa, Asia and Europe. This project was an offspring from an earlier collaboration initiated in 2011 under the name "Building Stronger Universities" (BSU), where a Danish-led and Danida-funded initiative to strengthen research capacity in selected universities in four African countries and Nepal had been organised in thematic platforms. The platform for Humanities and Social Science research focused on stability, democracy and rights, the themes that have also organised this volume.

During the BSU phase 1 project, a number of talented researchers had been identified at each south partner university and awarded a full PhD grant. The grants enabled for study stays in Denmark and collaborative south-north supervision, adopting a so-called sandwich model. Building on such existing collaboration, the MAGAART project developed a series of training activities that targeted this cohort of BSU PhD students but also allowed for other participants. PhD courses covered topics such as methods and data analysis, academic writing, conflict management, academic publication, use of qualitative software for analysis, and study tours to Denmark for PhD students, for their supervisors and for senior university managers.

E-learning was used in the PhD courses in two distinct ways. Firstly, it was used to extend face-to-face workshops temporally, i.e. to stimulate learning and interaction pre and post workshops. In such workshops, the target group of each individual course would be limited to PhD students who could be physically present in the main workshop event, whereas facilitators could come from any university in the project. Secondly, E-learning was used to extend participation across space. A series of three workshops on methods and analysis was conducted with one south partner university hosting the face-to-face workshop and PhD students from the two other south partner universities participating online. Each south university hosted one of the three workshops in this course. The ability to interact and engage across countries and continents widened the perspective and academic outlook of participants and facilitations alike, and stimulated academic growth. Video conferencing facilitated meetings and consultations on administration and implementation of the planned activities.

On three occasions: the Maseno Conference March 2012, the Gulu Conference April 2012 during BSU I, and the MAGAART conference in Nepal December 2016, it was possible to bring PhD students and many of their supervisors together to share and discuss their research in different fields but always enriching and broadening the common understanding of societal challenges under the themes of stability, democracy and rights. In addition to the important and interesting findings from the individual studies, the conferences also provided a space for comparative perspectives. While each country has its own specific issues to address in relation to the three broad themes, reflecting their distinctive histories and sociocultural dynamics, there are important crosscutting issues. Having had the privilege to act as project director for the MAGAART project, and before that for the BSU Platform on Stability, Democracy and Rights, it is a great pleasure to see some of the analyses shared at the conferences being developed in detail in this volume. I wish to thank the editors for their dedication in bringing the activities of MAGAART into fruition in the form of this great collection of essays.

The special issue is the outcome of presentations given in a conference held by Tribhuvan University in Nepal from 6-7 December 2016. It should be noted that the *Globe* journal normally

publishes issues focusing on language, linguistics and communication studies. However, for this special occasion the Journal Editorial Board has accepted a slight deviation from the disciplines profiled by *Globe*, given Aalborg University's membership of the MAGAART consortium.

Jens Seeberg, Project Director for MAGAART (2014-2017)

# Chief Editor's remarks

*Florence Ngesa Indede, Maseno University*

It is with great pleasure that I am offered an opportunity to give editorial remarks to the Magaart Globe special issue authorship. It is indeed commendable that the Magaart editorial board comprising of I (Prof. Florence Ngesa Indede, Maseno University, Kenya), Prof. Inger Lassen (Alborg University, Denmark) and Prof. Charles Okumu (Gulu University, Uganda), assisted by Lisbeth Rieshøj Amos of the secretariat of the *Globe* journal (Alborg University, Denmark) worked diligently to ensure that the special issue of the *Globe* journal provides readers with scientific articles which are both informative and insightful. I wish to sincerely thank the entire team for a job well accomplished. Let me also take this early opportunity to extend my sincere gratitude to the reviewers of the various articles for their time and dedication in ensuring quality production of the manuscripts and to Language and Communication Services (LACS) at Aalborg University for assistance with proof-reading. Sincere appreciation goes to Prof. Jens Seeberg who accepted to write the forwarding note for this special issue.

As shall be experienced when reading the issue, contributors of various articles expended tremendous time and knowledge to offer scientific productions. The authors' resilience in surviving rigorous reviews and edits cannot be taken for granted. I commend them for their excellent pieces of work. May I extend my special commendations to postgraduate student authors who may have been compelled by their post graduate policies to ensure publication of their articles in a reputable Journal. I thank the *Globe* journal host, the Department of Culture and Global Studies at Alborg University, for offering us this prestigious opportunity.

The thematic landscape of articles published in this issue are a reflection of the salient features, patterns and emerging trends of stability, democracy and rights experienced in the countries of the partner institutions, locally and globally. It is with pride that we present this special issue as a culmination of a range of activities undertaken by the Building Stronger University (BSU) project and subsequent collaborative academic activities by Maseno, Aarhus, Gulu, AAlborg, Roskilde and Tribhuvan (MAGAART) universities. I am optimistic that this production does not translate to the end of the academic discussion but rather opens a new chapter to further discussions on stability, democracy and rights. I am hopeful that the core mission of the Magaart editorial board will not end with this publication.

Finally allow me to commend the entire BSU/Magaart coordination by Prof. Jens Seeberg of Aarhus University, Prof. Preben Kaarsholm of Roskilde University, Prof. Catherine Muhoma of Maseno University, Prof. Leknath Sharma of Tribhuvan University, Dr. Betty Ogange of Maseno University and Dr. Lorine Lugendo of Maseno University, and the entire Magaart family from all the collaborating institutions.

With regards,
Prof. Florence Ngesa Indede
Chief Editor
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# Unpacking the concepts of stability, democracy and rights

*Florence Indede, Maseno University*
*Inger Lassen, Aalborg University*
*Charles Okumu, Gulu University*

**Abstract:** This article prepares the ground for contributions included in the special issue by unpacking the concepts of stability, democracy and rights, which are included in the overall theme. It is concerned with how these concepts have been defined in the literature and how they relate to issues of potential threat to stability in fragile post-conflict communities. The purpose of the article is to add more insight into how war and conflict may disrupt the everyday practices of communities, and what possibilities or constraints citizens may be facing when dealing with the challenges in the aftermath of war and conflict. In the article we open up to a discussion of democratic lapses and how this may jeopardize legitimation of the state, focusing in particular on the specific situations of Kenya, Uganda and Nepal. We argue that to guarantee stability and rights, there is a need for developing new forms of democracy that find a balance between state autocracy and citizen involvement through good governance. We further argue that citizens have collective agency and are capable of developing new strategies for survival. The article is organized as a literature study of key concepts.

**Keywords:** Post-conflict areas, stability, democracy, rights, mobility.

## 1. Introduction

> Break. We want to break. We want to create a different world. Now. Nothing more common, nothing more obvious. Nothing more simple. Nothing more difficult (Holloway 2010: 3).

The epigraph by Holloway pre-empts the contents of articles that reflect deficits of stability, democracy and rights, focusing on issues relating to post-conflict zones in Kenya, Uganda and Nepal. It succinctly summarises an endeavour by the MAGAART partner universities to strengthen awareness of the nature of inequality and to provide better opportunities through education, research and knowledge dissemination. In what follows we first define the three thematic concepts from a general perspective. We then narrow the conceptual scope to contexts of relevance to the studies presented, situating the articles in the post-conflict contexts from where they originate. Seeing that the thematic concepts inevitably intersect and to some extent overlap, the aim of this article is to add overarching perspectives to the wide-ranging mosaic of texts and issues discussed in this volume by bringing to the fore some fundamental challenges facing the global community of which we are all members – challenges that are here scaled down to specific cases situated in post-conflict contexts.

## 2. The concept of stability

Literature on stability and its cognate, instability, offers many overlapping definitions. Common to these definitions seems to be that they focus primarily on the role of societal structures and state functionality. Stability is seen as a state of absence of violence and as 'absence of structural change' (Hurwitz 1973, cited in Margolis 2010). Margolis further suggests that an object is stable for as long as it retains those elements by which it is defined, or 'as long as its structure remains sound'. Indicators of stability may include *state functionality*, for instance the state or government meeting its obligations and responsibilities by providing security, opportunity, and public services to its

citizens. Ciumara (2016) provides several distinct approaches of political stability (Hurwitz, 1973; Dowding and Kimber, 1983): These are: Stability as absence of violence, Stability as governmental longevity or resilience, Stability as existence of a legitimate constitutional order, Stability as absence of structural changes, Stability as multifaceted societal attribute and Stability as behavioural pattern. Survival and stability of the structures depend on the effectiveness and efficiencies of the structures put in place. Heslop points out that despotic monarchies, militarists regimes other authoritarian and totalitarian political systems have survived without major political breakdowns. "The key to their success is their ability to control social development, to manage and prevent change, and to control all the government forces that may result in innovations that are threatening the system" (Heslop n.d.: 18). Stability is thus preconditioned by the presence of a number of factors without which *instability* would occur, to which the articles of this volume testify.

Kolstad gives three levels of defining political instability,

> A first approach is to define it as the propensity for regime or government change. A second is to focus on the incidence of political upheaval or violence in a society, such as assassinations, demonstrations, and a third approach focuses on instability in policies rather than instability in regimes (i.e., the degree to which fundamental policies of, for instance, property rights are subject to frequent changes) (Kolstad 2008: n.p.).

The political rating of stability and or instability takes into account socio-economic conditions, internal conflicts which include ethnic and religious tensions, external conflict and democratic accountability, and quality of bureaucracy, political fragility, and loss of government control leading to fragmentation of social norms, law and order. As expounded by Heslop, economic crises not only exert pressure on material scarcity but could also pose a threat to individual positions.

According to Ciumara (2016), Alesina, Ozler, Roubini and Swagel (1992) define political instability as the inclination towards the change of the executive power using constitutional or unconstitutional means. Borrowing from Heslop's views (n.d.; 17), when "institutional structures and processes fail to resolve conflicts and implement acceptable policies", ceasing to respond to groups and individual demands, the result would be political or social instability. To contextualize this state, a case in point is Nepal which has witnessed chronic political instability in the last three decades affecting badly its economy and development (Sharma 2001). The country has not only suffered violent civil wars, but devastating earth quakes. India and China's competing policies have to a large extent contributed to Nepal's instability. In analysing the political situation in Nepal, Dahal (2008) denotes that the mass movement of April 2006 in Nepal sought a restoration of peace through legislation and democratic movement to end a ten year armed conflict. A restoration of hope to manage change in the system of governance for political stability and development was vested in the new constitution, and an inclusive state responsive of social diversity and sustainable peace was seen as the compromise solution among all political forces Dahal (2008). The ruling party announced substantive structural reforms which included civilian control of Nepal Army (NA), nationalization of royal property, empowerment of the Premier as head of state, abolition of the national unification day and inclusivity of marginalized groups in the Constituent Assembly. Irrespective of such elaborate structural reforms "the political transition has remained highly turbulent" (2008: n.p), hindering efforts for cultural, social, economic and political transformation needed to establish a democratic government. The weakness of state institutions gave rise to the marginalized groups, Dalits (a so-called untouchable underclass). However, as noted by Dahal (2008) "While the mainstream parties have interest in restructuring the state, the social forces

favour restructuring political parties to expand the social base of politics". Heslop (n.d.) further explains that "the fundamental causes of such failures appear to be the lack of a widespread sense of legitimacy of the state authority". A point of reference is Tilak Biswakarma's article (this volume) which discusses the extent to which Dalits have been discriminated against and denied documentation of land ownership. Such discrimination invariably weakens state legitimacy and might eventually lead to political instability, depending on the ability of a marginalized group "to expand the social base of politics".

In a similar vein, Madhusudan Subedi and his co-authors (this volume) give an interesting scenario on dynamics of state legitimacy arising from a situation when Maoist insurgents took the lead in road construction work, thus providing a service that had not been delivered by the state. The road was constructed in collaboration with citizens, who worked under oppressive working conditions imposed. The Maoists gained legitimacy from delivering a service, but in the end lost legitimacy to the state due to the hardship imposed by the Maoists.

These examples indicate that although at a glance stability and instability would appear to the antithetical, the picture is more complex and thus difficult to pin down to one definition. Stability will be sustained as long as the formal roles and structures set by authorities match those constructed by informal social interaction. However when either set of roles or structures change, conflict may occur causing some degree of instability. Margolis (2010) goes a step further by defining instability as the 'absence of control.' In his view, a society without law is a society without stability. He defines political stability to be the degree to which formal roles and structures coincide with informal roles and structures within a political object. The wider the 'gap', the greater the instability, which points to a sliding meaning scale between two outer poles. Where there is acceptance of the new roles and structures then most likely stability would still be maintained. In the unlikely circumstances that the changes are resisted by a section of the citizens then there may be elements of instability.

Many factors in unstable situations include the cheapening of human life, the dislocation of population, the disintegration of authority, the discrediting of the national leadership, material scarcity contributing to radical political change and violent mass action (Heslop n.d.). For stability to prosper, formal structures must meet citizens' demands for inclusive leadership, accountability and democratic participation in decision making. A point in reference is Charles Amone's paper (this volume) which concludes that although the 1995 Constitution of Uganda guarantees five fundamental rights including freedom from discrimination, respect for human dignity, protection from inhuman treatment and protection of freedom of conscience and religion, the Nubians of Northern Uganda have continuously suffered discrimination. They are unable to meet both their economic and social obligation. Stability in this context would entail empowering citizens, both men and women, as well as marginalized communities to improve their livelihoods.

The examples offered to illustrate the complex nature of the concepts *stability* and *instability* challenge any normative and essentialist assumption that stability is good while instability is bad. Holloway addresses the issue of instability by referring to *cracks* in the system, which he sees as moments when change becomes possible. He describes cracks as "The opening of a world that presents itself as closed. It is the opening of categories that on the surface negate the power of human doing" (Holloway 2010: 9). The corollary is that instability may provide new openings, while stability may at times be counter-productive to social change.

On a more negative note, stability in Sub-Saharan Africa remains fragile due to structural factors such as dependence, poverty and political conflicts. Many African countries are considered less stable due to their social, political economic and demographic vulnerability. Armed conflict increases instability in countries like Burundi, South Sudan and Democratic Republic of Congo. (Dumitru and Hayat 2015) and also the rich cultural ethnic diversity in Kenya is a trigger and

accelerator of conflict. The 2007-2008 post-election violence saw the height of instability in Kenya. However with the promulgation of the 2010 constitution, the Kenyan institutions of law are one measure to minimize similar occurrences.

Current research notes that the situation in Northern Uganda has improved since the cessation of violence in 2006, but stability remains tenuous. Findings by Person and Pedersen (2016: 2) show that "complex social, political and economic factors cause the region to remain highly susceptible to conflict almost 10 years after the displacement of the LRA, threatening not only Ugandan Citizens but also East African stability and US national security interest". Meanwhile corruption, underemployment and unstable neighbouring countries such as South Sudan, and the Democratic Republic of Congo (DRC), which has led to a large refugee inflow risk and the spread of conflict to Uganda borders. This is the potential driver of social instability. Contributing to the concepts of peace, stability and security, the Norwegian Embassy in Uganda notes that; "the security challenges facing the world are becoming increasingly complex. Political solutions are needed to end wars and armed conflicts. Terrorism and organized crime have to be fought across national borders" (Royal Norwegian Embassy in Kampala n.d.).

Heslop (n.d.) further argued that crisis situations test the stability of political systems by placing demands on the political leadership, the structure and process of the systems. Participants in the Maendeleo Policy forum (2016) noted that democracy anywhere in the world is a work in progress. Different countries democratize differently based on their political culture, history and resource endowment. Election related disputes and tensions are the main causes of instability in contemporary Africa. Poor management of diversity has become a major source of unhealthy competition, conflict and instability. It has led to a decline of civic citizenship, preponderant rise of sectarian mobilization, violence and intimidation. The forum recommended that "electoral integrity is necessary to turn elections into instruments of promoting social cohesion and inclusion, creating political legitimacy and effective management of diversity [….] a credible election management system is central to democratic stability" (Maendeleo Policy Forum 2016: 3). Strengthening of political legitimacy and democracy would speak directly into Holloway's idea of benefiting from temporary *cracks*, with the aim of creating a different world (Holloway 2010).

## 3. The concept of democracy

The word democracy comes from the Greek δημοκρατίαdēmokratía, which literally means "rule of the people". In the modern context, it is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body, such as a parliament. According to political scientist Larry Jay Diamond, democracy consists of four key elements: (a) A political system for choosing and replacing the government through free and fair elections; (b) The active participation of the people, as citizens, in politics and civic life; (c) Protection of the human rights of all citizens, and (d) A rule of law, in which the laws and procedures apply equally to all citizens. For the sake of simplification, let us gloss these key elements as (a) *legal equality* (b) *political freedom* and (c) *rule of law* (for a thorough discussion of democracy, see Diamond 2008). These principles are reflected in all eligible citizens being equal before the law and having equal access to legislative processes. For example, in a representative democracy, every vote has equal weight; no unreasonable restrictions can apply to anyone seeking to become a representative, provided they meet the minimum requirements set out in the Electoral Law. For example, in Uganda, you must be 35 years of age and hold an A-Level certificate, and you can stand as Member of Parliament as many times as you wish until you reach the upper age limit of 75 years. The freedom of its eligible citizens is secured by legitimized rights and liberties which are typically protected by a Constitution. The Ugandan president serves as both the head of state and head of government controlling most of the executive powers. The president serves for a

specific term and cannot exceed that amount of time. Elections typically have a fixed date and are not easily changed. The president has direct control over the cabinet, specifically appointing the cabinet members.

Diamond (1999, 2008) identifies the following main limits and requirements for Democracy. If democracy is to work, citizens must not only participate and exercise their rights. They must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just because you disagree with them. Every citizen must respect the rights of his or her fellow citizens, and their dignity as human beings. No one should denounce a political opponent as evil and illegitimate, just because they have different views. When you make demands, you should understand that in a democracy, it is impossible for everyone to achieve everything they want. If one group is always excluded and fails to be heard, it may turn against democracy in anger and frustration.

Michael Goodhart (2005) views democracy as human rights (DHR) which contains the core principles of democratic principles of freedom and equality and attempts to work out what their universal promise might require, once disentangled from sovereignty. He further argues that DHR is a political commitment to universal emancipation through securing the equal enjoyment of fundamental human rights for everyone and that since the 7th Century, emancipator democrats have understood democracy as a political promise of freedom from domination and unwarranted interference for all, and they have employed human rights as the language of democratic empowerment.

However, what we have so far looked at are political theories of democracy. True democracy as we understand the term now is not merely a political ideal but a way of life and thus includes all the social, political, religious, moral and economic aspects. It can further be argued that many countries have semblances of the political ideas which they exercise in combination with the personality cult of the President in power, especially in Parliamentary democracy. In some African countries, some political leaders openly flout the main principle parts of their Constitutions, thus leading to crisis and internal instabilities which might violate the democratic rights of their citizens. Examples here include but not limited to: Zimbabwe under Robert Mugabe; Democratic Republic of Congo under Joseph Kabila and Burundi under Pierre Nkurunziza. The Government is not accountable to the citizens in its political, social, religious and economic responsibilities. Where some citizens feel that the political leadership is not listening and able to solve their problems, they can resort to undemocratic actions to draw Government attention. In extreme cases, the disgruntled rebellion against the Government leads to armed conflict; a case in point is the 20 year insurgency in northern Uganda with its aftermath, which is discussed in Okumu's article (this volume). Democracy, according to Diamond (1999), requires compromise. This entails that the different groups enter into dialogue leading to solutions, but when this fails, one group may resort to other undemocratic means as it happened in Kenya after the 2007-elections and more recently after the nullified elections of 2017. The violence that erupted as a result of the breakdown in the democratic elections is partly discussed in Lumwamu's article (this volume). Together the examples of fragile democracies invite a discussion of democratic deficit.

### *3.1 Democratic deficit*

The concept 'democratic deficit' adds a positive connotation to the concept democracy as it implies that democracy is a shared value envisaged by everybody. However, in her book *Democratic Deficit*, Pippa Norris explores attitudes towards the concept asking to what extent people value democracy. In the context of her study, values are understood as "the normative benchmarks or standards of evaluation that can be used to judge how well actions, policies, and events meet desirable goals" (Norris 2011: 96). On the basis of a World Values Survey, she found there to be

variation in how people value democracy and what they see as 'desirable goals'. Although there was overall agreement that democracy is important, the concept was more strongly endorsed by citizens in nations with a long history of democratic rule. Viewed from a post-conflict country perspective, this might explain why there may at times be a need for elements of autocracy to keep a nation together. There thus seems to be a conflict between democracy, globalization and liberal ideologies that may materialize as democratic deficits.

The concept democratic deficit denotes a perceived deficiency in the way a particular political arrangement works in practice against a benchmark as to how it is supposed to work in theory. Although this definition does not preclude any democratic systems of political domination from potentially suffering from a democratic deficit, the use of the term mirrors a general, yet multifaceted dissatisfaction with the way democracy works in many countries.

The use of the term usually implies a connotation with a *procedural* perspective of democratic legitimacy. Decisions are thereby viewed as legitimate if they fulfil certain procedural requirements, such as direct or indirect citizen participation through elections as well as scrutiny and accountability of policy-makers (Oxford Reference n.d.). According to this definition there is a democratic deficit if decisions are not viewed as legitimate. In a similar vein, *Collins English Dictionary* (n.d.) defines democratic deficit as any situation in which there is believed to be a lack of democratic accountability and control over decision making process. The term is used where people argue that the Institutions (country) and their decision making procedures suffer from lack of democracy and seem inaccessible to the ordinary citizen, for example due to the complexity of the Institutions or State apparatus/machinery.

The complexity is sometimes deliberate so that the citizens cannot access Government or Institutional support by giving up because the procedures are too complex. For example, in Uganda to get a passport which is the right of every citizen, you have to get the passport application form which is in English. If the applicant is not educated, you need to get someone to fill it in at a fee. Then you go for recommendations from the Local Council-1-Chairman (LC1), LC2 and a host of other people (who also charge you stamp duty fees).Then you go to the Uganda Revenue Authority (URA) to pay for the application which you eventually lodge with Internal Affairs either in the Regional office or travel to Kampala incurring transport and accommodation costs if you do not have a relative in Kampala. You are told to either come back after a specific period or that you will be informed telephonically if you are lucky or that it will be sent to the Regional office. This example illustrates some of the complex and bureaucratic procedures which exclude citizens from effectively participating in Government decision making and thus creating democratic deficits.

Natalia Letki (n.d.), a Political Scientist, postulates that the term *democratic deficit* may be used to denote the absence or underdevelopment of key democratic institutions, but it may also be used to describe the various ways in which these institutions may fail to function properly (e.g., lack of transparency and accountability, technocratic decision making, inadequate participation of citizens in policy making). Evaluations of the level of democratic deficit focus on the procedural aspects of *democracy*, reflected in the mechanisms of representation and *decision making*. Therefore, the notion of democratic deficit encompasses distortions in the flow of influence from citizens to government. As such, it is closely associated with the issue of democratic legitimacy.

Letki (n.d.) and the other scholars on democratic deficit focus their attention on the European Union which is more or less a Federal democracy whereas in many African and South Asian countries there is Parliamentary separation of powers between the Executive (Presidency), Legislators (elected members of Parliament/Assembly/House (s)) and the Judiciary. Here the notion of democratic deficit encompasses distortions in the flow of influence from Government as the centre of power to the citizens as indicated earlier in the example of how complicated it is to get a passport in Uganda and many other Third World countries.

Social services are often disrupted when there is lack or deficit in democracy. The sectors worst affected are health and education. In northern Uganda, during the insurgency two generations lost out on education since many of the rural schools were either completely destroyed or the teachers and pupils were forced into the Internally Displaced People's camps (IDP). Some of the schools were relocated into the Towns or even outside the district. For example, the National Teachers' College located in Unyama which was a hot bed of the Lord's Resistance Army (LRA) within Gulu district was relocated to Hoima Town in Hoima district. Within the IDP camps there were learning centres but with little learning going on. At the national level, many of the northern schools which were previously performing well are now performing poorly as the region recovers from the 20 year insurgency and current land conflict. Most of the teachers and indeed students prefer to study in Central and other regions. Odama's article "The Impact of Examination Ridden System of Education on democracy in Education in Uganda" (this volume) discusses the decline in standards of these schools. The main finding is that the schools in the Central have teachers and students who operate in a more democratic environment. The Administrators motivate both the teachers and students giving them high morale and full participation in learning. They focus on passing exams unlike their counterparts in the northern schools where the teachers and students have low morale and cannot perform well in the examinations. He explains why this is so. The northern part of Uganda has been affected by the insurgency; the parents are poor and hence the Parent Teachers Associations cannot raise money as the one of the main motivating factor that can level the playing field between schools in the Central and those in the north. Other articles that discuss the lack of democracy in Education leading to violation of the rights of the citizens or job discriminations are those by Devkota: "Navigating exclusionary-inclusion: school experience of Dalit EFL learners in rural Nepal" and Sharma: "National level policy and local level practices". Both papers discuss the issue of Language policy with the focus on the National policy which, on the outset, looks democratic but turns out to be discriminatory, especially in rural Nepal. Both authors show how the Government of Nepal uses the English Language as a tool to discriminate against its own citizen. The Dalits who live in rural Nepal are excluded from the social stream of the educated class due to their inability to master English. Those who try to navigate the exclusion and inclusion policies are caught in a Catch 22 situation. Sharma (this volume) looks at a similar Government policy on the use of the English Language as a democratic tool of discrimination among the Nepalese. The National Language Policy is subverted by the Local Practices which favour teaching and learning in Nepalese. Two categories of citizens are produced: those who study in private schools exclusively in English have a chance of studying Science and Medicine giving them higher social level while those who study in Nepalese in schools controlled by the Local authorities are taught in Nepalese, and they may end up graduating in Business, Accounting and Education, opening job opportunities at the lower level of the job market. Both papers recommend that Government should review these undemocratic polices in the interest of national social policy. The call of these two authors for policy review is not to reject the democratic status of their Government because as Diamond (2004: n.p.) asserts, "Every group has the right to practice its culture and to have control over its own affairs but accept that it is a part of a democratic state". This naturally leads us into a discussion of rights issues.

## 4. The concept of rights

### *4.1 Human rights*

The Universal Declaration of Human Rights was adopted on 10 December 1948. It consists of 30 articles that detail important concepts of rights, such as equality of all human being and rights to recognition as a human being. These include rights to freedom of religion, expression, social security, work and education. In the context of the articles brought in this volume, it is important

to note that everyone has a right to nationality which entails a right to freely participate in the cultural life of the community and the right to take part in government of his or her country (United Nations 1948/2017).

The concept of human rights has given rise to ardent debates and often contradicting perceptions of how the term should be interpreted, depending on which part of the *Universal Declaration of Human Rights* (United Nations 1948/2017) different scholars have focused on (Dorfman 2012). Human Rights may be seen as a philosophical concept about the individual, or it may be seen as a right protecting individuals or groups through law and administrative procedures enacting the law (Dorfman 2012). However, these rather vague conceptualizations of rights do not become meaningful until they are viewed through the lens of what Dorfman (2012: 135) has referred to as "A human rights lifeworld", a term he borrows from Husserl (1970) to encompass how human rights are perceived in everyday life. Therefore, in the context of this volume, human rights come to life through the voices of the young poets in Indede's article, the displaced people in Okumu's and Amone's articles, or through interviews with people who are denied citizenship (Biswakarma's article) (for a discussion of human rights research in a lifeworld perspective, see Dorfman 2012. See also introduction by Dorfman & Simonsen 2012).

One of the issues relating to a human rights declaration is how to uphold its principles. This invariably invites a note on the relationship of human rights, democracy and the state. Fukuyama (2016) discusses what he sees as inherent tension between on the one hand a state that uses power, and on the other, law and democracy aiming at constraining the use of power. In the discussion he points to three relationships: citizen security, clientelism/corruption and national identity (2016: 127-134). He argues that "a minimal degree of security is necessary for democracy to exist" (2016: 127), but citizen security also depends on "the state's ability to convert power into authority, that is, to secure the voluntary compliance of citizens with the state's wishes based on their belief in the government's fundamental legitimacy" (2016: 127) (see also Subedi, Shreesh and Mosters, this volume). As clientelism and corruption are not discussed to any significant degree in any of the articles of this volume, we will not address these concepts further, but only note in passing that clientelism and corruption understood as 'misappropriation of public resources for private gain' would seriously jeopardize the principles of human rights and democracy of a country. The issue of corruption, however, may have an impact on democracy in terms of excluding some citizens and including others, if officials of the state only serve the narrow interests of their regions (2016: 132). This is where national identity becomes important for state performance because "officials of the state need to be loyal to the broad public interest that it represents" (2016: 132). As noted by Fukuyama, "national identity is built around intangible things like traditions, symbols, shared historical memories, and common culture" (Fukuyama 2016: 133). As such it operates on a scale of constructed categories and delimiting exclusionary concepts such as national languages, borders, displacement of people, set standards for education, to name but a few.

### *4.2 Threats to human rights*

These exclusionary concepts may be seen as *threats to Human Rights*, a concept borrowed from Goodhart (2005). Goodhart distinguishes threats that cannot be anticipated, such as abnormal weather, from standard threats that are foreseeable and preventable at affordable cost. He asserts that although threats cannot be fully eliminated, threats such as "famine, poverty, political repression, and violence against women, are sadly commonplace. By analyzing and responding to such threats, it should in principle be possible to establish social guarantees at acceptable thresholds" (Goodhart 2005: 166). However, this would require representative political institutions including a strong state that is willing and able to guarantee the human rights of individuals. As noted by Goodhart (2005: 16, footnote) many states are too weak to do that, but "strong enough to

commit systemic human rights violations in the pursuit of wealth and power".

In many countries across the world, institutional strength, including the strength of states, has been further weakened through globalization and market liberalization. This situation potentially puts democracy at risk as it may destabilize national economies and lead to social fragmentation, which Goodhart (2005: 11) succinctly refers to as "the flipside of globalization". It goes without saying that instability, social fragmentation and infringement of human rights will put a pressure on people, which may result in migration.

### *4.3 Migration as a consequence of weakened rights*

According to the UK-based Social Science Research Council (SSRC 2017), there is a growing pressure on people affected by social fragmentation, and this pressure is not likely to wane. This has led to rising migration numbers in Africa, the Middle East and Asia, and EU countries, including Denmark, have reacted to this unhappy situation by reinstituting strict border controls aimed at preventing migrants from mainly Syria, Iraq and Libya from entering Europe (SSRC 2017).

A study carried out by SSRC found that the migrants "do not leave their home countries intending to come to Europe […] but move onwards due to violence, insecurity and a lack of protection as well as limited opportunities to rebuild a life" (SSRC 2017: n.p.). It was found that very few of the migrants had a firm idea of where they were going. Decisive factors for leaving a country and deciding on a destination were sooner to be found in the search for protection in Europe, combined with perceived economic prosperity, relatives living in a particular country or knowledge of a language. The study also found that migrants were prepared to take serious risks because "they do not believe there are any alternatives available to them" (SSRC 2017: n.p.). When crossing the Mediterranean and venturing into Europe – often by the intervention of human smugglers – the respondents had experienced severe violence, starvation, beatings and arbitrary detention, if they survived the journey at all (SSRC 2017).

Migrants seem to follow unplanned itineraries to avoid impenetrable borders or to take up opportunities that turn up on their way. They often try to bypass formal migration routes, thus putting existing border management systems under pressure (Casas-Cortes, Cobarrubias & Pickles 2015). Rather than viewing migration from a victimization perspective, Casas-Cortes et al. argue that migrants should be seen as "creative forces that constantly push institutional arrangements to shift their strategies and build new architectures" (2015: 898). In this perspective migrants have collective agency and should be understood as "a creative force" with the stamina to image new ways of movement and new ways of organizing life (for a related analysis of immigrant agency and citizenship, see Mezzadra 2011).

These examples all serve to illustrate how human rights are infringed on a daily basis, locally and globally, but they also indicate that human actors are capable of developing strategies and finding ways out. Together the articles of this volume – in one way or the other – give a voice to interviewees and respondents who have been faced with threats to their rights, but who have also demonstrated a will to redress the issues.

## 5. Synthesizing the concepts of stability, democracy and rights

Our discussion of the concepts of stability, democracy and rights has brought to the fore some salient points that seem to pervade the articles of the volume. All of the articles address a problematic issue inherited from local as well as global democratic failure, leading to instability and infringement of rights. Definitions have suggested that stability requires regimes that are capable of controlling social developments and prevent change that may threaten the political system. However, it has also been suggested that stability can be safeguarded through *legitimate*

constitutional order, governmental resilience and what we have referred to as *democratic legitimacy*. It may thus be deduced that the role of the state is crucial when it comes to protecting democratic ideals and the security and rights of citizens. The state's ability to convert power into authority is thus of paramount importance, but this requires voluntary compliance of the citizens, who must hold a strong belief in the fundamental legitimacy of the state. The democratic shortfalls illustrated in the articles raise the pertinent question as to whether democracy is possible in fragile states or to what extent democracy may be in decline. Fukuyama (in Diamond & Plattner 2015) posits that *bad governance* could be one explanation as to why democracy might fail. In Fukuyama's view (2015: 12),

> it has to do with a failure of institutionalization – the fact that state capacity in many new and existing democracies has not kept pace with popular demands for democratic accountability [….] It is the failure to establish modern, well-governed states that has been the Achilles heel of recent democratic transitions.

Yet, as observed by Plattner (2015: 6) good governance is not easy to accomplish in new democracies where, until recently, patrimonial state systems have been the norm, systems that have in many cases been replaced by neo-patrimonial state systems that pay lip-service to democracy and are only interested in personal gain (Fukuyama 2015). The examples of democratic failure illustrated in this volume might severely jeopardize state legitimacy and put the concept of democracy at risk. To guarantee stability and rights, there is a need for developing new forms of democracy that find a balance between state autocracy and citizen involvement through good governance (see Fukuyama 2015). However, as noted by Sen (1999) and corroborated by Norris (2011), the claim that democracy is a universal value is open to challenge. In a discussion of democracy as a universal value, Sen (1999) argues that "universal consent is not required for something to be a universal value" (Irudayam 2010: 159), a perspective upheld by the authors of this volume as, more often than not, the issues discussed are framed as results of democratic deficits put human rights at risk and thus jeopardize stability.

The articles in this volume are organized and sub-divided into four sub-thematic sections that all in one way or the other resonate with the overall themes. The concept of stability seen as a function of governance is fragile and may result from various kinds of democratic deficit, which in turn may lead to the first part of the contributions: **Migration and social fragmentation**.

In the article "The voice of reason by the children in the wilderness", **Florence Indede** views the concept of rights and stability from the perspective of poetry. Applying a psycho-linguistic approach in analysing a small corpus of poems, she brings to the fore the desperate voices of children caught up in refugee camps. The article is set in the context of wars and tribal conflicts that expose innocent children to violence and force them into involuntary migration in search of their lost identities. Longing for peace, stability and security, the young poets express their emotions, hopes and griefs over the lost homelands. Through linguistic analysis of poetic stylistic devices, such as metaphoric allusions, tonal expressions and personification, she addresses the research question: "What are the feelings, hopes and aspirations of the young children in the refugee camps". An important finding is that writing poems may be used as a stress–coping mechanism that resonates "on a deeper level reconnecting refugees to their cultural roots of their identity".

In a similar vein, **Charles Okumu**'s article "The impact of returning home after the twenty-year armed conflict in the Acoli sub-region in Uganda" discusses the impact of insurgency on internally displaced Acoli, who went into exile or were forced to live in camps in Nwoya District in Uganda when the Lord's Resistance Army terrorized Northern Uganda from

1986 to 2006. In his article, he asks how returnees from the Internally Displaced People's Camps remember and describe their lived experiences and challenges resulting from internal displacement, and to what extent political agents take responsibility for finding solutions to the challenges met by the returnees. Using a qualitative approach with open-ended questionnaires, interviews and focus group discussions, he observes that the situation has led to a post-war conflict over land. Land that was owned by the returnees before the war has now been taken over by other displaced people or by wealthy people who have bought the land. The author points to possible solutions to the land conflict as construed by the interviewees.

The next section of the volume approaches the themes stability, democracy and rights from the perspective of **contested citizenship and religion**. The articles in this part deal with issues of identity resulting from exclusion based on ethnicity or religion. As demonstrated by the articles, social exclusion has dire consequences for belongingness and identity of specific groups who do not have the same rights as those who hold a citizenship or belong to a specific religion. The section consists of three articles that all focus on contested citizenship from the overall perspective of stability, democracy and rights.

In an article entitled "Citizenship and social security of landless Dalits in Nepal", **Tilak Biswakarma** explores how the lack of citizenship certificate affects people's civil, political and social rights. On the basis of interviews with 60 household heads, Biswakarma concludes that the lack of citizenship certificate and land owners certificate generates feelings of statelessness, however without affecting the patriotic sentiments among the Dalits, in spite of the discriminatory treatment by the Nepalese state towards the Dalits.

A similar situation is discussed by **Charles Amone** in his article "Contested citizenship, religious discrimination and the growth of Nubian identity in Northern Uganda". Viewed as relics of European colonialism and having served as soldiers of the British colonial government, the Nubian community in northern Uganda is viewed with scepticism and their citizenship and legitimacy is being contested leading to human rights violation, discrimination and conflict. The article illustrates how contested citizenship and religious discrimination helped build and sustain an ethnic identity among the Nubians. Based on interviews and archival records, Amone concludes that Nubians in northern Uganda face discrimination due to their history and religion; however, discrimination has helped them sustain an identity and defend their citizenship.

To illustrate religious tension and the challenges faced by the Nepalese state in upholding an image of secularization and disinvolvement in religious matters, **Shurendra Ghimire** draws a complex scenario in which Hinduism, Christianity and secular groups in Nepal compete for power, favours and identities. Approaching this issue through an ethnographic study, Ghimire argues that religious groupings are competing for public support and resources, which divides communities into indigenous versus non-indigenous forms of religion, but also compels the indigenous religions to revive and redefine their identities, if the non-indigenous religions are to be resisted.

The third part of the volume is entitled: **Democratic deficit in education**. In education, democratic deficit may come in many shapes. An example of this may be that there is no freedom of choice, as to which school your child should attend. You have to send the child to the school where the pass rate is the highest because they have the best teachers who are highly motivated through financial inducement from Parent Teachers Association (PTA). These schools are mostly private or religious founded schools. On the other hand, parents have choices in the Government schools with democratic deficit because parents and teachers have no say in the decision making or participation in the running of the schools since Government imposes rules from above which affect their children and the welfare of the teachers.

This scenario forms the basis of **Stephen Odama**'s paper, "The impact of examination ridden system of education on democracy in education in Uganda: an implication for policy

change". The paper examines two sets of schools in Uganda: those in the Central and those in the north. Odama's hypothesis is that up to the 1980s many schools in the northern part of Uganda were performing better in the national examinations than schools in central Uganda. There was democratic freedom in Education with freedom of choice. Parents chose which schools their children could attend and the north was attractive for many parents and teachers to choose which schools to teach in. Odama's findings show that the schools in the central perform better than schools in the north primarily because there is democracy in the administration of these schools. Odama's recommendations are: school managers, especially those in the north, make schools and schooling more democratic by making the learning environment conduisive to both teachers and students.

**Kamal Devkota**'s paper, "Navigating exclusionary-inclusion: school experience of Dalit EFL learners in rural Nepal" focuses on Government Language policy which it proclaims to be democratic and inclusive but in practice it is not democratic with respect to the education of the Dalit learners in rural Nepal. Kamal's research data supports his contention that: "The policy-practice ambiguities and caste-class-gender intersections with ELOs are some domains that challenge the very ideal of social inclusion of Dalit children in schools and EFL classrooms". The current Language policy in Nepal negates its obligation to inclusive education for the Dalit in rural Nepal. Kama's recommendation is that: "These domains should be addressed in policy formation, and school and (EFL) classroom manifestation to ensure the true inclusion of these socially, culturally and economically marginalized Dalit children in rural Nepal".

Democratic deficit in Nepal's educational system is also the subject of **Hari Maya Sharmas**'s paper, "National level policy and local level practices: a multilayered analysis of language policy practices in Nepalese school education". Sharma's data was collected from three schools implementing the National Level Language policy which is supposed to be democratic. Sharma concludes that "policy appropriation does not always benefit the targeted groups, instead they might create/and or deepen inequalities".

The last part of the volume entitled **Inequality and human rights** consists of five articles that address the overall theme from different perspectives that all address some aspect of lack of equality and infringement of human rights. The issues discussed involve perceived inequality in relation to post-election justice, livelihood rights, land rights, gender rights and the right to service delivery.

**Philip Lumwamu, Florence Indede and Peter Matu** address the issue of inequality and Human Rights in an article that focuses on metaphoric conceptualization of International Criminal Court (ICC) indictment discourse in Kenya, in the aftermath of the 2007-08 election violence. Through analysis of printed media from media libraries in Kenya, the article integrates conceptual metaphor theory and social theory to explore how Kiswahili metaphors have been used in the general debates about ICC in Kenya and how they build different conceptual framework of often mixed and contradicting emotions. The authors argue that using Kiswahili metaphors relating to familiar aspects within the Kenyan environment may have an impact on how ICC is conceptualized. The pre-meditated use of metaphor may thus bridge a gap between emotion and people's sense of justice, thus assisting the peace and reconciliation process.

From a slightly different perspective, **Sulayman Babiiha** discusses the rights of human beings to protect their land against animals that destroy their crops. Using an ethnographic approach, and focusing on a tourism centre project, the author explores the ethical dilemma of protection of wildlife versus safeguarding the rights of a local community in Northern Uganda to rebuild their agricultural livelihoods in the aftermath of 20 years of civil war. Babiiha concludes that what started out as a post-war participatory development project aimed at protecting wildlife as well as local farming initiatives, ended up generating a new zone of conflict between the local

community, wildlife officials and local governance structures.

The 20 years of civil war in northern Uganda severely infringed rights to livelihood and had detrimental effects on access to land to men and women in the rural areas. This is the key issue discussed in **Stella Laloyo Apecu**'s article, which focuses on struggles over access, control and ownership rights in relation to land among women and men in northern Uganda. Important findings were that many women had relational access to land through their marriage, which – due to a patriarchal system **-** gave them fragile land rights. Men on the other hand had firm control over land and made final decisions relating to sales and land use.

Gender is also in focus in **Meena Gurung**'s article that is situated in post-conflict Nepal. Through a thorough discussion of Ghardhanda – a deep-rooted power structure that she describes as "a neglected political discourse". Based on data from fieldwork, the author argues that Ghardhanda not only constrains women's progress but also impacts on intersectional gender balance in the long term. Importantly, Gurung questions the controversial boundaries between contemporary representative politics and the tradition of *Ghardhandha.*

Set in a scenario of armed conflict in Nepal from 2002**-**2006, **Subedi, Shreesh and Mostert** discuss the rights issue from the perspective of service delivery and infrastructure. Focusing on a road construction case, the road to Rolpa, they explore to what extent service delivery by non-state organisations, in this case the Maoist insurgents, might have affected state legitimacy. Through in-depth interviews with a variety of stakeholders constructing the road, they found that in spite of hardship imposed on local citizens, it was more important for people that services were delivered than who delivered them. Legitimacy was granted to Maoists for what was delivered, but the government also regained some legitimacy as a result of oppressive working conditions imposed by the Maoists.

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# The voice of reason by the children in the wilderness

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**Abstract**: Wars and tribal conflicts disrupt young children who are dependent on their parents for care, empathy, attention and protection. Some children end up in refugee camps unaccompanied by their parents or guardians. The long migration to freedom, in search of "my identity" and a sense of belonging is characterized by violation of the children's basic rights. The traumatic experiences worsen in cases of sexual exploitation of either the children and or their parents. They suffer physically and emotionally. In this article, I present the voice of the children in the wilderness expressed by a selection of a few poems by the children in the refugee camps. The analysis of this presentation is anchored on the following questions: what are the feelings, hopes and aspirations of the young children in the refugee camps? Which poetic stylistic devices are used in articulating their voices? The objective of the presentation is to recognize, analyze and appreciate the voice of reason as articulated by the young poets. The analysis adopts a psycholinguistic approach to the selected poems which form the corpus of data analysis. In essence and as a resultant or findings of this analysis, the metaphoric allusions, tonal expressions and personification present a profound reality of the cry of the innocence, optimism and idealism raised by the children's voices. Through the linguistic expressions and stylistic devices, the children yearn for peace, stability, security and a return to their homelands. The poetic expressions form a basis of responses to the catastrophic experiences. The voice of reason by the children in the wilderness is not only an academic contribution, but maybe useful to psychologists and other researchers to understand the plight of the children in refugee camps.

**Keywords**: Children, poetry, war, trauma, voice.

## 1. Introduction and critical paradigms

The voice of reason by the children in the wilderness critically examines the reasoning, expressions and voices from selected poems by refugee children. The concepts, "voice of reason" and "wilderness" as used in this presentation, were carefully and cautiously selected to philosophically express the artistic presentation of the experiences of the young children who find themselves in a situation that they have no knowledge about. Bond (2000: 1) notes that "refugee camps are places where as in prisons or mental hospitals, the inhabitants are depersonalized. People become numbers without names". Thus, wilderness is figuratively used in this context. Context plays an important role in deducing meaning. As Berleant (n.d) puts it, despite the fact that metaphor has been the subject of philosophic and literary reflection since classical times, it remains elusive. Borrowing from Berleant's discussion, "wilderness is a dark metaphor which evokes a feeling of apprehension, danger, and dissolution, alien and hostile conditions". We may think of a refugee camp as a hostile place with limited room to preserve and promote human values and social justice. Washington (n.d.) depicts this as a human exclusion zone. Figurative understanding of the refugee camp as a wilderness would therefore help track the insights of the loneliness, lost lives and cultures of many of its occupants, masked cruelty, and horrifying feelings of neglect, trauma and oppression as is expressed in most of the poems analyzed in this presentation.

According to Landauer and Rowlands (2001: n.p.), "reason is the process of thinking; it uses ideas, memories, emotions and sensory input. Reason uses logic, deduction and induction. It means integrating perceptions into concepts, gaining knowledge through integration, evaluating and manipulating ideas and facts". Aristotle has pointed out that poetic language is a great inspiration to both the listener and the poet. He holds that poetry represents life. Poetry appeals to emotions. Poetry is a power tool that can be used to philosophically reason out an experience.

Half the world's refugee population is comprised of children and adolescents as noted by Cole (1998) cited in Trang and Lau (2002: n.p.), whereby over 18 million children are raised in the war prone regions. A report by Sarah Wildman (2017: n.p.) on world refugee day) notes that of more than 65 million people displaced around the world, of which 51% are children. According to United Nations, in Uganda for example "the number of refugees increased in the past year from 500,000 to 1.25 million. Of these 86 percent are women and children". These sentiments were evidenced by empirical researches carried out by Dr. Muller (2013) who notes that,

> following the genocide in Rwanda, more than 60% of children claimed that they didn't care if they ever grew up. Children between the ages of 12-18, having had more years exposed to violent conflict, struggle to recover from years of compounding traumas. Interviews within refugee camps reveal pervasive feelings of depression, anxiety, hopelessness, grief, resentment, anger, and fear.

According to Trang and Lau (2002: n.p.),

> children and adolescents are subjected to violent death of parents, torture, injury, witness of murder, terrorist attack, child soldier, detention, sexual assault, separation and forced migration, fear and panic among parents. Other forms of trauma may include the endurance of political oppression, harassment and deprivation of human rights.

Muller (2013: n.p.) makes reference to Graça Machel United Nations Report of 1996 quoting: "The physical, sexual and emotional violence to which they [children] are exposed shatters their world. War undermines the very foundations of children's lives, destroying their homes, splintering their communities and breaking down their trust in adults". Meanwhile Muller reports that "over two million children have been killed, six million disabled, 20 million are homeless, and more than one million separated from their caregivers. Many have escaped to Iraq, Egypt, and other countries across the Middle East, Europe and Africa". Wildman (2017) observes that "refugee camps for instance Dadaab is overcrowded while, Jordan and Lebanon are overstretched by the Syrian crisis".

Identity issues by the refugees and asylum seekers partly contribute to traumatic experiences of the victims. In view of Kebede (2010), the act of being made a refugee from a socialist and essentialist perspective means separating and dislocating a person from his ancestral home against his/her wish thus cutting off his sense of belonging, thus creating a sense of insecurity is a permanent psycho-socio trauma. According to Kebede (2010), in this error of racism, nationalism, ethnicity and tribalism, the brand on identity and identification through legal documents such as an identity card and a passport or asylum documents is one such harassment. Erikson (1995) cited in Kebede (2010) notes that during childhood, a person's self-awareness grows and alters, while in adolescence awareness of "who I am" becomes more complex, beginning to take into account the physical, cognitive and social changes that occur. As Erikson notes, the process of searching for identity is intensified and becomes more complex in the case of forced immigrants often leading to painful 'struggle for belonging'. The quest for identity is further interrogated by Bond (2000: 6) who raises pertinent questions on how many African governments ensure that the birth of every refugee child born on their soil is registered and that each child has a birth certificate. What nationality will these children have? Who assumes responsibility for unaccompanied minors?

A study carried out by Awet (2011), United Nations High Commission for Refugees Policy

Development and Evaluation (PDES) records that activities such as music, theatre, poetry, and painting may provide useful tools for improving the quality of life for camp residents. She affirms that creative activities play a positive role in their ability to survive physically, emotionally and spiritually. The children join in the call for peace and harmony among the warring communities.

Olszewska, (2007) expresses that poetry (both oral and written) has a long tradition in Afghanistan,

> It continues to be the most respected and most widely practiced arts. It has had a direct relationship with power and politics for dialogue between Afghan and Iranians, and for expressing subjective experience, thought and emotion among refugees, particularly love or the pain of exile, with an intention to criticize or subvert social convention.

Morag Styles (2011) a Professor of children poetry, makes reference to Motion (n.d.) a poet laureate who has vested great interest in children poetry. She quotes Motion's sentiments that "every possible effort should be made to promote the appreciation of poetry, and encourage its creation". Poetry allows children to feel a profound sense of connection with their interior spaces. The voice of reason as expressed through poetry awakens the world, community and the society to what must be done to restore the dignity and prosperity of the affected children. Despite the "imprisonment" the harrowing physical and psychological traumatic experiences, the children create alternative means of expressing their feelings and emotions through creative arts as a survival skill.

This presentation reveals how the young poets create a sense of belonging, histories and societal changes. Poetry is embraced as a powerful weapon for social and psychological changes. As will be seen, poetry presents a series of images which engages the speaker and the hearer in a creative thinking and reasoning in order to understand the complex environment the children find themselves in. In this respect, the analysis employs a psycholinguistic approach to analyzing the poetry in question. The psycholinguistic approach to language takes into consideration how we develop, perceive or produce language. It creates a platform on which both linguistics and psychology knowledge interact to reach a desirable meaning.

## 2. Psycholinguistic theoretical principles

Psycholinguistics is the study of language from a psychological perspective. Psychology is the science that deals with mental processes and behavior. It includes feelings, attitudes, thoughts and other mental processes.

As expounded by Lutz and Huitt (2004), psychological studies grounded on Jean Piaget's philosophical thinking indicate that early behaviors and experiences influence subsequent development achievements. The psycholinguistic approach will enable us to perceive knowledge of the underlying language process in the human mind (the poet) and how it is then articulated through communication. Children exposed to stressful environments are prone to traumatic reactions for longer periods. This may cause developmental impairment. As psychologists point out, what they see, hear and experience is stored in their mind forever. The intuitive use of poetry elucidates emotive meaning and expression of the horrific feelings that the young survivors go through. Poetic creativity becomes a therapeutic means of shading the emotions and feelings and a means of fighting back to the ills of the society. As will be analyzed later, the selected poems expose such horrors as destruction of the victims homes, death of parents, siblings, neighbors and friends, physical injuries, torture, sexual harassments, witness of parental fear and panic, forced immigration and settlement in refugee camps. Psycholinguistic as a scientific method is useful in

analyzing how the experiences are perceived by the victims, comprehended and produced.

Akhter (2013) denotes that poetry represents thoughts, imagination and awareness, experiences expressed through meaning, sound, rhythmic language in such a way as to evoke emotional response. Furthermore as expressed by Hoon (2014), language is a system of formalized symbols, signs, sounds or gestures. Psycholinguistic theories consider properties of the human mind as well as structure of language. Cognitive knowledge about linguistic context and the world play an immediate role in comprehension and interpretation of words and sentences. Norris (2010: 21) observes that "mental images anchor new ideas in a readers mind by liking abstract ideas to concrete experiences". Thus the psychological process involved in comprehending the meaning of the poem cannot be underestimated in our analytical process.

Psycholinguistics has three primary areas: Language comprehension, language production and language acquisition. This presentation singles out Language comprehension and, language production. The guiding principles include **exposure to input and processing of the meaning:**

**Exposure to input is a** psycholinguistic principle that will be employed to make reference to how both the analyst skill and knowledge input together with the poet intelligence are used in crafting the production of meaning. This entails drawing attention to lexical items and psycholinguistic concepts such as attentions, detection, noticing, awareness and consciousness as well as their connotations within their contextual parameters. The psycholinguistic approach will be used to extract out the poet's inbuilt units of language within the poetic texts for instance sounds, syllables, intonation, repetition, allusions and parallelism. These in-puts are key in creating aesthetics or artistic thematic meaning. Schmidt (2001) cited in Agiasophiti (2011: 12) expresses that the engaging aesthetic nature of poetry holds a listeners attention. Attention to the sounds and voices of the young poets is key to understanding production of the inner voice.

According to Romero & Soria (2005) "construction of meaning is heavily dependent upon a process of interpretation, comprehension and expansion of the literal meanings against the metaphoric expressions". According to Damrosch et al (1985: 990) a metaphor is a figure of speech that makes a comparison between two things that are basically dissimilar; it describes one thing in terms of another The analysis of the metaphoric use of poetic language in this section takes into cognizance the cognitive metaphor perspective. Romero and Soria (2005) further state that "The basic assumption in cognitive metaphor theory is that there is a set of ordinary metaphoric concepts – conceptual metaphors- around which we conceptualise the world". They draw their knowledge from *Metaphors We Live By* as developed by Lakoff and Johnson (1980), Johnson (1987), Lakoff (1987), and Lakoff and Tuner (1989). The cognitive theory complements the psycholinguistic theory in that a metaphor is identified when the speaker perceives both contextual abnormality and conceptual contrast. This identification of the metaphoric utterance triggers the metaphoric mechanisms for its interpretation.

P**rocessing of meaning** takes into cognizance perception, memory and thinking. Poems have unique word structures or short non grammatical sentence structures. Psycholinguistic reasoning will be helpful in understanding how the linguistic and psychological processes interact to enable production, comprehension and creation of meaning of the poem produced.

## 3. Research methodology

The research employed purposive random sampling in selecting information rich cases for in depth study (Patton 1990). Primary data targeted poems of central importance to the thematic area. The poems were collected from internet sources. Initially no concrete target population was put in mind. However after a long term survey, five poems were selected for analysis. As elaborated by Gentles, Charles, Ploeg & McKibbon (2015), the general aim of sampling in qualitative research is to acquire information that is useful for understanding the complexity, depth, variation or context

surrounding a phenomenon. Criteria for selection of relevant poems included content based on thematic concerns of refugee children, poems articulated by children, poems displaying different poetic devices and diverse linguistic features.

The analytical intention was to ground my discussion and reflections in the intricacies and complexities of the life experiences of the young poets. I was deeply immersed into the narration in order to get to the deeper meaning of the poems. The analytic approach took cognizance of thematic, content and context in order to arrive to a holistic understanding of the underlying cognitive structures, socio-emotional or affective domains of the poem. The strategies used in the poetic enquiry involved "listening" to the voice of the poet, critical analysis of the use of images and metaphors, observations on how hope reconstructs identity, monitoring the expressions on how attitude reconstructs self in relation to others while capturing rhythmic and poetic quality of the linguistic features. Most important is how the poetic expressions tell us about individual thinking or feelings; personal experience and perception of the realities around them. Critical observations into complex patterns, descriptions of identity construction and reconstruction evidenced in the articulations enabled conceptualization of certain conclusions during the interpretation of data.

The organization of form and structure of the poem enabled the reconstruction of the overall thematic expression of the poet. It was important to consider how the poem is structured, its context and producer. Analysis of figurative language taking into consideration symbolism, similes, metaphors and personification was key. The poets' beliefs, values, intentions and aspirations guided the interpretation of the poem.

## 4. The metaphoric Voice of Reason as expressed by Samir

Refugee poetry seems to be a philosophical and intellectual medium used by the young refugee poet to express thoughts, feelings and emotions. As one reads and analyses the poem by Samir, you feel the intensity of the emotions of sadness, loneliness, anger and even happiness as some of the themes displayed in the text below. The poem has a total of ten stanzas. However, eight stanzas have been selected for an in-depth analysis. Before delving into the analysis, it is imperative to note that Samir's expression attracted attention of four Georgians; Dr. Omar Lattouf, William Burke, Dr. Emma Lattof, and Zeena Lattouf who offered to help him.

1. *My days filled with peace, and void of strife*

   *My parents, my friends were my whole world*

   *I am Samir*

2. *And then there were bombs, we walked for miles*

   *I remember tears, there were no smiles*

   *My home, my world, came to halt*

   *There was only fear*

3. *Everything we owned, on my mother's back*

   *All the things we had, now fit in a sack*

   *My mom, my sister, we all held hands,*

   *But where was Dad?*

4. *So many people some that I knew*

   *There were some men, but only a few*

   *My days, my weeks were now a journey*

   *That had no end*

5. *I saw the hope in my mother's eyes*

   *Reduced to fear, and muffled cries*

   *She held us close, at night with love*

   *We stuck together*

8. *I met some people that were nice to me.*

   *I wish they had stayed, but that could not be.*

   *They left some candy and wonderful hugs,*

   *But they gave me more*

9. *I am starting to work to overcome this war*

   *I am learning to see, beyond this camp, there is more*

*My world my life that came to a halt*

*Is starting to move*

*10. I saw it in their eyes, they made me see*

*There is a world of hope, offered to me*

*I will conquer the fear, I will be free of these bonds*

*I am Samir, I am Samir*

(Arab America 2016)

The voice expressed denotes first person singular. This alludes to self-experience. Samir narrates his historical past with a conscious selection of *peace* and *void of strife* metaphorically to denote his home environment that was calm and stable. Samir's parents were alive and they made his life complete. There was a great bond between him and his family. In the second stanza, the reader meets the poet at a crucial moment transiting to a negative life style. In the opening lines of the second stanza the reader comes across many images of harrowing experiences *bombs, tears, fears, no smiles, life coming to a halt.* The choice of these coherently creates a sad episode. The mention of a bomb sends the hearing senses and feelings of scare and scampering for safety. The metaphorical use of *tears* and *fears* express the intensity of the confusing thought process and mental torture of the poet; a devastating state of affairs and a psychological traumatic experience.

The same mood of sadness is carried over to the third stanza voicing a feeling that in the wake of the war, Samir's family disintegrated. The situation called for all of them to move as a family but one member, her dad was not there. Wars create calamities and vacuums. The family structure collapses as is in the case of Samir. *"But where was Dad"*. The ideology behind this question by Samir can only be interpreted in the context of the presented text. It is not by coincidence that Samir observes in stanza 4 line 2 that there were a few men. The psycholinguistic processing of this phrase may lead the analyst to imagine that maybe Samir's father ran away to save his life whereas, Samir's mother struggled to save and shelter the children to destination. Wars create rifts among families, but does Samir's voice express that! What would be the point of reason given the information supplied by Samir? The input sentiments under the given context may suggest that Samir's dad and other men could not endure the suffering to destination.

The text constitutes a summary as well as a climax of the disintegration of the poets personality; his sinking into total distress, *I remember tears, there were no smiles*. The sad feelings and state of despair is complimented by the experiences shown by his mother in line 1 and 2 of stanza 5; *I saw the hope in my mother's eyes, reduced to fear, and muffled cries.* This metaphor of "hope reduced to fear" would be taken as the anti-climax of Samir's future. Samir's mother had been depicted as an icon or a symbol of hope, tolerance and endurance. She stood firmly as a unifying factor to her family. Unfortunately, her emotional and psychological weakening impacts negatively on Samir.

The journey motif is expressed in the memorable images of the scaring bombs which scattered Samir's family thus destroying the bright future of the young poet as expressed in stanza 4 lines 3 and 4: *My days my weeks were now a journey that had no end*. The journey motif

choreographed with the approach of time *days* and *weeks* suggest the struggles that the poet and her family went through for a long time. The journey metaphor points to a fact that the future of the poet was unpredictable. Such a scenario may cause despair.

After rethinking carefully and reasoning out, Samir's voice gradually rejuvenates, this time giving a livelier mood of presentation. This opportunity is seized after meeting the visitors who came to visit their camp. The transition to a better life and hope is expressed in stanza 8.The wonderful hugs and the promises given raise the poet's self-esteem. The poet's emotions are empowered. He was given both physical and psychological hope. The melody sounds sweet and encouraging in the last line: *But they gave me more*. This is then complimented in stanza 10: *I saw it in their eyes, they made me see*. She promises to turn his past into a hopeful future. This new state gives Samir a reason to express confidence and courage that he will conquer the fear. Remember the fear that had caused him tears before in the second stanza. *I will conquer the fear, I will be free of these bonds*. These are metaphors of hope, success and positive thinking. Finally Samir's life that came to a halt started to move. As was noted before by Akhter (2013) and Hoon (2014) (the mood and intonation felt and the rhythmic gesture expressed by the reader point to a positive turn of events. The solitary voice and the solitary vision of reason are all fussed in this poem to give it a happy ending.

In conclusion, we find that though the poet began at a low mood, he ends with a self-encouragement, a strong ego, self-assertiveness, and initiative to conquer the fear. The metaphoric voice of reason by Samir contributes to the main question of this research on decision marking and taking up personal responsibilities to transform the existing state of affairs.

## 5. The Imagery of the Disenfranchised Mind

To illustrate the above sub-topic the analysis engages the poem **Refugee Child** below. According to Llorens (2003:2), "imagery refers to images produced in the mind by language, whose words may refer either to experiences which could produce physical perception…". "In literature images are triggered off by language and through them, a poet recalls or evokes instances of physical and sensual perception. Language could therefore be considered a bridge linking the external world (of which we gain awareness through perception) and the human mind". In the following poem, the imagery produced may be in a form of allegory, simile or metaphor. The figurative language would be analyzed in relation to how it complements its tone, mood and theme and most important is how the contextual happening disenfranchises the mind of the poet, the refugee child.

*You look at me with such venom and disgust*
*Like I'm not human and have a contagious disease*
*But can't you see, I'm just an innocent child*
*For a moment put yourself in my shoes*
*Think of me like I'm your child*
*Why judge what you don't understand?*
*How would you feel to see your mother raped?*
*Your father burnt before your eyes?*
*I used to dream, I used to fantasize,*
*of a beautiful life beyond my childhood*
*I still remember my home blown away,*
*with these games of war that they play*
*My playground destroyed with their bombs*
*That had no concern for my ruined toys*
*I'm just a child, how did I hurt you?*

*I have nowhere to go, nobody to care*
*Living in refugee camps was no luxury*
*Don't you see the horror in my eyes?*
*Can you not feel the pain as I tremble?*

(Silent One Poetry n.d.)

The voice in this poem is a lamentation of the child who pleads innocence in all the happenings yet bears the consequences of the war: *I'm just a child, how did I hurt you?* We encounter a dialogic communication or rather presentation of expressions by the poet. The verse presents a slow rhythm with a bitter and resentful tone. We however note that the poet does not reveal his or her gender, neither do we get the name of the poet. Thus, it makes it complicated to make reference to the poet. I will hence refer to the poet as innocent child. The diction chosen, articles, verbs and phrases all point to a dialogue between the innocent child and someone or a group of people. It is evident that the poet represented by the first person "I" (singular) is directly interacting with the reader or listener (represented by the pronoun "you"). The use of "I" is a tacit form of reflection and recollection of the self. It appeals to the emotion, making the poetic voice more authoritative. Further the poet uses the pointer feature "you" making the conversation more versatile and relatable between the self and others. The poem starts on a harsh or disgusting tone. The silent voice of the addressee though taken to be innocent seems to be senseless, most probably undermining the poet's existence or feelings. The addressee in this case must be an adult since one does not expect the poet to address a fellow child with the phrase *Think of me like I'm your child*. Who would be blamed for causing pain of the innocent child? This is a philosophical question. One might imagine that it is the addressee in the first line. However the analyst too is convinced that the poet is exonerating the first addressee as he/she points an accusing finger to other people; *with these games of war that they play.* The use of third person plural is a pointer to someone else (group of people), implicated to have contributed to the poets tribulations. In this line, war is likened to a game that is played. The phrase is metaphorical in nature. Essentially a game is enjoyed and not meant to torture the mind of the spectators to the extent and experience displayed in this poem.

The psycholinguistic technique is creatively interwoven by the poet when he/she paints a picture of images alluding to self as an innocent child who does not deserve all that is happening around him/her. In the opening line, the reader meets a disgusted image in the mind of the addressee which enables the poet to perceive that the addressee likened the innocent child with one who has contagious deceases. This in essence may be taken as an extended simile. To be able to justify and make clearer his/her position, the innocent child catches attention of the reader in line 4: *for a moment put yourself in my shoes*. This is an idiomatic expression that begs the audience to empathize with the poet. It calls upon the initiators of war and calamities to imagine the feelings and trauma that the victims go through. The comparison made to a contagious disease is one scenario that causes stigmatization and discriminatory behavior towards immigrants. The imagery point to exclusion, intimidation and making refugees look inferior.

The sentiments by the refugee child are an emotional lamentation and criticism of the world. Despite finding a home in the refugee camp, the refugee child is socially discriminated, segregated and mistreated. Life is biased against him/her. He is likened to a contagious disease. This experience affirms Bond's (2000) observation that refugee camps are places where inhabitants are depersonalized. Most probably the people around the innocent child have no understanding of his/her past as captured in: *Why judge what you don't understand?* In lines 7 and 8, the poet gives a very awful picture by asking rhetorical questions; *how would you feel to see your mother raped?*

*Your father burnt before your eyes?* These images of decay of moral character created by wars and mayhem contribute to social injustice. They illustrate the poet's deep sense of frustration, anger, trauma and anguish. Once more, the poetic expression affirms Graça Machel (Muller 2013) who reports that the physical, sexual and emotional violence to which the children are exposed shatters their world. The sense of feel and sight, complemented with the phrase *before your eyes* is a bitter manifestation of a disentranced mind. Such experiences may be everlasting in the mind of the victim.

The poet employed metrical pattern sounds making the poem flow smoothly as it is recited. Alliterated sounds in *where, care, tremble* elaborate the state of frustration. The use of question marks may allude to rhetorical questions but most important they connect the voice of the narrator with the audience. The narrator quest for answers is unstoppable despite feelings of silence from his/her audience. The imageries on the sense of seeing and feelings are explicated in relating to the narrator as audience bonding. The terms *see* and *feel* are used persuasively with an aim of convincing the audience to accept the speaker's point of view. They enhance the reasoning power of the poet as exclaimed; *Don't you see the horror in my eyes? Can you not feel the pain as I tremble?* The interplay between phonological, syntactic and semantic devices in creating the poem arrests the attention of the reader.

Further consideration is lines 14 and 15: *My playground destroyed with their bombs that had no concern for my ruined toys:* The implication of *playground* and *toys* is very symbolic to the life of a child. As Tomesello, Striano and Rochat (1999: 1) note in their research findings, in the early development, children begin to comprehend and use some linguistic symbols and symbolic gestures on the basis of their skills of social cognition and cultural learning. The playground and toys provide a chance to the children to interact, manipulate, innovate and create an emotional relationship and, to some extent leads to independence. In relation to Jean Piaget's developmental stage theory, a conducive environment is important to developing a creative and innovative mind (Burgemeester (2017). The expressions in the poem generate a significant reflection and insight into the psychology of an overburdened mind. This is exhibited when the poet notes: *Living in refugee camps was no luxury.* In essence, the refugee camp does not provide space for the child to be a child. The innocent child in this poem is at a formal operational stage. He/she is using personal experience and schema to develop logical thinking and abstract reasoning. The absence of toys and playground symbolize lack of freedom and space to express own thoughts as children. Lack of essential developmental items infringe upon the freedom and rights of the refugee child. As observed earlier by Bond, this finding confirms that children in camps grow up in conditions which do not permit their socialization according to the values of their own cultures.

The overall image of the innocent child gives a picture of a child in the wilderness who has survived on its own. No doubt, the innocent child has added a voice to the debate and discussion of the plight of refugee victims.

## 6. Refugee: the symbolic quest for identity.

Trang and Lau (2002) cite their definition of a refugee from Article 1A (2), *Convention relating to the Status of Refugees* (1951) as someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion, is outside the country of his nationality and is unwilling to return to it". Similarly, Mattei (2016: 59) makes reference to European Union Agency for Fundamental Rights (2014) report noting that the identities of migrants are challenged in the camps; because they are considered illegal, and have no rights He further expounds that deplorable conditions in the camps erode human dignity and hope which are significant in preservation of identities In the quest for her identity, Lamiya Safarova, 9 years old, resists to be called a refugee. She cries out as she reminds

her new schoolmates that her name is Lamiya Safarova. This emphasis is expressed in her poem **Don't Call Me "Refugee"** My Name is Lamiya". Lamiya's poem sadly expresses her feeling about the identification and categorization of her new social status. She knows quite well that she does not deserve to be in this status. The young poet stresses:

My life, my destiny
has been so painful, so don't call me refugee.
My heart aches, my eyes cry,
I beg of you, please don't call me "refugee".

It feels like I don't even exist in the world,
As if I'm a migrant bird far away from my land
Turning back to look at my village.
I beg of you, please don't call me "refugee".

Oh, the things I've seen during these painful years,
The most beautiful days I've seen in my land,
I've dreamed only about our house.
I beg of you, please don't call me "refugee".

The reason why I write these sad things
is that living a meaningless life is like hell.
What I really want to say is:
I beg of you, please don't call me "refugee".

(Safarova 1999: 78-79)

The poet explicates a sensuous richness of language which conveys sincere and innocence genuine complexities of meaning inhibited in the poetic voice. The dialogic conversation between the poet and her interlocutor unfolds a powerful quest of identity. Her innermost repulsive expressions are seen in the repetitive denial of being a refugee: *I beg of you, please don't call me "refugee"*. Right from the beginning, Lamiya is cautious and cautions her audience about her categorization. Contextually, the term refugee is derogatory, dehumanizing, stigmatizing and symbolizes people of low status.

The concepts *My life, my destiny* are connected with a comma yet gives a semantic cohesion of meaning of life to destiny. The contextual circumstance calls for an understanding that perhaps a refugee's destiny is unpredictable. The use of the term destiny point to a dark future as set by historical painful experiences. The tone of dejection is affirmed in the phrase: *"It feels like I don't even exist in the world";* reinforcing and reinstating the earlier reasoning on her destiny. Such a pattern of psycholinguistic expression underlines the self-consciousness of the young poet of "who she is". The use of a simile through a comparison of life with hell emphasizes the hopelessness of the current state of the poet.

The young poet feels that the world has disowned her. At her tender age, life is meaningless. She feels bitter. Her destiny is oblique; it is full of darkness and grief. The senses of pain, anger and anguish are voices raised emphatically in the poem. The poem is recited with a lot of grieving emotions. The sound can be detected from the words cry, call, beg and say. All these words symbolize the poet's quest for identification. This choice of auditory diction raises the voice of the poet to her audience, to listen to her agony. Her deepest consolation is in her getting an opportunity to assert her identity: *The reason why I write these sad things, What I really want to say is: I beg of you, please don't call me "refugee"*. It is evident therefore that poetry has given the refugee

child a platform to assert and express her innermost feelings.

The poet's sense of sight that reminds her of her beautiful home has not faded away. She is agonizing on where she is today. She even compares her life in the camp with hell, a place of suffering. Though the past experience is not elaborative, the recollection of the past tells of how beautiful it was. The tone of the speaker is disgusted, annoyed and resentful. The sense of feeling points towards a world that is not safe for her, she feels like she does not even exist. Life is meaningless, compared to hell (last stanza). The diction of seeing and feeling captures the analyst attention. *My heart aches, My eyes cry* are phrases explicating visual and feeling imageries calling for empathy from the audience. The engagement of the heart, which is a physical organ experiencing pain as a resultant of *mistaken identity* is a clear indication of the disillusionment of the poet to her new status and new environment. The emphasis on the use of personal pronoun *I* and *me* pointing to the self is an assertion of liberty and quest for respect.

The psycholinguistic process entails drawing attention to such lexical items and input, noticing awareness and consciousness as well as their connotations within their contextual parameters. Hell and the metaphoric expression *life is meaningless* symbolizes a total loss of hope in life. In processing this thought, the reader feels the painful experience of the poet.

## 7. Personification and the sense of longing for a belonging

As a literary device, personification is a projection of characteristics that normally belongs to humans onto inanimate objects. These characteristics can also include emotions, feelings or motives. Lamiya at age 12 is quite conversant with this state of affairs as construed in the poem **If a Person Doesn't Love His Country**.

*Land, I Don't Know Where I Lost You*
*I can't suffer the pain that you have in your chest,*
*I can't make your dream come true,*
*I can't come to see you for many years, Land.*
*I don't know where I lost you, Land.*

*Today we need to have our land back*
*God, please lets us see our land this spring,*
*let us wipe its tears away soon,*
*I don't know where I lost you, Land.*

(Lamiya Sarova 1999: 78-79)

The direct and personalized dialogue between Lamiya and land draws a passionate feeling of the poet to her origins. The poet depicts land as a human being which has pain and dreams. In the third stanza, the poet uses the collective *we* to wipe the tears of land. This is a proof on how the young poet is passionate about land. As one reads the poem, you feel and hear the inner voice of the poet not only to repossess what was once hers, but also the longing to go back home.T he immediate connection to land provides a sense of history, linking the past with the present and unfolding the fading away memories of the poet's once precious economic and or social resource.

As experienced elsewhere, life in refugee camps is *imprisonment* (Bond 2000). The passion under which the poet personifies land is evidence of the discomfort faced in refugee camps. She wants to be free and inn essence to live a normal life.

Similar expression is detected in the following sentiments by an Afghanistan child:

*What is happening to our country*
*That some of us are burning*
*And others are benefiting?*
*Our country is broken into pieces*
*Yet still I remember my broken land*
*And cry for it*

(Coleridge 2001: 9)

In this poem the young child is raising questions that need answers. The ironical juxtaposition of "burning" and "benefiting" raises paradoxical questions that the young poet seeks knowledge about. The paradoxical antagonism of the harsh realities of Afghanistan is expressed in: *Our country is broken into pieces, Yet still I remember my broken land.* One would imagine that the poet would give up at this moment, however he ends on a high note of adding his voice of reason as being part of the solution as he says: *And cry for it.* The psychological input of this statement elucidates an intimate relationship between the poet, his land and country. This is a very powerful part of this poem. The expression may be twofold; either the poet is sympathizing with the unstable conditions back home or sympathizing with its current state.

Yearning for belonging is a psychological and social human need. Belonging provides a close and secure social integration. It taps into feelings and perceptions of association. Being immigrants *like a bird far away from my land* as had been expressed by Lamiya, the poets feel dejected, anxious, isolated and unsupported. Connecting to their past, the young poets' stories relate emotionally to their land, village, homes, house, people and cultures. The refugee camp may not adequately provide this psychosocial and economic relationship. The context in which the children understand their past is critical in this sense. Realizing that they do not belong in their current *home* catalyzes their inquest for self-identification. Home brings about the imagery of socioeconomic values, comfort of belonging and a sense of ownership. The sense of belonging gives a child the democratic space to explore and manipulate their environment. It is imperative that the feeling and attachment to land add some poetic sensibility to the quest for a belonging. Personification connects the poet to her country and land. It helps the reader to understand and sympathize emotionally with the poet.

## 8. Conclusion

Much research has been conducted into the lives of people living in refugee camps, their risks and challenges using sociological perspectives. The current presentation offered a unique and distinct methodology of researching into the feelings, thoughts, aspirations of young refugees, and how they conceptualize their lives in the camps. To explore an in-depth research into this question, the paper set out to investigate the poetic devices employed to articulate the voices of the children, how they reason out their plight while in the refugee camps. Five poems were selected randomly through internet sources which formed primary data of analysis. To create a holistic insight into the children's subjective experiences and perceptions, psycholinguistic approach was employed.

It is the findings of this research that in conveying their feelings children employ effective and affective literary devices such as metaphors, similes, assonance, repetitions, allusions, imageries and personification. As one reads and analyses the poems, you feel the intensity of the emotions of sadness, loneliness, anger, anguish and even happiness. Indeed poetry has been embraced as a philosophical and intellectual medium used by the young poets to express their thoughts, feelings and emotions.

Children exposed to war zone regions have had no peace and stability in their lives; death, disgust, despair, rejection, dejection are outstanding themes realized in the poems presented. They

have led a life of a journey characterized with physical and psychological torture and trauma. The initiators of the instability, wars and calamities have neither mercy nor sense of feeling pity to the innocent young victims. The young children find themselves in the wilderness of -the refugee camps without their knowledge. In the examples of the poems provided, it has been discovered that behind the art of poetry lies the prowess and freedom of expression by the children, which crafts their critical skills, critical thinking, reasoning and emotional expressions.

Poetry in this sense has not only been used as a stress-coping mechanism but a tool that can bring about transformational thoughts. The language and imagery used is inspirational and philosophical too. Coming from different parts of the world, different languages, colors and cultures, stigmatized and heartbroken, children too have a feeling that they share a common historical background. They have a role to play in changing their society. The unity of purpose to fight the enemy of being branded refugee is a special cord in their lives and the lives of their parents. Poetry is hence seen as a powerful instrument used to mend the broken lives and minds of young immigrants. It stands out to be a platform where the children find solace.

In this presentation, we experience and appreciate how artistic initiatives resonate on a deeper level reconnecting refugees to their cultural roots of their identity. In quest of their identity and a sense of belonging, the young poets have exercised their philosophical and artistic prowess not only in articulating oppressive themes, but also reconnecting to their ancestral homes and land through poetic imageries, metaphor, analogy, and personification.

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# The impact of returning home after the twenty-year armed conflict in the Acoli sub-region in Uganda: the case of Nwoya

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**Abstract**: A number of successive coup d'états in Uganda from the Amin coup in 1971, the Okello coup in 1985, followed by Yoweri Museveni's seize of power in 1986 marked the beginning of the twenty-year war by the remnants of the Acoli Generals, Alice Lakwena and Joseph Kony, armies against the Government army for supremacy over Acoliland. The insurgency forced some of the educated Acoli to flee into exile, while the majority was forced into the Internally Displaced People's Camps (IDPs) from the 1990s up to 2006, when the LRA fled from Uganda. The Camps were disbanded and the IDPs began to return to their former land. However, many of the returnees found their land taken over by those who had returned earlier or the rich who had bought their land, thus sparking new land conflict in Acoliland. The impact of the twenty years in the Camps fractured traditional Acoli culture but did not break the people's resilience. This article explores the impact of the LRA armed conflict on the Acoli population with special emphasis on internal displacement. The methodology used was qualitative where data was collected using open-ended questionnaires, interview guides for focused group or individual discussions and personal observation.

**Keywords**: Internal displacement, land conflict, post conflict.

## 1. Introduction. The Acoli of Uganda: a brief historical perspective

According to historians and oral sources (Anywar et al. 1954), the people known as the Acoli are said to have split from the main Lwo clan in southern Sudan in the 12th Century and settled in the Acoli sub-region of Uganda in the 16th Century. The historians advance a number of reasons for the split but generally agree that the main reason was the infertility and insufficiency of the land. The movement southwards brought the group to more fertile land teemed with animals.

There are many reasons why the Acoli settled in their present land. The main ones are: expansion to south was not possible because of the great *Onekbonyo Kulu*, the River Nile. The Langi had already settled further south. Expansion to the west was not possible because of the fear of the Lendo and Karakak of what is now known as the West Nile. Expansion to the east was not possible because of the war-like Karimojong. Thus, the Acoli had no choice but to settle where they are today.

### *1.2 A brief history of the conflict leading to the 20-year insurgency in the Acoli sub-region*

The main cause of instability in Uganda dates back to the colonial period from 1900 to 1962 when Uganda became politically independent. The instability was caused by a lopsided policy of the Colonial Government, which focused its economic development and education in the central, south and western Uganda while the rest of the country was left behind. In the case of Acoliland, the challenge by the Lamogi people to colonial power and rule, which culminated in the Lamogi rebellion of 1910, exposed the Acoli as fearless warriors who could be recruited into the colonial army and a good source of cheap labour in the industrial town of Jinja. The missionaries were more concerned with conversion and training of religious teachers for the local churches than formal education which could have led to an early development of Acoliland.

When the First World War broke out in 1914, the Colonial Government conscripted many able-bodied Acoli men as carrier corps although a few of them saw fighting outside Uganda. When the Second World War broke out in 1939, many of the Acoli in the King's African Rifles (KAR) fought alongside the British army just like the Nepalese specialized regiment, the Gurkhas. More Acoli men joined the army after the war while those with basic primary education joined other

security organs, such as the police, prison and private security. A few educated took white collar jobs in the District or Central government, but the majority of the Acoli depended on peasant cultivation which was divided into cash and food crops. The livestock were kept not for the sale of their milk or meat, but as traditional wealth used in marriage and other traditional ritual ceremonies.

At independence in 1962, the economic situation in Acoli and the north as a whole was less rosy than that of the central, west and southern parts of Uganda. The north became a source of cheap labour and raw materials with cotton being the main cash crop grown. The Acoli were the dominant tribe in the army but when Amin came to power in 1971, he ordered the Acoli and Langi soldiers in the different military barracks around the country to surrender their guns. Many of those who complied were killed. Amin went further, and arrested and killed many of the educated Acoli while a few went into exile.

The coming into power of Museveni in 1986 did not bring stability to the Acoli region in particular. When Museveni ordered the defeated Uganda National Liberation Army (UNLA) soldiers to surrender their weapons and report to military barracks, memories of what Amin did when he gave the same orders in 1971 came back fresh in the minds of the defeated soldiers, some of whom escaped being killed by Amin. This was the proverbial straw that broke the camel's back. They instead formed fighting groups and started the rebellion which turned into insurgency with Kony's Lord's Resistance Army (LRA) as its main backbone.

There were several attempts at peace talks which ended with the Juba Peace Accord, but this was neither signed nor ratified by the LRA or the Uganda Government. The Uganda Government, with the support of the Americans, is still fighting a protracted war with Kony's LRA, albeit in the Central African Republic and Congo. As for the Acoli people, the war effectively ended in 2006, and since 2007, many of the people who were holed up in the Internally Displaced People's Camps (IDPs) have returned to their original villages where land and poverty wars are ongoing.

## 2. The purpose of the research

The main purpose of the research is to document the impact of the twenty-year insurgency on those who were internally displaced and forced to live in camps in Nwoya District. The article attempts to answer the following questions:

1. How do returnees from the IDP Camps reconstrue their lived experiences and challenges resulting from internal displacement?

2. How do political agents construe the situation, and to what extent do they take responsibility for finding solutions to the challenges facing the returnees?

### *2.1 Context of the study*

Nwoya District is one of the seven districts in the Acoli sub-region. It was curved out of Amuru District on 1st July 2010. It is bordered by Amuru in the north; Gulu in the northeast; Oyam in the east; Kiryandongo in the southeast; Masindi in the south and Buliisa in the southwest. It is located 44 km from Gulu and 330 km north of Kampala with a total land area of 4,736.2 square kilometres. According to the Uganda Bureau of Statistics 2014 Census, Nwoya has a population of 139,000 people, but according to the Village Health Team (VHT), which conducted household registration at village level assisted by *Rwot Kweri* (Village Headman) in 2017, the figure is at 200,000. The main economic activity is subsistence agriculture but since 2013, a total of 26 large foreign-owned commercial farms are operational with the largest (3000 hectares) being a German multi-billion shillings farm, Amatheon Agri Limited, employing 100 permanent staff and 200 causal labourers during peak seasons. A new economic activity is oil exploration and extraction in the near future.

According to the Nwoya District Local Government Chairman (LC5), Mr Patrick Okello-Oryema, the District plans to organize an investor's forum to bring commercial farmers together and regulate their activities. He also encourages the local landowners to lease their land for a maximum of 49 years using the bottom up approach where the investors negotiate with the landowners directly, unlike in Amuru where the top down approach has caused more land conflict than resolving it (Daily Monitor 2016).

A map of Uganda showing Nwoya District
(Map data: Google, accessed on 2 December 2017).

A detailed map of Nwoya District (Map data: Google, accessed on 2 December 2017).


## 3. Methodology

The research was mainly carried out using a qualitative approach commonly used in Social Science research. The fieldwork was done in the three sub-counties of Alero, Purongo and Koc Goma, and

Anaka Town Council where the District Headquarter is located. The choice of Nwoya district was twofold: one of the biggest Internally Displaced People's (IDP) Camps was located in Nwoya, and it is where many of the displaced persons returned to find their land taken and the survivors are again embroiled in land conflict with little hope for the education of their children in the post conflict situation.

The study was mainly qualitative using cross-sectional survey. The main instrument for data collection was a questionnaire and semi-structured interview guide (see Appendix) as most of the respondents are semi-literate or illiterate. The same instrument was used during the focus–group discussion (FGD) at the village and sub-county levels. Respondents were selected purposively and comprised returnees, Local Government officials as well as political leaders at district and sub-county levels. Due to time constraints, one sub-county chief was sampled out of the four; at the District levels, the Community Development Officer and Education Officer were interviewed together with the LC 5 Chairman who is the political head of the District. The Local Council Three Chairman (LC3) was also interviewed as he is the chairman of the sub-county/division Land Area Committee. The lower Local Council leaders (LC 2 and 1), who are elected leaders, and the traditional leaders were also interviewed using the semi-structured questionnaire.

Ethical consideration was taken into account throughout the data collection process which commenced after obtaining permission from the Chief Administrative Officer (CAO) who is the Administrative head of the District. At the individual level, consent was obtained and explanation given that the data collected was for academic use and not political or funding, as the researcher is an academician with no political ambitions for any office in the district , and who is not working for any donor/funding agencies or Central Government. During the interviews, the researcher discreetly recorded the body language of the participants, as sometimes words do not tell the whole story especially of those involved in land conflicts, where spoken words may be used by one of the parties to escalate the conflict or prolong the discussion and delay resolution.

The paper is divided into two parts: the first part describes the life of the internally displaced people and the effects of displacement on the culture and education of the school-going age children. The second part looks at post conflict and the resultant land conflict after the closures of the IDP camps from 2006 onwards.

## 4. SECTION 1: The impact of the LRA war on the family structure in the Internally Displaced People (IDP) Camps in Nwoya District

During the insurgency, the majority of the people were forcibly driven from their homes to the biggest Camp in Anaka by the military. During the field interviews, some of the returnees spoke of how Government soldiers used military force including helicopter gunships to bomb areas near their homesteads to get the people to move. This information was collaborated by Ojok Francis of Ceke Ward, who, in an interview, said:

> Wan jo ma onongo watye loka Acwa, kibedo ka bolo bomb ki latugutugu me ryemo wa ki gang. Jo mukene ma pe gi mito aa, ki wango odi wa dero gi ducu. Wa laro kom wa i camp i Anaka.
>
> We the people, who were living across the River Aswa, were bombed out of our villages by helicopter gunships in the guise of bombing out LRA soldiers. Some homes were razed to the ground so that no one remains in the village. We had no choice but to move to Anaka Camp (translated into English by the author).

Those who were slow to leave the villages were roughened-up by the soldiers who were protecting

them from the LRA.

Each camp was demarcated into zones; for example Anaka Camp had five zones each of which had an elected zonal leader and Local Council One (LC1) Chairman as part of the camp administrative structure, with the Camp Commandant as the overall leader (a Military Officer). Once in the camp, an area to pitch your tent was allocated to you and your family. You had no idea who your neighbours were or which clans they came from. You were all the same: internally displaced and traumatized persons. This was where the family breakdown began.

Traditionally, the Acoli lived in closely-knit communities with the head of the family as the supreme ruler of his household. The wife (wives) and children were answerable to him. A number of close families belonging to a common ancestor or a great grandfather formed the clan (*kaka*) that had a clan head (*ladit kaka*) who was the oldest and respected male member of the clan. This was the unit which controlled the customary clan land, carried out rituals related to the clan, and settled family disputes. Beyond the clan is the chiefdom where the *Rwot/Chief* is the administrative head. During the insurgency, the clan played a minimal role in ensuring that all its members were safe but it was helpless in ensuring that they lived together in one zone in the camps. With restricted movements in the camps, it was not easy for the clan council to meet to settle family issues. Even worse was the fact that, over the years, the children of the clan in a large camp like the one in Anaka left the single hut, as they could not continue to share it with their parents, and wandered off to other zones. During the twenty years, many did not know each other and many cases of incest came to light. Charles Odongo of Pidati Ward, who spent ten years in Anaka camp, said:

> Lok obedo ka kati ma nyutu ni wat ki wat obedo ka butu i kingi pien gin pe ngene. Ludito kaka bedo piny ka ki tumu kin dano macalo meno ento kine mukene awobe pe oo iye weko kwer pe tum maber.
>
> Many such cases of incest were identified and the elders would then carryout cleansing ceremonies but in some cases, the boy or man would vanish leaving the ceremony incomplete (translated into English by the author).

There were other causes of family breakdowns during the insurgency, and some of these included physical abuse of family members especially by the husbands, many of whom had become drunkard or found other women including widows or even a neighbour's wife. The case that was documented and shared with me by one of the zonal leaders was that of a woman who ran off with another man who could provide her with material things such as clothing and food. The new 'husband' was luckier than other camp members. His original home was not far from the camp and he, like others in similar situations, was allowed to continue cultivating their land and sell the produce to the military personal, and a few camp members who had children outside the district and often sent them money. Other sources of financing alcoholism included selling off the food items from WFP. Families with children over the age of 18 years registered them as adults. They would get their handouts and some would bring them to the parents' '*home*'. Therefore, there was excess foodstuff especially maize-flour which could be brewed and drunk as "*kwete, loci*" (fresh brew) or distilled into *waragi (spirit liquor*). The drunkards who, I was informed, included women and young adults, spent most of their time at the various drinking bars. A study by Okello and Hovil (2007: 433-443), documented such places as an indication of "emergency of 'danger zones' within the camps (such areas close to military facilities) which are typically referred to as having many bars and are characterized by behaviour and activity likely to contribute to Gender Based Violence (GBV)" (2007: 439). Many of the women and girls became prey to the soldiers and civilians, who could offer them some form of comfort or material things, and the other alternative

was forced sex, which was classified as rape or defilement depending on the age of the girl. An earlier study, *Suffering in Silence: A Study of Sexual and Gender-based Violence in Pabbo Camp, Gulu* [now Amuru] *District, Northern Uganda* (2005) documents large scale GBV, a confirmation of what I found as one of the causes of family breakdown in Anaka Camp. Due to the high level of violence and sexual abuse of both adults and children, there was loss of respect for parents, some of whom were perpetuators of Sexually Based Gender Violence (SBGV), drunkards or idlers. Girl-children became mothers looking after their younger siblings, while the older ones copycatted their parents as they saw their behaviour as normal. The youth formed their own 'clubs' and organized dances (traditional and modern) in the Camp leading to early pregnancies and child-mothers. Since many, if not all, rural schools were closed, all school-going age children spent little time in the UPE Camp learning centres, which were Camp teachers conducted the teaching without any School Inspectors. Therefore, many of the children spent most of the time roaming in the camps or spending hours at the few water points. One of the parents lamented, "Kwan dong peke. Lutino lak ata calo dyel oro pien lunyodo pe paro pigi. There is no schooling here. The children roam around like goats during the dry season. The parents don't care about them" (translated into English by the author). It did not matter what time the children came back 'home' since most of the parents would not be there anyway. Therefore, there was almost a total breakdown of family-hood, except for the few families that embraced Christianity and had strong moral values that kept them together throughout the years in the Camp. This was confirmed by James Okumu, one of the returnees I interviewed, who said:

> Labongo keto Lubanga inyimwa, kono wan weng warweng i Camp. Lega ki kwano Jiri okonyo wan jo ma waribe dok wacung i kit me dini.
>
> Without putting God first, we would all be lost in the Camp. Prayers and reading the Bible helped us in the Born Again group to survive the moral decay of the Camp (translated into English by the author).

A few who had gone as singles found partners (from the youth clubs or dancing arenas, etc.), cohabited and brought home their families. Some of the women who cohabited with soldiers and reckless young men or older married men, came back home alone with their children as did the widows and widowers. For example, Akumu Filomena of Paduny Ward said in an interview with me:

> An adwogo ki lutino adek ma wegi dong pe anyego ka matye iye pien gin obedo lumony ma obedo ka gwoko dano I camp. Ngat acel latin Acoli me Palaro ki ngat acel wod Muganda ma gangi pe angeyo.
>
> I came home with three children whom I produced with two men who were army men in charge of our camp. One was an Acoli man from Palaro and the other a Muganda whose home I did not know. Now I have to look after my children without their help (translated into English by the author).

Unfortunately, upon returning home, the traditional system of taking care of children brought home by daughters/sisters whose marriages broke down or husbands passed on or just bastards, broke down in the camps. This was the explanation I was given by the LC 5 Chairman of Nwoya District and the sub-county Chiefs of Purongo and Koc Goma when I asked them why there were many street children/idlers in Anaka Town, Purongo and Koc Goma trading centres.

One issue that we need to mention in terms of camp life is the constant fires that used to break out in the camps and burn down so many the 'homes'. According to some of the interviewees who lived in Anaka Camp, the fires often broke out mid-morning or in the afternoon when family members were not at home. Okumu James confirmed in an interview with me that he witnessed many such fires, including his own '*home*' that was burnt to ashes. Okumu said:

> I nino eno ni, an kijo ganga wacito odiko con ka tic ipoto ma tye cok ki camp. Nino ducu ki yee ni wacito ipoto cake caa adek nio wa caa apar. Nino memo mac ocake kine caa angwen ki nucu. Odi mapol owang wa mega bene ma jami mo keken pe olare. Dano cok kwedwa aye okonyo wa ki jami tedo ki me butu mapeya NGO obino ka poki wa jami mukene.
>
> On that particular day, I and other adult family members left to work in our gardens, which were near the Camp. We noticed the fire but by the time we reached the camp, our 'home' was razed to the ground and all our possessions burnt (translated into English by the author).

He further said that, in some cases, children were burnt in the grass thatched 'homes'. The affected families then relied on the generosity of the extended family/clan members and neighbours before the Camp Leadership and NGO would bring them help in form of tents and food but not clothing.

Movements were curtailed by the Camp rules, purportedly to protect the people from being abducted by the LRA. The irony was that the military facilities within the bigger Camp were surrounded by the zonal 'homes'. Daytime movements outside the Camp were restricted between 9:00am and 4:00pm. Within the Camp, there was a night curfew from 8:00pm to 6:00am in the morning. Anyone caught would be severely beaten by the military patrols. The patrols would also, according to Okumu and Odongo, throw stones on top of the 'homes' where there were noises as a result of quarrelling or drunkenness. Thus, drunkards, idlers and club/gang members were all under the control of the military during the night, but had freedom of movement during the day. The confinement of people to their 'homes' at night was also responsible for family breakdown. Some of the younger people intentionally stayed longer at their friends 'home' or detained their female friends up to the curfew time so that they could stay overnight. The parents could do nothing about the absence of the youth as it was better that they stayed with their friends than being beaten by the military patrols. Some girls who were caught in the curfew, according to information I collected, became 'wives' of some of the military men. Cohabiting was not frowned upon since the normal marriage system had also broken down. One of the women I interviewed was positive about cohabiting:

> An abedo ki a Koc mo pi mwaka apar dok bene wanyalo lutino adek ma adok kwedigi gang. Coo mukene pe mito nyom ci dong an atim ngo?
>
> I met and cohabited with a man from Koc for nearly ten years. We produced three children and I have come back home with them. What was I supposed to do since there were no men who wanted to get properly married? (translated into English by the author).

In some respect, the Camps became prisons for the Acoli people who traditionally lived in scattered villages within clan land. Camp life subverted the social, economic and the entire way of life of the Acoli people who were confined to the camps for a good part of the twenty-year

insurgency.

*4.1 Analysis of the impact of the war on education*

"The war created the lost generation in Acoli society". This is the opening remark of Mr Dan Arwenyo, the District Education Officer (DEO) of Nwoya District, at the beginning of our discussion on the impact of the LRA war on education. The DEO, Mr. Arwenyo (whose name translates as "I have lost"), is himself a product of the Anaka Camp but one of the few who managed to obtain a better education than the rest of the "lost generation" who are young adults in their mid-thirties and early forties.

What caused the "lost generation" who has also turned out to be economically unproductive? According to my findings and documented records at the District Education Office, the main cause is the closure of both rural and some urban secondary and primary schools as a result of the LRA war. There were Camp schools but, according to the DEO, these were 'displaced learning centres' which were ill facilitated with some of the learners studying under trees, with few textbooks and instructional materials. The teachers, who themselves were displaced just like the learners, took advantage of the poor conditions, reluctance of the learners and the absence of School Inspectors to relax and not live up to the expectation of their professional training and teachers' codes of conduct. This resulted in inadequate teaching manifested in the poor results, which are evident even in 2016, more than ten years after returning home. The cause is generic: the displaced learning centres produced sub-grade learners. Some of these found their way into the Teacher Training Colleges and became teachers themselves, teaching either in the same displaced learning centres or the former rural schools that survived the war. There are many primary schools in Nwoya which have never produced any Grade 1 or 2 in their Primary Leaving Examinations (PLE). For example, a school like Te-Okono in Alero sub-county has never in pre or post LRA war obtained Grade 1.

What became of the product of the 'learning centres' and the 'lost generation', a question one is bound to ask? According to Nwoya District officials and opinion leaders, some few have settled in petty trade as market venders (*awara*) or own local lock-up shops. Some sold part of their family land and are now proud *boda-boda* (motor cycle) owners and a few even own taxis. Those who have no land to sell or family members to give them start-up capital languish in the villages or in the mushrooming trading centres, which, according to the County-Chief of Purongo, Mr. Peter Okello, have become the new IDP Camps. Mr Okello said, "They claim that they cannot go back to the 'vil' – village and dig. Some live off petty thefts and spend what they gain out of the sale of the stolen goods betting in the many betting shops which have sprung up in the trading centres in the Acoli sub-region". According to Okello-Oryema, the LC5 of Nwoya District, the District Council voted to ban betting /gaming in Anaka Town Council to prevent criminal activities associated with betting. However, outside the Town Council, betting and gaming flourishes with Koc Goma having the highest number of betting outlets patronized by the 'new IPD campers' who cannot go back to the '*vil'*. In this trading centre too one finds the highest level of anti-social behaviour, including the smoking of banned substances and promiscuity especially on market days and weekends. The situation is made worse by the high level of consumption of cheap but highly concentrated and intoxicating spirits in sachets costing Uganda Shs 500 (US 7cents) and therefore affordable to many of the poor people. The 'deadly' spirits trade under various names such as: 'Chief, London No 1, Empire, Director and Kitoko'. These spirits are distilled and sold by Asians whom the Government classifies as "investors". Some are returnees themselves after Amin chased them out of Uganda in 1972. These "investors" are destroying the Acoli youth who are the major consumers of the spirits.

*4.2 The return from the IDP Camps and resettlement*

Return and resettlement did not take place in one day. It was a gradual and phased movement unlike the forced movement to the IDP camps. The guns began to fall silent in the Acoli sub-region towards the end of 2005 when Kony and his LRA fighters were gradually pushed into the Sudan. By 2006, most of Acoli land was free of LRA though there were sporadic attacks or encounters with the Government troops. The process of decongestion of camps began in mid-2006 with people being moved to smaller camps nearer to their original villages. This allowed people to go home during the day and begin to rebuild their homes and plant food crops in preparation to formal return home. For those who were nearer their original homes, like Nyeko Fred and James Okumu, they went straight to their villages from the big Camp in Anaka. Most of the others finally reached and settled home from 2007, although a few elderly and sick people remained in the Camps until the policy of forced return was implemented whereby the 'homes' in the big Camps were destroyed. The return and resettlement also had impact on the life of the Acoli people and we begin with education.

*4.3 The challenges in the revamping of the educational system in post war Nwoya District*

Education is not only confined to formal education but there is also the informal education through which the community's culture is transmitted from generation to generation. The displacement into Camps led to the failure of the community itself to transmit Acoli culture values and philosophy to their children as indicated by two of the interviewees, Charles Odongo Pidati and James Okumu, and confirmed by the DEO Nwoya District. Parents did not or were not allowed to organize *wang-oo*, the outdoor fire, where all members of the family meet and participate in the oral transmission of the Acoli oral literature and other cultural milieu. The camp rules demanded that everyone must be indoors by 8:00pm (20:00hrs) and no noise, which meant that no one could sing or dance in the evenings. The 'displaced learning centres' were no place either to transmit Acoli culture since the teachers were just as traumatized as the learners. The DEO called this situation of cultural morbidity "cultural wash down". According to Charles Odongo Pidati, the elders who could teach the younger generation in the traditional dances and songs after the war have either passed on, or are so disillusioned with their present social and economic status that they have no stamina to engage in what they view as a waste of time. The current crop of teachers in both the primary and secondary schools were either born in the camps or went through the learning centres in the camps. As communities began to return home, the Local Governments became more active in rehabilitating the former schools since the learning centres in the Camps were also closed. According to the DEO Nwoya District, the main challenge was the rehabilitation of the school infrastructures, many of which were badly damaged during the war. Although rehabilitation of school infrastructures has been slow, Government and other donor agencies have been supportive. Invisible Children, an International NGO, rehabilitated Pope Paul Secondary School in Anaka while Uganda Wild Life, through the revenue from Paraa National Park, built a brand new Secondary School in Purongo sub-county. In the rural areas, many school buildings, including laboratories for the Secondary Schools and teachers' houses, have been constructed through World Bank funding under the Northern Uganda Social Action Fund (NUSAF 1and 2). Some of the schools have been equipped with hardware, solar and anti-lightning arrestors. The Uganda Government under the Schools Facility Grants has also been supportive in the reconstruction of schools.

While the community applauds the continuous rehabilitation of the school infrastructures, there are still other factors which the Central and Local Governments need to tackle. These include the inadequate supply of textbooks, scholastic materials, and the teaching staff partly accounts for the continued poor performance of the learners at both primary and secondary levels. Many of the

current crop of teachers were either born or raised in the camps. The overcrowding and breakdown of family structures which impacted on the moral behaviour of the children have psychologically affected "the lost generation", some of whom are teachers in the current schools not only in Nwoya but in the Acoli sub-region as a whole. These teachers lack mentorship from the pre-war teachers who were well grounded in teaching as a profession and abiding by the Teachers' Codes of Conduct which demanded high moral conduct. Few schools have teachers' houses and some even have solar power for lighting, but these have not improved the commitments of the teachers who are poorly paid and hence the poor results at all levels of education. Returning home after the closure of the Camps brought new problems that have affected education. The confinement in the Camps, including restricted night movements and low morality, led to increased population. The resultant increased population meant a need for more land. If the father/grandfather of many children, forming one large household, had one hundred acres of land in pre-independence period, the population in that household might have doubled or even tripled by 2007. According to the LC 5 of Nwoya, Mr Patrick Okello-Oryema,

> the Acoli are not misers. Very often, the elders would donate land to institutions be it Missionaries or Government for worthy developmental projects such as education and health unit. With pressure now on the land, the children or grandchildren of these elders who have passed on, have started staking claims on the given where these projects have been erected. What is worse, even those born in the camps who had no idea of the boundaries of the family or clan land now claim that the elders did not consult them before donating the land (Mr Patrick Okello-Oryema).

With specific reference to education, the DEO said that out of the 44 government aided Primary Schools (PS) in Nwoya, 24 have been affected by land disputes where the returnees are demanding that the schools return their land for family use. Some of the affected schools include Koc Goma Central PS and Lebngec PS in Koc Goma sub-county. In Alelele PS in Alero sub-county, community members clashed with the members of the Parents Teachers Association (PTA) which is the governing body. As a result of the violent clash, a brand new school building was burnt down together with all the desks and scholastic materials. Government policy states that where there is land dispute, Government will withhold financial support from the school until the dispute is resolved. This further impacted negatively on education programme in the district. In the examples given above, the pressure was on the school authorities to remove their structures and find land elsewhere and the resistance from the school authorities led to the clashes. My findings show that the land dispute is not only limited to schools but other institutions such as churches, health centres and community roads.

## 5. SECTION 2: Land conflict among community members in Nwoya District.

### Introduction and review of previous study of land conflicts in Northern Uganda

Land conflict in Acoli land in particular, and northern Uganda as a whole, pre-dates the 20-year insurgency. The land conflicts have been documented in many studies but the most relevant to my study are *Northern Uganda Land Study: Analysis of Post Conflict Land Policy and Land Administration: A Survey of IDP Return and Resettlement Issues and Lessons: Acoli and Lango Regions* (2008) and *Northern Uganda Conflict Analysis: Advisory Consortium on Conflict Sensitivity (ACCS)* (2013). The Consortium was made up of the Saferworld, Alert and Refugee Law Project. Both studies provided useful background reading for my research. The 2008 study covers my two areas of study: the IDP situation and the land conflict after the formal closure of the Camps and return to the original land where land conflict began. The study was commissioned

and funded by the World Bank and was to feed into the Government programme of Peace, Recovery and Development Plan (PRDP). The study looks at the situation in the Acoli and Lango sub-regions generally but with clear indicators of the level of conflict in the Acoli sub-region prompting me to focus on Nwoya District in particular. The study includes the IPD Camps decongestion, return of the Campers and their resettlement, which was overseen by the Office of the Prime Minister (OPM), the International and National NGOs with support from the European Union and other donors. The study recommends, among other things, that there is urgent need for "cultivating a desired level of trust in the people over land issues enforced through administrative procedure that overtly shows commitment to protecting land and natural resource rights of IDPs on return" (Rugadya et al. 2008: iv), and, secondly,

> immediate enforcement of administrative or political or policy overtures to *effectively suspend issue of land titles to indigenous Acoli or Langi investors or any other persons* who wish at this particular time to acquire legal interests in land until IPD return is completed and sensitization of land rights in the sub-region has taken place, therefore the actions of Uganda Land Commission and District Land Boards have to be temporarily frozen… (Rugadya et al. 2008: v [emphasis in the original text]).

As our study shows, the last recommendation was largely ignored and hence the escalation in land disputes with major clashes between Central Government and the local communities especially in Apaa in Amuru District. In Nwoya, by 2013, large chunks of land had been acquired by both local and foreign investors as indicated by the LC5 of Nwoya.

The second study, which also informed my study, *Northern Uganda Conflict Analysis: Advisory Consortium on Conflict Sensitivity (ACCS)*, focused mainly on (i) providing analysis of

> conflict drivers that have the potential to undermine development and peace-building efforts underway in the Peace, Recovery, Development Plan (PRDP) II and (ii) people's perceptions of whether the PRDP and associated interventions are in fact bringing them up to a par with the rest of the country and increasing the likelihood of long term peace and stability (Llamazares et al. 2013: i).

What came of the study is not very different from the 2008 study: there are conflicts at community level with district and Central Government officials over land and natural resources (Uganda Wild Life Authority [UWA] and National Forest Authority [NFA]); disputes over boundaries and the study too documented cases of Sexual Gender Based Violence (SGBV), which we discussed in Section 1 of this study with respect to Nwoya District IPD Camp in Anaka. Although the conflict drivers are similar to those in the 2008 study, the additional drivers identified in the 2013 study are what I also found in Nwoya.

The third study *Whose land is this? Assessing the land conflict between the Acholi and Jonam tribes in Northern Uganda* (Saferworld 2014)[1] deals with the land conflict between the Acoli of Nwoya District and Jonam of Nebbi District. The study noted that the Acoli and the Jonam lived side by side in the pre-colonial period. The outbreak of Tsetse flies in the 1950s caused the split of the two neighbours with the Jonam moved to the present Pakwack while the Acoli were moved towards Anaka leaving the eastern Nile bank empty. In 1952, the British gazetted the empty land Murchison Falls National Park. The conflict in the disputed area started after the closure of the IDP Camps when community members returned to their homes. The actual driver of the

[1] It is part of the original text where the authors are asking whose land is it: the Acoli's or that of the Jonam?

conflict, according to the study, was not the return but "the discovery of oil in 2007/2008…both Jonam and the Acholi are acquiring land to sell because of the discovery of oil" (Saferworld 2014: 2). The sales of land together with the corruption among local government leaders are the two conflict drivers escalating the land conflict in Purongo sub-county. What the study established is that the level of conflict is gradually reducing as violent clashes have reduced due to the meditations and Peace-building by the Local Governments of Nwoya and Nebbi. The recommendation of the assessment team was that the Local and Central Governments implement the two resolutions of the mediation teams: "setting up a technical land verification committee to establish a reliable land ownership system in the disputed area, and to set up a community police post at the most disputed location in Got Afoyo to improve the communities' security" (Saferworld 2014: 2). In an interview I had with the Purongo sub-county Chief, Mr Peter Okello, on 12 October 2016, he confirmed that there were no serious conflict cases from eastern bank of the Nile occupied by both the Acoli and Jonam people (not tribes). Isolated cases sometimes occurred but they are handled at the Parish level with the help of the police at Got Afoyo. What this study shares with my own study is that land conflict resolutions are possible if all sides in the conflict have the desire to reach a peaceful resolution and the mediators are not corrupted by money.

*5.1 A study in land conflict in Nwoya District*

Land, according to a resolution of a group discussion we held in the Town Council Hall on 10 October 2016, is the most valuable asset for any family in Acoli. Traditionally, communal land was held in trust by the clan for use by all clan members and this was known as *ngom kitaa*. There were no mark stones but there were objects such as trees, anthills, streams or rivers which separated clan A's land from that of clan B. Even these boundary marks were often ignored when relationship between the clans were forged through marriages or friendship. The Colonial Government introduced artificial boundaries for administrative purposes since they did not separate clans and families. A case I documented during the study was the land conflict between Payira and Alero clans. Traditionally the two clans crossed into each other's communal land for purposes of cultivation as a result of the inter-marriages that had taken place over many years. When community members from both clans came back from the Camps with increased population, they both needed more land. Thus, the common land between the two clans was claimed by both communities. Most of the elders who knew about the mutual sharing and usage of the land were no longer there to stop the younger generation from conflicting over the land. The matter reached fever point and the Local Council Three (LC 3) from both sides were drawn into the conflict. It was through mediation by the elected leaders supported by the clan elders from both clans that the conflict was resolved and the two clans are peacefully sharing the land again. This example illustrates the mind-set of the returnees: a traumatized community is a suspicious community. The war disrupted social and cultural institutions, which are building blocks in character formation of community members. The harsh Camp life added to the trauma and loss of trust especially of children towards the elders whose moral behaviour became questionable and therefore not dependable.

In an interview with Jeffrey Akena, Nwoya District Community Development Officer, and Patrick Okello- Oryema, the LC 5 at the District Headquarters in Anaka on 11 October 2016, they identified the following as some of the causes of land conflict:

> The creation of access road by Government soldiers to ease their patrols removed some of the ancient boundary markers. In Acoli society, boundary markers are respected and never removed even if there was war between clans. The land was unoccupied for the many years people were in the various Camps and those who returned earlier because

their homes were near the big Camps extended their boundaries. Poverty, according to the LC 5, is another cause of the land conflict. Before the war, money was not the focus of many Acoli people since not everything depended on having money all the time. Land was held as a form of wealth and not for sale just like domestic animals. This shift in attitude brought new value to land which could be sold to cover financial needs of the family.

*5.2 Possible solutions to the land conflict*

Analyses of the data for this study have indicated a number of possible solutions to the land conflict if both the Central and Local Governments can work hand in hand.

i. Most of the community members who returned from the Camps expected Government to partially continue with the hand-outs which they were receiving while in the Camps. From the data collected, it is clear that this was not the case. However, many were offered training opportunities and support from the Government and the Development Partners through projects such as Northern Uganda Social Action Fund (NUSAF) funded by the World Bank; Peace, Recovery and Development Programme (PRDP) operating from the Office of the Prime Minister; the European Union (EU); United States of America through USAID, and the British through DIFID. A few community members who formed into groups have benefited from some of these initiatives and have viable alternative means of livelihood and are thus freed from dependence on sale of land. The majority have no alternative except to sell part of their family land but, in some cases, even land which does not belong to them, leading to land conflict.

ii. Government has come up with a new programme of Operation Wealth Creation which replaced another Government initiative, National Agricultural Advisory Services (NAADS). If Operation Wealth Creation, which is managed by the Military, can work, it will alleviate some of the causes of land conflict.

iii. Governments (Local and Central) should improve the social services to the community. This should be possible with the creation of so many districts under the slogan “taking services nearer to the community”. However, in the provision of these services, the Government should consult with community members to avoid further land conflicts especially in the constructions of road networks and infrastructures for public use (health units, schools, etc.).

iv. Central Government should not interfere in community land conflicts which can be mediated by the local elected leaders with support from the Land Area Committees and the traditional elders. For example, the land conflict between Okello Geoffrey (aged 42 years) of Kulu Amuka village, Ogom Ward, Anaka Town Council and his cousin was successfully mediated by the LC 3 Chairman and cultural leaders as indicated below. Okello went to Anaka Camp in 1997 with his wife and two children and returned home in 2004 during the first phase of decongestion of the big Camp. His father died in the Camp but was buried at home since his home was nearby. Okello explained his case as follows in an interview with the author,

Ikare ma adwogo gang, omara, obedo ka winyo pia pa nyek mine ni ngom yam kwara en aye omiyo ki wora ma kume dong peke pien en oto ki I Camp.

> When we returned from the IPD Camp in Anaka, my cousin, under the influence of a step-mother, told me that I should leave the land since my father who was given the land is now dead (translated into English by the author).

This created land conflict between the two, which reached a point of violence. Okello took the case to the *Rwot Kweri* (Village Headman) but he could not resolve the issue and the matter was transferred to LC 2 court which also failed to resolve the case partly because the LC 2 Chairman was not keen on seeking advice from the elders whose moral authorities are also questionable. Okello brought the case to the LC 3 Chairman who used his mediation skills and, also, other elders and people who had previously lived in the area before the war. Three meetings were held and during the third one, an agreement was reached. As it turned out, Okello should have been the one to ask his cousin (the accuser) to leave since his own father was given land by Okello's father. The cousin was not even living in Kulu Amuka but in Gulu Town in Gulu District. It seemed that greed led him to claim the land which he wanted to sell and go back to Gulu. The value of land near Anaka Town Council has gone up since the creation of Nwoya as a district in 2006. The step-mother, who was the instigator, was reprimanded and the matter was closed. The LC3 Chairman issued a 'Letter of Settlement' singed by both parties, a pattern followed in two other land disputes resolved under his Chairmanship (see Appendix). Okello now lives happily with his four children and he rears animals as an occupation. He is able to pay fees for his children who are in schools in Anaka Town Council.

There have been other efforts to stabilize the land conflict. These include:

(a). Building partnerships with Local and International NGOs in development projects that draw members of communities, some of whom might be having conflict over boundaries of family land. In Nwoya, ZOA, an international Dutch relief and recovery organization has been working in the community through sensitizing the residents on land rights and protection. They support communities in getting land certificates for the customary land. This is being piloted in Alero Kal and Panyabongo Parishes in Alero sub-county. During the fieldwork in October 2016, the researcher observed the land being demarcated according to customary land boundaries which have no encumbrances or all members of the family present. Where there is dispute, the community members are left to resolve the dispute through mediation by cultural and political leaders. Nwoya District issued certificates to the successful families in a ceremony attended by the Minister of Lands on 3 December 2016.

(b). Acoli Religious Leaders Peace Initiative (ARLPI) through their own initiative also set up an umbrella organization under the Chairmanship of the Rev. Fr. Dr Joe Okumu. They are advocating that all Acoli land should be held in Trust by the various clans, for example: Bwobo Clan Land Trust and Alokolum Clan Land Trust. This initiative has failed partly due to lack of consultation with all the stakeholders, and partly because many of the clan members want the certificates to be issued in the individual family names. A single certificate in the name of the clan will make it difficult for families or individual family members to sell land whereas if families register their own land, they can divide the land among themselves and individuals can sell or lease their portions even without consultation with family members.

## 6. Conclusion

This Paper explored the impacts of the LRA war on the Acoli population through a close study of the situation in Nwoya District. It is clear that people were forcibly moved to the Camps,

sometimes at gunpoint by the military. Once in the Camp, families were subjected to Camp rules and life, which included alcohol abuse, GBV leading to the breakdown of clanship and the family-hood. Education of the school-going age children was disrupted at all levels. There was semblance of education under the 'camp learning centres' [v] for the primary school children but no provision was made for the secondary school children. Many of the affected secondary schools were relocated to makeshift structures in the Towns or outside the Acoli sub-region. Informal education, through which the Acoli pass on their culture from generation to generation, was also disrupted. Parents who are the teachers in this informal learning were not able to impart traditional knowledge to the younger generation as many became either disillusioned with camp life or turned into drunkards –idlers and abusers of their family members.

When the guns fell silent between 2006 and 2007, the slow return home began. The high expectations of the campers were not met: they expected the Government to continue with the handouts they lived on in the camps and that they would get financial and other support to make their 'homecoming painless'. Some found their former land and even home occupied either by those who returned earlier; had stayed behind since they were nearer the camps and operated as commuters, or the land had been bought/acquired by rich or powerful individuals. There is serious land conflict going on in the whole of the Acoli sub-region at many levels: individuals within the family; families with neighbouring families or clan; families versus institutions (school, health units, or churches and other natural resources, such as oil along the eastern Nile basin in the Purongo sub-county). The influx of investors which began in 2013 is also another land conflict driver.

Central Government has put in some measures to handle the various conflicts but these often clash with measures by the Local Government and traditional and elected leaderships. The Central and Local Governments need to clearly demarcate their duties in handling land conflicts. Central Government should handle national rather than district land issues. The Local Governments should be given autonomy to mediate land conflicts working with the traditional leadership at the level of *Rwot Kweri* (Village Headman) who knows land boundaries of all family land under his jurisdiction. The case studies of land conflict documented during the study show that if the District and traditional leaders were left to handle individual family and clan land conflicts, through impartial mediation, many of these can be settled amicably. Where too many players are involved in land dispute, the conflict escalates. A case which is now in court is that of Apaa land in the Kilak sub-county, Amuru District where the Minister of Lands is pushing the community to 'give' land for sugar production. This case has been documented at local, national and international levels as indicated in Monitor Publications of 13 November 2016. Investors (local and foreign) who want land for commercial farming should have the consent of the whole family or clan and lease the land for an agreed period not exceeding 49 years without due pressure from political or traditional leadership.

Where families want to register their land and get certificates, they should be helped to do so but with the consent of all members of the family.

## 7. Recommendations

This paper, therefore, recommends that both Local and Central Governments pull their resources together in the rehabilitation of the fractured families through offering Psych-Social services to the returnees, including the 'lost generation' who has lost the will to work for its livelihood and instead spends its time at the trading centres and in towns betting/gaming and 'slowly killing themselves' on cheap but highly intoxicating spirits. The elders in the villages who have lost their traditional leadership to the youth with economic powers also need the same Psych-Social support to regain their cultural authority.

The schools need improved infrastructures, software and revamped Teacher Training Colleges which will produce committed teachers bound by the "Teachers' Codes of Conduct"; willing to be mentored by the older teachers of the pre-insurgency period and constantly inspected by Education Inspectors. This will mean employing more Senior Education Officers and equipping them with the tools to carry out their duties. In Nwoya District, the DEO rides a motorcycle while the other staffs in the Department share one motorcycle. They have to supervise 44 primary schools plus additional secondary schools.

Finally, the researcher recommends other studies that will evaluate the Local and Central Governments in their efforts to improve the welfare of the returnees' education and the resolution of land conflicts. Another study explores the effects of commercial farming on the schooling of school-going age children whom I found fully engaged in some of the commercial farms during planting and harvestings seasons. This is mostly on the semi-mechanized medium commercial farms. The study would then inform the Department of Education in Nwoya District of the best measures to improve pass rates at both Primary Leaving Examinations (PLE) and Secondary Schools; both O and A-Levels.

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**Appendix**
Interview guides.

The key questions the interviewees were asked:
1. Why and how did you go to the Internally Displaced People's (IDP) Camp?
2. How long were you in the Camp and what was the effect of the Camp life on the family, education of the children and Acoli culture as a whole?
3. When did you leave the Camp and what did you experience upon the return to your former land/home?
4. If there was conflict over land, who was involved and how was it handled?
5. What are the current challenges you are facing and how has the Government or others helped you to overcome them?

The following structured questions were for the Government and political officials:
1. What was your role as a Government or political agent in the pre and post internal displacement?
2. What are the possible solutions to the problems faced by the internally displaced people in reference to education, land conflict and socio-economic welfare of the returnees?

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# Citizenship and social security of landless Dalits in Nepal

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**Abstract**: The intertwined relationship between rights and responsibilities are reciprocal between people and the State. Citizenship and land ownership are fundamental means through which people's relationship with the State is adjudged and determined. The study explores how the lack of accessibility of land ownership and citizenship certificate affects peoples' civil, political and social rights. The same is concluded through the case study of landless Dalits. To factor the relationship between landlessness, citizenship and social security; unstructured interviews with 60 household heads were conducted. The study found that the lack of citizenship certificate and land ownership certificate promotes the feeling of statelessness, without a change in patriotic impulse. Despite the government's attempts to redistribute land in the area, the gradients of socio-economic and political power determine the fate of landless Dalits. The Dalits, inept and minority stakeholders, continue to be landless after more than four decades, whereas the elites are able to obtain land ownership certificate through their influence on the local authorities. Landless Dalits are being ignored not only by the State and political parties, but also by national and international organizations. Discriminatory behaviour of the State towards Dalits is an ongoing process without the provision of basic fundamental rights. This has affected their sense of citizenship.

**Keywords**: Citizenship, landless Dalit, social security, rights and responsibilities, poverty.

## 1. Introduction

Nepal is a multi-ethnic, multi-lingual, multi-religious and multi-cultural country, where 126 variants of caste/ethnic backgrounds, 123 types of native languages and ten types of religious groups thrive in a community (CBS 2012). However, the Nepali society is highly guided by the orthodox Hindu caste ideology,[1] wherein segregation results in the divide between superior and inferior, pure and impure, touchable and untouchable, master and slave.

Every citizen is entitled to state facilities, rights and responsibilities. The Dalits, accounting for approximately 14 percent of the total population (CBS 2012), still suffer from more than 200 forms of caste-based discrimination (Bhattachan et al. 2003). The zenith of the list is the practice of untouchability, a practice of inhumane segregation leading to a sub-human status. To make Dalits untouchable the State played a significant role via the promulgation of the 'Legal Code of Nepal 1854'. It also gave the precise definition on the grounds of hierarchy which dictated the norms and behaviours of caste groups in Nepal (Dahal et al. 2002). Thus, the combination of conservative thought, ideology, norms and culture and in effect the State's discriminatory behaviour explicitly played a crucial role in the marginalization of the community. In the current order, the Constitution of Nepal, 2015 ensures equal rights to all citizens and prohibits discrimination based on caste, class, religion, language etc. Moreover, as per the Constitution, the State should provide land to landless Dalits.

In the context of Nepal, Dalits are understood as "landless, poor and facing food deficiency" (Nepali el al. 2011: 129). In Nepal, ownership of land plays a vital role in determining the wealth, power and social prestige (Nepali 2008; Upreti 2009; UNDP 2004). 35% of Dalit populations are deprived of obtaining citizenship certificate, whereas 53% of Dalit households have no land ownership certificates (NDC 2005). Therefore, social security has been recognized as an important aspect of citizen rights across the world. "Social security is linked to enhancing social equity and

[1] Hindu Varna System divides people in four caste groups, wherein Brahmins occupy the top position, followed by Kshatriya in second, Vaishya in the third position and finally, the Shudra rests at the bottom. Nowadays, the then Shudra is known as Dalit in Nepal and India.

justice" (NPC 2012). Realizing this fact, the government of Nepal integrated the provision of social security in the Constitution of Nepal 2015.

Multiple civil, political and social uprisings for the promotion of rights in different centuries globally have transformed the fundamentals of rights of citizens. Nepal too went through tremendous changes in safeguarding rights as basic amenities for national citizens, but the result is not quite satisfactory. However, frequent political upheavals have taken place in shaping and ensuring such rights more concretely. The first country code of Nepal 1854 established the caste-based discriminatory practices despite granting equal rights to all people. The code restricted very important notions of rights and freedom. Concomitantly, this code was typically guided by Hindu hierarchical caste system based on the idea of purity and pollution (Hofer 1979). Similarly, the political revolution of 1951 was the first step towards a democratic regime in Nepal, which had overthrown the 104 years of autocratic Rana regime. The democratic regime helped in bringing positive changes in different areas of Nepali society. Unfortunately, the democratic system could not last due to the Panchayat rule established under the kingship of Mahendra.

Later, the 'Legal Code' 1963 was promulgated, which abolished untouchability. However, the abolishment of caste-based untouchability was confined merely in the document and not in practice. During the period, political parties were banned, and the State became more autocratic. Subsequently, the democratic revolution was successful in establishing constitutional monarchy and the 'Constitution of the Kingdom of Nepal' was promulgated in 1990. The constitution was democratic as it had granted many civil, political and social rights to citizens. Few years after the promulgating of the constitution, the then Communist Party (Maoist) in Nepal staged an insurgency against the State. But, it was the people's movement in 2006 which had overthrown a 250-year old monarchy and established the federal democratic state. The New Constitution of Federal Republic of Nepal was promulgated in 2015, which is more inclusive in nature and has ensured many rights for people.

Despite constitutionally ensuring equal rights to all people, time and again Dalits have relentlessly been discriminated in the social arena. The context for landless Dalits seems filthier compared to others as they lack access to almost all the important aspects of life. Nonetheless, the Government of Nepal has social security policies to uplift human development standards. Hence, it is relevant to assume that there is a relationship between land ownership, citizenship certificate and access to government facilities. Dalits who are still landless, living as squatters has affected their rights as citizens. Moreover, theoretically there is a different notion of citizenship and Nepal has also promulgated different laws and policy to protect citizen rights. In this context, this study examined he theory and policy in practice in the life of landless Dalit. Thus, the study attempts to answer the following questions:

1. To what extent are landless Dalits able to fulfil their civil, political and social rights?
2. How are landlessness, citizenship certificate and social security related to landless Dalit?
3. How does social security shape the sense of citizenship (*nagariktwa*)[2]?

## 2. Method and data

A field study was carried out from April to July 2014 at Banke district since the site records multiple cases of landless Dalits which match the parameters for the study. The selection of

[2] Citizenship (nagarikatwa) means people who are cared for, loved and protected from the state and feel proud and safe toward the state. The sense of feeling which utterly expresses the sense of imagination that the country belongs to me and I do have rights to practise endowed to me as national citizenry.

respondents was made through census sampling, where 60 households were included during the study. Similarly, for the case study, an unstructured interview schedule was applied which was then categorized into various sections through a thematic classification approach. Furthermore, the sections were developed into coherent stories following the narrative style. The tools used in this study were Unstructured Interview, Key Informant Interview (KII) and Focus Group Discussions (FGD). Also, observation was carried out as part of the study and lifestyles were observed and recorded. Two FGDs, 10 KII and 60 interviews with household heads were carried out simultaneously. Before commencing the field study, a brief pilot study was done for a week to examine the research sites and tools. Findings of the study were coherently discussed within the relevant theoretical frame, combined with previous knowledge and data collected for the particular cases.

## 3. Citizenship and social security of landless Dalits

This section particularly delves into conceptualizing the given literature in relation to citizenship and social security.

T. H. Marshall (1950) defines citizenship through the different notions of rights: civil, political and social, developed in the eighteenth, nineteenth and twentieth centuries, respectively. According to him, the civil element is composed of the rights necessary for individual liberty: freedom of speech, thought and faith, the right to own property, to conclude valid contracts, and the right to justice. The political rights were intended as the right to participate in the exercise of political power as a member of a body vested with political authority or as an elector or the members of such a body. Social rights mean economic and welfare rights, rights to a minimum standard of welfare and income: "the whole range, from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society" (Marshall 1950: 30). But, Evelyn Glenn (2000: 2) highlights historical and cultural character of citizenship as he believes citizenship to be historically and culturally specific. He also talks about the equal and unequal relationship based on the availability of citizenship as he theorises, "equality among citizens rested on the inequality of others living within the boundaries of the community who were defined as non-citizens. The relationship between equality of citizens and inequality of non-citizens had both rhetorical and material dimensions".

Moreover, the idea of citizenship is associated not only with the holding of rights and responsibilities, equality and inequality but also as a matter of a dignified life. In the same line of thought, King and Waldron (1988: 443) argue that "a citizen is that of an individual who can hold his or her head high and participate fully and with dignity in the life of his or her society". Isin and Turner (2002) have argued that without understanding the notion of the citizenship the problem of diverse groups cannot be solved. According to them, to solve the problem of specific groups, a specific definition of citizenship is required because there are enormous injustices, oppression and marginalization in democratic as well as in democratizing states, and recognition of citizenship is anything but a straightforward struggle. Moreover, they favour a human rights approach, which appears to be more universal, more contemporary and more progressive. Likewise, Kymlicka and Norman (1994) advocate the guaranteeing of civil, political and social rights to all; the welfare state ensures that every member of society feels like a full member of society, able to participate in and enjoy the common life of society. If any of the rights is withheld or violated, people will be marginalized and unable to participate. The writers further argue that citizenship is not just a certain status, defined by a set of rights and responsibilities but an identity and expression of one's membership in a political community. Therefore, different groups, for instance black, women, aboriginal peoples, ethnic and religious minorities and so on are still excluded from the common

culture, despite possessing the common rights of citizenship.

Various scholarships have given attention to the subject of social security and citizenship. However, they have a common understanding of a welfare state as a system that offers certain types of welfare packages that prevent people from vulnerability and support their livelihoods. According to Zald (1985) the State should have a form of welfare provision and minimum income for family to be a welfare State. Likewise, Therborn (1987) makes a similar remark and defines the welfare state as one which consists of provisions for procreation, subsistence, education, housing, health-care, income guarantees, income maintenance, and social services. In so far as social security or comfortable living of people is concerned, Witte (1959) strongly argues that social security does not seek to provide the luxuries and comfortable means of advanced society, but social security ensures only an income adequate for living in accordance with socially approved standards. In the same line, Standing (2007) advocates that social security must promote happiness, social justice and equality for poor and vulnerable.

The notion of citizen's rights differs according to time and space. From civil to social rights and rights to living with a dignified identity, rights that are still not accessible to all people of different countries of the world because there is still discrimination based on caste, class, colour, race etc. However, it can be concluded that the reviewed literature has to a great extent reflected upon the proper connection between citizenship certificate and social security.

The close relationship between citizenship certificate and land ownership certificate in Nepal is evident. In the past, in order to receive citizenship certificate, citizens must have a land-ownership certificate as it was a precondition for obtaining the citizenship certificate but the rule was abolished (Nepali et al. 2011). Likewise, "Land is not only a means to alleviate poverty and symbol of power and prestige but also a sound means to redefine social relations and induce social change" (Uppreti 2004a: 13). In addition to this, the better the access and control over land, the better the chances for achieving human security (Uppreti 2009). The amount of land determines the degree of power in Nepal. However, there are universally established norms where the State should act as guardian and must primarily focus on people who are poor and vulnerable. On principle, the State's primary attention should go to the segment of people who are poor and vulnerable. In other words, protecting rights of the people of all walks is any state's primary concern and responsibility. In Nepal, where land ownership is a condition for exercising rights, the rights of landless Dalits would be subjected to more fragility compared to other people. Therefore, this study examines the theoretical argument of the above-mentioned scholars and how it influences the life of landless Dalits.

### *3.1. Socio-economic situations of landless Dalits*

This section attempts to portray the social and economic situation of Dalits. In Nepal, "The relation of the Dalits and non-Dalit is also based on the power relation. Even in imagination this power politics plays a vital role" (Devkota 2005: 45). In such a situation, "Casteism is an ideology, in fact "dominant ideology", established and mobilized by the dominant classes (and thus dominant castes) to establish and maintain relations of domination with the lower classes (castes)" (Gurung 2005: 54). It is because of the exploitative nature of society that Dalits are prohibited from or denied certain acts and practices such as access to common property resources, service, entry and participation in socio-cultural sphere at private, common and public places (Bhattachan 2005: 73). Moreover, Dalits have the lowest life span, which is 57 years compared to the 59 years ethnic groups and 60 years for others. This has the consequence that health status of Dalits is poorer than other groups of the country (NNDSWO 2007). Besides this, Dalits are facing wage discrimination. Non-Dalits used to give low wages to Dalit labourers. Moreover, the majority of Dalit women get low wages in agricultural tasks, not only compared to non-Dalits but also compared to Dalit men

(Bhattachan et al. 2008). The majority of Dalits have food deficiency. In the Himali area, 89.66 per cent, in Pahad 56.73 per cent and in Tarai 53.61 per cent Dalits are suffering (Bhattachan et al. 2008). The per capita calories are far below the minimum required; the lower food intake and the unhygienic dwelling and sanitation practices of the Dalit communities are manifested in malnutrition, disease, morbidity and low labour productivity (Gurung 2005).

In the study area, Non-Dalits are able to live dignified lives as they are considered to be of high status, bestowed to them by their caste despite being landless. As informed by the respondents, eating and seating together inside the home is still not common between Dalits and non-Dalits. Munu Nepali is frequently humiliated and treated as untouchable. Her non-Dalit neighbour has frequently abused her, given her caste status. Likewise, Chameli Nepali works as a labourer in an ongoing road construction site; she used to be treated as untouchable by her supervisor and colleagues. All Dalit respondents have the same experience of Munu and Chameli Nepali which proved that status quo is still maintained by Non-Dalit whereas Dalits want to escape from such a system.

In a landless community, people are deprived from using fundamental facilities which are essential for human survival. They live in a hut and they lack safe drinking water, toilets and sanitation. The majority of Dalits have to use open places such as jungle, ground, and river bank for defecation. However, some have made temporary toilets in their homes. Daily wages are the major source of their survival. They earn around three hundred rupees[3] per day though some senior mason can earn more than five hundred rupees. According to the respondents, they always engage in daily wages, but when they are unable to get such work they can hardly manage food for a day. The majority of Dalits are living in crisis. Besides the daily wages, some Dalit families are engaged as seasonal migrant labourers in India. Some are working in private factories, selling wood and leaves, pulling rickshaws, working as servants in private homes. Landless Dalits' educational, socio-economic and health situations are almost the same as shown by NNDSWO (2007), Bhattachan et al. (2008), and Gurung (2005). It is because they are deprived of almost all means of survival and even the state has failed to solve their problem.

As argued by Bhattachan et al. (2008), this study has also found that landless Dalits have been facing discrimination in wages. For the same amount of work, they are paid lower wages than other colleagues. In the field study, Falbarsha Raidas, Manaki BK and Parbati Nepali have experienced the same. They are working as labourers in road construction sites with unequal pay when compared with non-Dalit colleagues. When the contractor knows that they are landless, they are further discriminated against in wages. Moreover, according to Raidas, Bk and Nepali, old-aged people are also not paid on equal terms. Although they know that their labour is exploited, they never dare to raise their voices for their rights. Parbati Nepali who has been working as a labourer for 20 years and frequently faced economic and physical exploitation without ever opening her mouth against such exploitation despite being aware of her rights. She never understands democracy and people's liberation. Her experience compelled her to ask where her State is (see Case 1).

Case 1: I never know whether the State is for us or we are for the State.

> My name is Parbati Nepali. Now I am 40 years old. I have been working as a labourer in construction sites for 20 years. In the previous years, I was discriminated in wages for being Dalit and female. My male colleagues receive more wages than me even though our work was the same. When I asked questions to my master, they replied me that I couldn't get the same amount of wage because I was a female. Usually, I should

[3] Usually USD 1 is equivalent NRs 100 (sometimes it fluctuates).

> work more hours than the work-rule. When the contractor knew that we are squatters, they used to maltreat us and discriminate in wages. Though I knew that I am being exploited by master/contractor, I couldn't dare to raise my voice. If we dare to raise voice, they could expel us from work. I think having something is better than having nothing. Moreover, if we can please our master, they can provide opportunity of work in the future. Having such hope, we are compelled to bear discrimination. Besides, I heard that there is no discrimination in democracy and the government should treat their people equally. But I never felt such behaviour in my whole life. I think democracy and freedom is only for those people who are rich and powerful. If democracy and freedom is for all, what about our freedom and rights? Why the government couldn't solve our problem and treat us equally? There is no one to hear the voice of an under-deemed people like us which forces me to think whether we belong to this state or not.

The inability to get support from the State and other institutions compelled people like Parbati Nepali to rethink of their notion of State. Even if they know that they are being exploited in wages, non-Dalits' discriminatory practices are illegal; they cannot raise their voice and ask for legal support because they think that their voice would not be heard, and they would not get justice even if they filed the case. Therefore, to enjoy rights as defined by Marshall (1959), King and Waldron (1988), and Kymlicka and Norman (1994), people must be economically, educationally and politically sound. In Nepal, the social, legal, political, bureaucratic including many other areas are controlled by the high castes. Therefore, if landless Dalits seek justice, they have to return empty-handed. They were compelled to live silently scolding their fate due to poverty and vulnerability. Therefore, the question 'whether the nation for Dalits or Dalits for the nation' has become a genuine issue for landless Dalits. Also, the above-mentioned scholars' arguments on rights have not reached equally all people of different walks of life.

### *3.2 Citizenship certificate and recognition*

It is found that the majority of landless people have a citizenship certificate, but there are three households (of 60) who do not have one. Some people are unable to obtain a citizenship certificate because of being unable to meet the criteria set by the government. As we have already discussed, citizenship certificate and land are interrelated. The State is not doing any significant work yet and is silent about those people who, for various reasons, are unable to obtain a certificate. According to the respondents, they have shared their problems with local authorities and political leaders but with no action or reply.

Besides the citizenship certificate, landlessness is another major problem of the State. To identify the actual size of landless people and give them a land ownership certificate, the Government of Nepal has established the 'Landless Problem Resolution Commission'. Landless people who are recognized by the State have received a temporary land entitlement certificate along with an identity card as a proof of their residence in *ailani jagga* (non-registered land). However, this certificate and identity card could not legally guarantee landownership. According to the respondents, they were happier than before as it serves as state recognition, and they hope they could claim land from the state. On the one hand, some people think that providing identity cards and temporary certificates is itself a state recognition, and it is better to get recognition than being ignored.

People having identity card and temporary certificate did not feel that they were stateless. It can be assumed that sooner or later the state recognizes them as citizens. Therefore, temporary land entitlement certificate and identity card has made them optimistic of obtaining citizenship.

This evidence shows that the state is trying to fulfil its responsibilities toward its people as Marshall (1950) also concluded. On the other hand, some respondents argued that until their social, economic and educational problems along with caste-based discrimination remain unsolved, distributing such cards and certificates would have no meaning in reality.

The landless Dalits who have no citizenship certificate are more worried than those who have. They consider themselves stateless people. Manaki BK's husband has no citizenship certificate and because of this he has lost many opportunities in his life, and her family could not improve their economic condition (see Case 2). In addition to this, Bertha Sunar and Falbarsha Raidas have been denied land due to the lack of citizenship certificate and they were unable to grasp the opportunity several times.

Case 2: Skills wasted due to lack of citizenship certificate

> I am Manaki BK living under harsh poverty. My husband pulls rickshaw for many years. He can drive four-wheelers but he lacks license due to lack of citizenship certificate. So, he has no option rather than pulling rickshaw for our sustenance. I worry of my husband pulling rickshaw. Sometimes he is able to earn enough money but not always. He sometimes has failed to pay the rent of rickshaw. Our financial condition would be improved if he is granted the driving license. We have responsibility of our 4 daughters. I too engage in labour work to support family. My husband's parents have passed away already due to which he couldn't get citizenship certificate. The government office didn't issue citizenship card to my husband from my name. If he gets citizenship card, he would find any type of job in office and we would have a better life. Due to the lack of citizenship card and land, we are humiliated many times. We have been living as landless for a prolonged period. But due to the lack of citizenship card, we are unable to get land. We always worry if the government removes us from this place.

Citizenship certificate is an indispensable to acquire any form of services or benefits from the State. Therefore, the findings of this study are very much similar to the argument by Evelyn Glenn (2000) because this particular policy has restricted ordinary citizens to fully perform their capabilities or skills. An ordinary citizen, despite his/her capacities, is compelled to obtain citizenship to best serve the state in the service sector, business or other forms of entrepreneurship. Thus, it has created forms of inequality between the haves and have nots. Dalits who have been historically dominated and excluded by traditional social norms and ideology have not been able to run their businesses. In this context, Dalits who are trying to live in this adverse situation despite difficulties have been very much affected by the lack of a citizenship certificate. Therefore, a citizenship certificate is a key prerequisite for exercising rights as defined by Marshall (1950), Glenn (2000) and Kymlicka and Norman (1994).

3.2.1. Rights and responsibility: state vs landless Dalits

Insofar as the responsibilities of State and the rights of landless Dalits are concerned, the study found that both the landless people with or without citizenship certificate feel proud to be citizens of Nepal. For example, landless Dalits have participated in the political revolution of 2006; they were bound by the rule and regulation of the state and are paying taxes (household tax, land tax and service tax). The interesting fact that we came across in this study is, despite the landlessness of Dalits and problems in acquiring citizenship certificate, the state had collected tax illegally from their unregistered land and home. Besides, without recommendation from the Village

Development Committee (VDC)[4], they cannot even obtain their citizenship certificate, passport, marriage registration, and apply for social security packages. Moreover, they need a recommendation from the VDC to get any benefit from the government or non-government sector. Therefore, the landless Dalits are more heavily taxed with obligations than freedom. They have contributed more than they have received benefits from the state. Fal Bahadur Sunar has faced so many troubles and hurdles in his life. His house was looted many times, daughters were raped, but he neither got protection nor got any support from the state. Bertha Sunar also missed so many opportunities in his life because of the lack of citizenship certificate. People like Fal Bahadur and Bertha Sunar are ready to die for the nation. The question they then ask is, which country do they belong to? Whose people are they? If they belong to this nation, why is the government passive in solving their problems? Such types of questions are frequently asked by respondents. This situation shows that responsibility is unequally shared between the state and the citizens as argued by Marshall (1950). Despite lacking citizenship, a legal entity, landless people are fulfilling their responsibilities, but the state is not giving serious attention to them. The state is more of an exploiter than a protector.

In the context of civil, political and social rights, the landless Dalits seem to have freedom of speech, faith, liberty and earned property. There is no restriction on expressing their opinion; they can choose their own religion. However, due to untouchability, they are restricted from choosing their occupation freely. For example, they cannot open teashops because non-Dalits would seldom go there for tea. Therefore, the caste system has stood as a major barrier for them to fully enjoy their civil rights. Besides, landless Dalits also have legal rights to participate in political activities. Some of them belonged to political cadres but did not get a significant position in their party. There is no legal barrier for Dalit candidacy in elections, but they neither receive any support from the party nor become independent candidates. Rather, Dalits are only taken as vote bank by all political parties (to be discussed in detail in the next sub-section). The notion of civil and political rights as characterized by Marshall (1950) is only partially exercised by landless Dalits. As far as social rights are concerned, the condition of landless Dalits is abysmal. There are three major elements which restrict landless Dalits to access social rights. The first is the lack of almost everything that is necessary for survival; the second is about the insecurity of proper residence, and the third is caste-based discrimination. The situation of landless Dalits is different from the citizenship notion of King and Waldron (1988) as Dalits cannot hold their head high and participate with dignity in society. Hence, social rights have become a daydream for Dalits.

Constitutionally, nowadays, untouchability practice is a punishable crime in Nepal, but Dalits are still victimized in the name of culture and custom. Moreover, the state is responsible for creating an environment where every member of society can enjoy their rights and live with dignity and freedom. Even after the restoration of democracy, the state has not been able to eradicate caste-based untouchability and implement the law. The orthodox non-Dalit people have violated the law and have promoted discrimination. Therefore, Dalits are deprived of social rights. In this situation, the state must change practices by promulgating special rights to Dalits as argued by Kymlicka and Norman (1994) because the problems of Dalits are different from other groups of society.

### 3.2.2 Politics and power

It was found that landless Dalits are not only deprived of the resources but also ignored and neglected by political parties. The strength of all parties is determined according to the number of the cadre and support of the people. However, landless people are being ignored by all political parties. In the Maoist armed insurgency period, some Dalits were enrolled as Maoist cadres and the People Liberation Army (PLA) where they fulfilled their role and responsibility. They are

[4] This study has been carried out prior to the amendment incorporated by the new constitution 2015.

neither asked to involve themselves actively in the party nor are they provided any position. Likewise, some people joined different political parties, but they could not get any position. The party used to call them when there was a need for a mass rally. Bertha Sunar enrolled as a PLA member from the beginning to the end of the conflict. But now his contribution is ignored by the party (see Case 3). Bertha Sunar, Lov Sunar and Jalpari were Maoist cadres during the armed insurgency; many times, they actively participated in the battlefield. Now they are forgotten by their party. Like Bertha, Lov and Jalpari, there are so many landless Dalits who have contributed to the party but who did not get anything in return. However, during the elections, political parties frequently visited their home and asked for their votes with lots of promises. However, people do not have any expectations from political parties, as political parties are reluctant when it comes to addressing their issues.

Case 3: Party ignored me because I am a squatter

> My Name is Bertha Sunar. I am 45 years old and didn't have my citizenship card because of which I had to miss many golden opportunities in my life. At that time, I knew the importance of the citizenship card. Without doing labour work I cannot be able to fill the stomach even for a day. In order to solve my hand to mouth problem, I am compelled to engage myself in any sort of work. I didn't have citizenship card when I was youth and strength, I could do something better in my life. As a landless person, I feel humiliation and frustrated with the state and political parties. During the Maoist insurgency, the Maoist party motivated me to struggle against the state for our liberation and better life. I, along with my friends and relatives, joined the 'People Liberation Army' (PlA) and fought against the state without caring our lives. But when they formed the government, they forgot us. Because of the need to work as labour, we can't manage time for party's activities, so they neglect us. They never even bother to listens our problems.

The political parties that strongly argued for the case of marginalized Dalits and peasants have left them outside. The major reasons for such expelling of landless Dalits are deprivation of power, time and property. In the context of Nepal, Dalits are merely used as vote banks during elections. The State has presumably argued for mainstreaming the marginalized Dalits. Similarly, each political party in its election manifesto exclusively argues the policy of inclusiveness. However, political parties have ignored such policy in their normal practice. Besides this, nepotism and favouritism have served as important tools for accessing every sector of Nepalese society. Party leaders have also guided by the principle of nepotism and favouritism. In this regard, Dalits who lacks power, prestige and resources to support the party are far from accessing a position within the party. Therefore, political rights such as exercising political power and authority, as Marshall (1950) has argued, are beyond reach for landless Dalits.

As per the Nepali saying, "*jasko shaki usko bhakti*" (might is right), actual vulnerable poor squatters are not getting land whereas fake landless who have money and political links have received land easily. Fal Bahadur Sunar's family was compelled to live their lives as non-citizens for three generations because his father was unable to pay tax to government and he again missed the opportunity to get temporary land entitlement certificate because he refused to pay bribe (refer to case 4). Moreover, as explained by respondents, government agencies that distributed temporary *lalpurza* also know the actual and the fake of that system, but due to the political influence and bribery, they did not hesitate to provide *lalpurza*.

Case 4: Landless because of my father's inability to pay tax

> My name is Fal Bahadur Sunar; I have always experienced the fact that the poor helpless should not speak, else everything goes wrong. Anybody, who gave money got lalpurza without any word but I did make certain comment, that's why I haven't got it till now. If I had paid Rs. 5000 silently, I could have temporary land ownership certificate but still I have not been able to get it. Once landless people's problem-solving commission come to provide identity card and temporary land ownership certificate at that time they collected Rs.5000 from the people. Those who gave they got certificate, but my son expressed his curiosity about whether they provide permanent certificate or not after getting the money. Due to his question, the official refused us and didn't provide certificate. As a sukumbasi, I and my family faced so many hurdles and trouble, but I have been struggling for 40 years, in the hope of getting land. Poor and helpless people should not raise their voice and are weak enough not to fight for their rights. There were only two houses in this place when I came here the first time. When the government had declared to distribute the land in 1973 in Bardiya through resettlement of people, I came to Tarai with hope but I didn't get the land because I was unable to give bribe to the government official. Moreover, my father also couldn't get land for being unable to pay government tax. I have become old but also still living as landless.

Exercise of power is the extreme form of domination which has eventually been conceded due to the given social, economic, political and bureaucratic structure. Such exercise of power is common in the landless community as well. The concept of domination and sub-ordination between non-Dalits and Dalits is particularly being guided by the caste oligarchy. The so-called high caste people serve themselves because they have power and humiliate the Dalits. The given Nepalese social structure worked as a tool in exerting such forms of discrimination. All forms of social, economic and political exercise of power are being governed by high caste people. Such acts rigorously affect the people from the Dalit community. The political and caste based bias has hindered the Dalits in exercising their common rights as guaranteed by the state. Their inability to influence the concerned authority has forced many Dalits to live their lives as landless like Fal Bahadur. To enjoy citizenship rights, as highlighted by Marshall (1959), King and Waldron (1988), and Kymlicka and Norman (1994), people need access to resources through which they can acquire educational, political and social power. After having such power, people can contest the power of those who violated their rights. Therefore, providing rights is itself is not enough; people must have the ability to exercise such rights and keeping them in equal position as argued by the scholars referred to above.

### *3.3 Access and impact of social security[5] and services*

Although, the notion of citizenship rights and welfare state had emerged in western countries, Nepal has been consistently working in the move of considering itself a welfare state through promulgation of several policies and programs supporting poor and vulnerable people. It is also the state's responsibility to provide social justice to the weak, marginalized and poor people (MoFALD 2012). Moreover, Nepal also made a commitment of carrying out and implementing different international treaties and conventions to ensure fundamental human rights for its citizens (NDC 2003). Nepal's acceptance of international laws and conventions committed Nepal to protect

[5] This study only focused on the social security allowances, which are guided by Social Security Program Operational Procedure 2012.

and preserve human rights of people and provide social protection to its citizens. Therefore, the Constitution of Nepal has directed the state to provide social protection to penniless and vulnerable groups. Moreover, donors have been giving active support and encouragement to Nepal's growing interest in social protection (UNICEF 2010).

The history of social security began with pensions paid to retired and old persons in Nepal. There is no written document about when a pension scheme was started in Nepal. However, the universal flat pension to all the elderly above 75 years was announced in Nepal on December 26, 1994. This is a non-contributory benefit of an income maintenance type of social security program where the government provides cash transfers to eligible beneficiaries (NPC 2012:14). To preserve the social security related fundamental rights, the Government of Nepal promulgated the Social Security Program Operational Procedure 2012 *(Samajik Suraksha Karyakram Sanchalan Karyavidhi 2069)* as per the Local Self-Governance Act 1999. In the study area, people are getting senior-citizen allowances and Dalit children allowances. There is no any significant relationship between social security and landlessness, but those receiving benefits must have a citizenship certificate and meet the criteria set by the government.

Those people, who are getting allowances, feel that they are cared for by the state to some extent. Senior citizens replied that they had been recognized by the state to some extent. Especially old-aged people thought that old age allowance is the state's honour and love to them. However, the landless Dalits, who are getting allowances, have a sense of citizenship that is quite a lot stronger than other landless Dalits. According to the respondents, they perceive allowances as love and care from the state. Therefore, allowances help to intensify the feeling of nationalism and state accountability towards people. Conversely, those people who have not received the allowance because of the lack of citizenship certificate feel that they are neglected by the state. According to them, the state does not care for their existence and is not treating them as its own people.

Unlike the case of social security allowances, many programs and governmental projects as well as National/International non-government Organizations (NGOs/INGOs) are concerned about socio-economic development and human rights. Despite having many organizations in the district, landless people are being neglected. The programs and services do not reach them, according the respondents. Unlike I/NGOs in the fiscal year 2012/013, the VDC has launched infrastructure, health, empowerment and poverty alleviation programs. However, there is no special program targeting landless people. Though there is special budget for the Dalit community, landless Dalits could not get benefits from that budget. Frequently, their budget is spent on infrastructure-related development programs by manipulating the rules.

On the one hand, I/NGOs, with missions of working to protect human rights, are not giving priority to landless people; on the other hand, the government organizations give priority to its scheduled program. However, these programs are highly influenced by political parties and exercising power to launch programs where their cadres are living. As we have already discussed, landless Dalits have no political power to influence such programs. In this way, landless Dalits are neglected, ignored and excluded from the government as well and non-government sectors, though all organizations envision their uplifting in their mission statements.

As defined by Zald (1985), old-age Dalits and Dalit children below 5 years have been provided with income facility. But with such negligent income they cannot live with socially approved standards as argued by Witte (1959). Besides this, state is trying to provide some sort of facility such as health and education services as indicated by Therborn (1987) but they lack permanent housing. Moreover, the allowances do not promote happiness, social justice and equality in the life of landless Dalits as the amount is very low, which could not cover all their costs. This contradicts what was found by Standing (2007). Whatever implication and impact social security has, people's access depends on having a citizenship certificate. Therefore, the

certificate can be seen as a device for creating equality and inequality among people, as argued by Glenn (2000).

Besides this, the Government has tried to make positive discrimination to Dalit by providing allowance to old-age people and children less than 5 years of age. But this is not the only means for social justice. First of all, the government must provide land to landless Dalits by following the constitution. Then the government must establish special programs to overcome their poverty for their sustainable livelihood. And it should initiate a special mission to eradicate untouchability. More importantly, if untouchability practice is not eradicated, ensuring rights to Dalit would be meaningless.

## 4. Conclusions

As indicated by the field study, the citizenship certificate is the most important document that plays a key role in exercising civil, political and social rights. Not only this, but also the certificate is vital for receiving services or benefits of any type that is provided by the government. The people who lack the certificate feel a sense of statelessness and blame the State for its inability to fulfil the responsibility to its citizens. However, the most remarkable thing is that despite lacking both the certificate and land, the Dalits still have patriotic feelings. Hence, the certificate has created equality and inequality between the same class of people of the same society, following similar culture and tradition (Glenn 2000).

Insofar as the civil, political and social rights of the landless Dalits are concerned, the constitution has guaranteed their rights, but only in the document. As Marshall (1930) has stated, the landless Dalits have received some civil rights as they are free to speak and write, operate their own business and own the property. But, they are oppressed due to social prejudice and caste disparity. Moreover, they have received only the quasi-political rights because they are mere voters and not the leaders. The political parties have ignored the participation of Dalits and behaved them as 'use and throw' subjects. The ascertaining of social rights of Dalits has become a day-dream due to caste discrimination, poor economic condition and state pessimism. The social security allowances have fulfilled to some extent the role of the state to its citizens, but it has not been able to promote the happiness, social justice and equality through livelihood management as Guy Standing (2007) argues. Due to the violation of rights as argued by the Kymlicka and Norman (1994), landless Dalit are marginalized and unable to fully participate in political community with dignified identity. Therefore, they need special treatment to overcome their problem. The human rights approach as advocated by Isin and Turner (2002) also could not play any significant impact on the life of landless Dalits.

Any regime, be it the autocratic or democratic, has not solved the problems of landless Dalits till today. The state seems to have provided some relief to Dalits through positive discrimination, but this has not been fully implemented due to power and politics. The deep-rooted conservative social ideology and thought that the Dalits should be oppressed, and the recklessness of the State have equally compelled Dalits to live as landless for more than four decades. It seems as if landless Dalits are subjects rather than citizens. Dalits nurture the nation but their lives are full of problems and grief and they are still struggling to get the status of a citizen.

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# Contested citizenship, religious discrimination and the growth of Nubian identity in Northern Uganda

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**Abstract**: Nubians are the people who first lived along the Lower Nile Valley near present Aswan High Dam in Egypt, where they developed one of the oldest and greatest civilizations in Africa. Having had a distinguished career as slave captors and soldiers in the Equatoria Province of the Turko-Egyptian Government, Emin Pasha brought them to Uganda from where they spread to Kenya, Tanganyika, and Somalia while serving as soldiers of the British colonial government. Today, Nubian communities are found in all these countries, but in northern Uganda, their citizenship and legitimacy is highly contested, leading to human right's violation, discrimination, and conflict. This paper discusses the history of the Nubians in northern Uganda with a view to illustrate how contested citizenship and religious discrimination helped to build their ethnic identity and sustain it among people who view them as aliens and relics of European colonialism. I conducted key informants' interviews, used archival records, and reviewed a host of secondary data to conclude that Nubians in northern Uganda face discrimination on the basis of their history and religion but rather than cry foul, they have used these to forge an identity and defend their citizenship.

**Keywords**: Nubians, contested citizenship, legitimacy, identity, discrimination, Uganda.

## 1. Introduction

Little of the contemporary scholarship on identity, citizenship, statelessness, and marginalization has focused on the Nubians of East Africa. Despite having come to what is now northern Uganda as early as 1859 when they built a slave depot at Palaroin, the present Gulu District as reported by Girling (1960), Nubians were only officially recognized as citizens of Uganda in the 1995 Constitution. The 1962, 1966, and 1967 constitutions categorized Nubians as "others", although they had been very active in forming and defending the very governments that promulgated these constitutions.

The Nubians of Uganda and the rest of the Great Lakes region got their name from the Nubians who live in the region known as 'Nubia' in southern Egypt and northern Sudan. They are a non-Arab Muslim population who were originally animists and Christians before becoming Muslims. The shift from animism to Christianity and finally Islam is indicative of the various stages of civilization and foreign rule that Nubian people faced before the modern era.

The etymological origin of the name 'Nubian' has never been settled. Some scholars believe the name originates from a word in the Nubian language meaning 'slaves'. Shiek Khelil, a Nubian and Qadi of the Gulu District, contends that the word developed from 'nab' a Nubian word for 'gold', and that the Nuba Mountains in whose foothills the original Nubians lived abounded with gold. This is in consonance with the views expressed by Ammar (1996) that ancient Egyptians used that term to refer to the Nubian Valley because of the gold mines that were nearby.

The problem of Nubian etymology and general history is compounded by the fact that the Nubians themselves are yet to write their history. The closest we can get to this is the opinion of Umar Kokole, who states that:

> Part of the explanation of the origins or genesis of the term 'Nubi' or 'Ki-Nubi' may have to be traced to the fact that in classical Arabic the word for 'south' is 'Junub' and the 'southerners' of a country or particular region arecalled 'Junubiya' (Kokole 1985: 422).

If we are to go by Umar Kokole's position, then the word 'Nubian' or 'Nubi' simply means 'people from the south', with reference to southern Egypt. This further means the term was coined by ancient Egyptians. Be that as it may, ancient Nubians lived in a region known as 'Nubia', the southern edge of which lay along latitute19º N, on the banks of River Nile.

This paper illustrates the long march of the Nubians from the Lower Nile Valley region of Nubia to East Africa, and analyses how contested citizenship and religious discrimination helped to build their ethnic identity and sustain it among people who view them as aliens and relics of European colonialism. How did the shaky citizenship status of the Nubians - prior to the 1995 Constitution and coupled with religious discrimination - help them forge an ethnic identity and maintain it to this day among the Acholi of northern Uganda, who regard themselves as the autochthonous people of the region?

I used the combination of a historical approach and in-depth interviews to gather the ideas contained in this paper. I conducted in-depth interviews in the Moyo and Nebbi districts among the communities where the Nubians first lived when they entered what became Uganda.

## 2. The Nubian march from Egypt to Uganda

When Mehemet Ali, that ambitious and expansionist military commander of the Ottoman Empire based in Alexandria, rebelled against his Commander in Chief and severed relations with Turkey, he declared Egypt independent and created a dynasty that ruled the country until the British conquest in 1882. To increase revenue, expand the army, and build a strong imperial state that measured up to the strength of Turkey, Mehemet Ali had to increase the number of Egyptian vassals.

He looked south along the Nile and saw abundant gold, ivory, rhino horns, slaves, and, above all, manpower for his army. Not many Arabs in Egypt were willing to venture into the interior of Africa, so Ali had to rely on the Black population of his country to penetrate deeper into the continent. His immediate choice was the Nubian population of Egypt. Being Muslims, the Nubians were more reliable for Mehemet Ali's ambition than the other ethnic groups of the Nile Valley.

Thus, Nubians of Egypt and Sudan became the dominant race in the Egyptian army that raided the Upper Nile region for slaves, ivory, and other valuables. The other groups of people were conscripted as carriers, guides, and soldiers under the command of Nubian officers. These recruits not only joined the Egyptian army against their will, but they were also forcefully converted to Islam. Their service in the Egyptian army can best be described as military slavery. According to Leopold (2006: 182),

> Military slavery was an important aspect of Sudanese slave systems but it was not the only one. There had always been an export trade to the Middle East and elsewhere and, after 1850, slavery in southern Sudan (and later northern Uganda) received a massive boost from the ivory trade based in Khartoum.

Through military slavery, the Egyptian authorities extended their government throughout the Nile Valley, up to the northern edges of the Bunyoro Kingdom in present western Uganda. They called that section of their empire covering what is now northern Uganda and South Sudan, the 'Equatoria Province' of the Egyptian government.

Imperial Egypt acquired ivory, slaves, and soldiers from the communities living in Equatoria Province. Soldiers were required to capture the slaves and guard them. This was how the Egyptian army became a multiversity of Kakwa, Lendu, Acholi, Dinka, Nuer, and other ethnic groups of modern South Sudan, northern Uganda, and parts of the Democratic Republic of Congo.

The successive leaders of Egypt after Mehemet Ali did not wish, however, to continue with

the plunder of the empire, especially the slave trade and slavery. Khedive Ismail, for instance, was Western educated and more friendly to the Western World than the Middle East. He also expected military and financial aid from Britain and France. He had to join the anti-slave trade movement as a condition for closer ties with the Western World. This was how Europeans like Samuel Walker Baker, Charles Gordon, and Emin Pasha became military commanders and governors of the Equatoria Province in the Egyptian Government.

In 1881, a self-proclaimed Mahadi - or expected messiah - emerged in Sudan "to liberate his country from the foreign, exploitative and evil rule of Egypt" (Mounteney 1890: 247). He built a large army of freedom fighters known as Ansars. The Ansars captured Khartoum in late-January 1885, and killed General Gordon, Commander of the Egyptian garrison. With this victory, the Equatoria Province was cut off from Egypt and was isolated. Emin Pasha, the reigning governor of the province was sandwiched between hostile Ansars in the north and Omukama Kabalega of the Bunyoro Kingdom - with whom his predecessor Samuel Baker had fought in the battle of Masindi ten years earlier in the south.

Emin Pasha had a string of garrisons to command. His survival at this point depended on the goodwill of neighboring communities and chiefs. He visited and pledged cooperation with the rulers of the Bunyoro and Buganda Kingdoms. Meanwhile, in the north, the Ansars incessantly called upon him to surrender or face slaughter like they had doneto Gordon. Rather than surrender, Emin Pasha expanded his army by recruiting nearby societies like the Alur, Acholi, Madi, Lughbara, and Kakwa on whom he also depended for food supplies. His defiance compelled the Ansars to attack his base at Difule in what is now the Moyo District of northern Uganda. About this attack, Mounteney (1890: 241) writes that:

> The Battle of Dufile was fought at the fort of Dufile, Uganda on November 28, 1888 between Mahdist forces and a garrison loyal to the Khedive of Egypt. This followed a three-day siege in which the fort was penetrated and members of steamer crews were killed in the harbor. The 1200 garrison troops were led by SelimBey while 1400 Mahdists were led by Umar Sālih. The Mahdists lost between 210 and 250 killed and were repulsed.

Two weeks before the attack on November 17, SalimBey, the commander of Difule, was informed about it. He evacuated European officers, including Emin Pasha, as well as women and children farther south and across the Nile to a village called Arana on the eastern bank of the Nile, in what is now Amuru District.

I gathered from Mr. Jomanywal Patrick, the current Site Attendant of Fort Emin, that after the battle with the Ansars, SalimBey abandoned Dufile because of the stench and general destruction caused. He moved with his Nubian soldiers to join Emin at Arana, to which he had been evacuated before the attack. This site proved difficult due to severe cases of sleeping sickness. The Nubians crossed the Nile again to the western bank, where they built the present Fort Emin. It was at this point that H. M. Stanley met Emin Pasha and 'rescued' him.

Growing public opinion in Britain following the death of General Charles Gordon in 1885 compelled the government to organize a recue for Emin Pasha, who was the next target of the Ansars. Henry Morton Stanley led this rescue mission in 1886. He took the long route from Tanzania to the Congo and through impenetrable Ituri Forest to Wadelai, losing most of his men, animals, and supplies. When Stanley finally found Emin Pasha at Wadelai on April 29, 1889, he was in such bad shape that it was he and his few surviving men that needed rescue by Emin. Others have said that it was Emin who rescued the rescuers from starvation. Emin Pasha did not want to be rescued. He did not want to go anywhere. However, after a year, he reluctantly followed Stanley

to Bagamoyo in Tanzania, as stated by Warom and Okaba (2013).

Left without clear instructions on whose orders to obey, the Nubians developed a strong sense of loyalty to their commander, SalimBey. They also learnt that their survival depended on unity despite their different ethnic backgrounds. This feeling marked the beginning of the rise of Nubian ethnic consciousness. Hence, right from the beginning, being a Nubian in a Ugandan context did not depend on one's origin; rather it depended on religion, language, and loyalty to leadership. This explains why Omar Kokole has opined that being Nubian is not an ethnicity, but a club that one can join and quit. However, today the 1995 Constitution of Uganda recognizes 'Nubi' as one of the ethnic identities of Uganda.

In 1890, Captain F. D. Lugard, acting on behalf of the British East Africa Company, approached SalimBey at Wadelai and impressed upon him to join the Queen's military in Uganda. The entire force of about 10.000, including soldiers, children, and slaves left Fort Emin and followed Lugard to Kampala. Participating in the battle of Kampala was their "baptism by fire" in the British imperial service. The Nubian army later fought and subdued King Kabalega of Bunyoro, extended British rule in various parts of Uganda, and participated in the First World War as members of the King's African Rifle of Great Britain.

The total number of Nubian soldiers who came to Uganda is unknown, but Lwanga (1987: 3) reports that:

> In October 1891 SelimBey crossed the Semliki River into Toro with around two thousand Nubian soldiers and another thirteen thousand followers, women and children. This Nubian contingent was further consolidated in 1894 when another ten thousand men and families under another Nubian commander, Fadhl-el-Maula were ferried into Bunyoro across Lake Albert.

Lugard trusted the Nubians so much that he used them to fight against all rebellious communities in Uganda. He described the Nubians as "the best material for soldiery in Africa" (Zubairi and Doka 1992: 198). This trust, however, began to wane when, in 1897, the Nubians mutinied against the British authorities. This mutiny, coupled with the aging of the original Nubian soldiers, called for their retirement and resettlement somewhere in Uganda.

Archival records and a comprehensive literature review helped to triangulate the views of my respondents in the Moyo and Nebbi districts. The archives used were those of the Gulu District and the Uganda National Archives in Kampala.

## 3. Settlement of Nubians in Northern Uganda

When the First World War ended, a large number of Nubian soldiers had to retire and be rehabilitated into civilian life. The momentous task before their British bosses was where to take them after retirement. At one stage, it was suggested that the whole of the Nubian population should move to northern Uganda and live among the Acholi, but a delegation of Nubians objected and demanded that only a fraction should settle in the Gulu District, while the majority should remain in Bombo (Hansen 1991).

The choice for Gulu or northern Uganda to resettle the Nubians was not ahistorical. Nubians comprised recruits from northern Uganda's ethnic groups including the Acholi, Alur, Jonam, Kakwa, Lughbara, and Madi. The British reasoned, and rightly so, that they would be more comfortable in northern Uganda than among the Bantu communities of southern Uganda. Besides, Nubians had - prior to their alliance with Captain Lugard - manned various forts in northern Uganda, including Palaro, Patiko, Difule, and Wadelai.

The opening of the Gulu and Kitgum towns in 1910 and 1911 respectively was accomplished

with the help of Nubian soldiers under the command of one or two British officers Ocitti (1966) writes. And when the Lamogi rebellion against the British broke out in 1912, Nubians were the most preferred officers to crush it. "In Uganda" states Lwanga (1987: 9),

> Nubians were ranked first in the order of preference for soldiery work because they were an entirely alien mercenary element who did not have any sentimental attachment to Uganda and would be trusted to be bestial without any reserve or compaction. They were also Muslims which ensured that they remained safe from the virus of westernization, a virus which was cultured through the agency of Christianity.

Four years after the Lamogi rebellion, the Paimol rose up to oppose the British. Again, the Nubians were handy to defeat this revolt. After this, Acholiland was peaceful and the Nubians were resettled, states Ocitti (1966).

The first contingent of Nubian families to resettle in Acholiland was taken to Patiko near Fort Baker. At this time, the Acholi still had fresh memories of the conduct of the Nubian forces which they called the Jadiya. Their notoriety for capturing slaves, raping women, and raiding animals and foodstuffs had not yet left the minds of the Acholi. In brief, the Acholi became outrightly hostile to the resettled Nubians. Matters were worsened by the fact that Nubians - who were predominantly Muslim - were resettled in a region that is predominantly Christian.

Faced with hostility and little support from the British in terms of food, clothing, and medicine, the Nubians requested to live near an urban center. They were not used to rural life and the farming activities that the British expected them to perform. Hence, by 1928, the entire Nubian population at Patiko had relocated to Bungatira and Keyi villages near Gulu Town. More populations of Nubians arrived from Bombo, where the majority lived, and others from Kenya where they had participated in the war against the Mau-Mau insurgents.

At the time of independence in 1962, all the quarters in Gulu were dominated by Europeans, Asians, Goans, and Nubians. The Europeans lived in the Senior Quarters of Gulu Town, the Goans in the Goans' Quarter, and the rest of the Asians lived in the business center of the town where they exclusively owned the shops. The outlying residential places of Gulu Town like Ariyaga, Kabedopong, Layibi, Bardege, Pecce, and Highland were inhabited by Nubians. In time, some of the Nubians inter-married with the Acholi and went to live with their spouses in rural Acholiland.

Prominent Nubians lived in Atanga, Awach, Anaka, Pajule, Padibe, Lokung, and Pabo among the Acholi by 1962. For instance, the current Qadi of northern Uganda, Sheik Musa Kelil, revealed to me that he grew up in Lokung in present-day Lamwo District. Nubians were active in civic activities, including business, politics, and farming. Several outstanding Uganda People's Congress (UPC) leaders were Nubians. This is contrary to the popular opinion among Ugandans that Nubians were only fit for military roles. They did dominate the military in certain epochs of our history, but were equally successful in other domains.

## 4. Religious discrimination in Northern Uganda

Mwesigwa (2009) has argued that religion in Uganda has continued to be a source of polarization in the social, economic, and political life of the nation. The Christian or traditionalist Acholi people of the Gulu and Kitgum districts could not mix freely with the Muslim Nubians. The two communities differed culturally and historically, but what really distinguished the Nubians was their Islamic religion, which separated them from the surrounding communities of northern Uganda, a majority of whom are Christians and Traditionalists (Hansen 1991).

The Acholi people developed islamophobia, first, because the people who captured and sold their children into slavery were Muslims, and second, because of the atrocious conduct of Idi

Amin's government soldiers from 1971 to 1979. The greatest opposition to Idi Amin came from the Acholi who dominated the government of Dr. Milton Obote, whom Amin deposed in 1971. Acholi soldiers were singled out, rounded up, and summarily executed in Mutukula, Tororo, Moroto, and Lokung. The Lukung massacre victims were former soldiers and civilians who had attempted to join Obote in exile via the Republic of Sudan.

After his ouster, Obote had organized a camp at Owinyki-bul among the Acholi of Sudan to receive his supporters from Uganda, train them, and then use them to force his way back. People were clandestinely recruited from Lango and Acholiland to go to Owinyki-bul, but on their way they were intercepted by Anyanya II rebel fighters and handed over to Amin's soldiers. All were killed at Corner Ogwech P. 7 school. These executions were political and had nothing to do with the Christian and Muslim divide, but this has never been properly explained to ordinary Acholi people.

Unlike other religions that are hard to detect, Islam is a lifestyle and a Muslim is easily identifiable from their conduct, including dress, language, and frequent daily prayers. The Acholi noticed that all the resettled Nubians were Muslims. As has been noted,

> The consciousness of their religious belonging has been the core of Nubian identity and has guided their attitude to other groups in Uganda. Their special brand of Islam has separated them from other people and has confirmed their position as a religious minority vis-a-vis the other religious groupings in Uganda (Holger 1991:559)

To ordinary Acholi, there is no difference between a Muslim and a Nubian. In fact, all Muslim converts in northern Uganda are called Nubians even though there is a clear distinction between a Muslim and a Nubian. And, until recently, when the HIV/Aids scourge caused an appeal for male circumcision, all circumcised people among the Acholi were regarded as Muslims.

During the 1979 liberation war, many Nubians lost life and property simply for being what they are. The war led to the ouster of Idi Amin in April 1979 and was carried out by a combined force of the Tanzanian People's Defense Force and a contingent of Ugandan exiles. Both the Tanzanians and Ugandan freedom fighters mistook all Nubians to be supporters of Idi Amin; hence the vicious attacks on them. This occurred not only in northern Uganda but throughout the country. Nubians formed the core of Amin's soldiers, so the fall of the dictator was interpreted by locals as the time to get their revenge on the Nubians for whatever crimes his soldiers and military operatives had committed during his regime.

Many roadblocks were mounted on major roads in Acholiland during and immediately after the liberation war. They were meant to screen out Amin's soldiers, but it soon turned out that they were targeting all Muslims, and above all, Nubians. Men were undressed and physically checked to find out if they were circumcised. Anybody found circumcised was first asked to speak in Lumasaba, the language of the Bagisu people of Uganda. If they failed to speak the language, they were robbed of property or killed. Those who spoke Lumasaba were spared because circumcision is a cultural practice among the Bagisu - the only ethnic group in Uganda that do it.

People of light skinned complexion were also separated from the rest in those roadblocks, and further interrogated. The majority of Acholi are dark skinned, so all light skinned people were assumed to be Nubians. They were asked to sing a song in Luo, the language of the Acholi, to prove their ethnicity. Others were subjected to simple Luo idioms and riddles whose answers all Acholi people were expected to know. But such riddles are only mastered by rural people; children born and raised in urban centers are always uninformed about them. So, in those roadblocks, urban Acholi also became victims of cruelty by the very people who claimed to have liberated Ugandans.

Discrimination also took place in the formal education systems in Uganda. The

establishment of formal education in Uganda was linked to denominational identity, a factor that continues to significantly affect the administration of educational institutions and the development of the religious education (RE) curriculum (Mwesigwa 2009). Unfortunately, the denominations were religious. In Acholiland, there were Catholic Schools as well as Protestant Schools. In the opinion of Mwesigwa (2009: 56):

> The primary aim of missionary education was not the promotion of a secular curriculum but the conversion of, as many people, as possible, and, provision for spiritual growth through the triune mode of instruction, conversion and formation of character. Muslim parents on their part, sent their children to Quranic schools where they were exclusively exposed to Islamic religious faith and practice.

The Quranic schools, however, did not exist in Acholiland until the time of Idi Amin. In the period prior to the ascension to power of Idi Amin, Nubian children had serious difficulties in joining and completing their studies in the Christian-founded schools. First, interviews for Primary One entry were conducted in Luo, so Nubian children ought to have mastered the language in order to gain admission. Luo was also the language of instruction up to Primary Five (Gulu District Archive, Box 527/ MUN2/Education Committee). Again, this disadvantaged the Nubian children.

However, the main problem was that school children were expected to pray every morning, evening, and on Sundays. The prayers were conducted in the Catholic or Protestant fashion. Ardent Muslims feared sending their children to such schools, lest they be converted to Christianity. In Uganda, the Protestant Church is called 'Church of Uganda'. The Protestant founded schools were clearly labeled 'Church of Uganda School'. The signpost alone was enough to scare away Nubian children who knew they were not Protestants.

What many Ugandans called the liberation war of 1979 was a war of oppression and subjugation to the Nubians of northern Uganda. The entire Nubian population fled Acholiland and all mosques in the land were closed in 1979. The few Muslims who could not flee in time were murdered in most cruel manners. The mosques naturally closed down because there were no people to pray in them. It was a great risk to conduct any sort of Muslim prayer anywhere in Acholi in1979. Even the Acholi people who had become Muslim in the earlier period were subjected to torture, and renounced Islam due to the fear of losing their life and or property.

All property belonging to Nubians was either destroyed or confiscated by the victorious Uganda National Liberation Army (UNLA) soldiers or civilians. The property lost included land, houses, vehicles, and animals. Before the fall of Idi Amin, land around Gulu Town in such places like Layibi, Kabedoopong, Agwee, Eriyaga, etc. belonged to Nubians. Today, those plots are now owned by the Acholi, many of whom found the land vacant in 1979. On February 18, 1982, a Muslim delegation - led by His eminence the Chief Khadi of Uganda, Shiekh Kassim Mulumba visited Gulu and made a formal complaint to Peter Phillip Teko, the District Commissioner, about the property of Muslims which had been seized in 1979 (Gulu District Archive, Box 531/C.MSN.5/Muslim Community).

Such property has never been returned to the Nubians, except the mosques. Questions about why the government of Uganda returned the property of Asians that was confiscated in 1972 following their expulsion, but that that of the Nubians who fled or were murdered has not been returned have been asked. Both the Nubians and Asians were invited to Uganda by the British and many people feel that they should have been treated equally. As of now, the Asians who first came to Uganda to work on the Uganda railway project have received their property, while the Nubians have not repossessed their land, houses, or workshops, etc. confiscated in 1979.

## 5. Contested citizenship in Northern Uganda

The laws regulating citizenship and nationality have become increasingly restrictive in a number of countries in the last couple of decades, particularly with regard to minority and/or immigrant identity groups (Bøås, 2009). Nubians are among the minority groups in Uganda. They also double as people of immigrant identity. Indeed, for a long time the Nubians were known in Uganda as Sudanese. There were Sudanese refugees in refugee camps like Acholpii. The majority of Acholi people felt that the Nubians should have been placed in the Acholipii Refugee Camp with the hope of returning them to their home country, Sudan, in future. Incidentally, even the Nubians themselves toyed with the idea of returning to Sudan. As has been reported:

> Considering a move back to Sudan, in 1944, a group of Uganda Nubians went to Juba, as a reconnaissance team. They found they were strangers even in Sudan! At this point, the Nubians considered themselves strangers everywhere. The stranger is someone who comes today and stays tomorrow… He is an element of the group itself but he remains emotionally detached. He comes incidentally into contact with every single element but is not bound up organically, through established ties of kinship, loyalty, or occupation with any single one. As of now, this is the position of Nubians in Northern Uganda (Amone 2013:5).

The Nubians were, for a long time, emotionally detached from the Acholi among whom they live in northern Uganda. The differences are not just religious and linguistic, but also cultural and historical. The history of the Acholi is completely different from that of the Nubians.

Nothing defines one's nationality in Uganda more than the 'tribe'. There are 56 recognized 'tribes' or ethnic groups in Uganda, as provided in the 1995 Constitution. Nubians were, for a long time, de-facto stateless people - not only in the Gulu District but throughout Uganda- because they do not belong to any of the indigenous 'tribes' of the country. To an ordinary Ugandan, the Nubian community cannot be taken to be a 'tribe' or ethnic identity. This is because a Nubian is simply identified with their religion, which is Islam, and language, Kinubi. Kinubi is a kind of pidgin Arabic. Anybody who is a Muslim and speaks Kinubi can pass for a Nubian (Kokole, 1985).

The nationalist feeling in northern Uganda concerning citizenship is that if one is not an Acholi, Madi, Langi, Alur or any of the autochthonous communities of the region, then one is not a Ugandan. The 1995 Constitution mentions 'Nubi' as the 51$^{st}$ ethnic group of Uganda. But the same constitution also provides that the Banyarwanda are the 20$^{th}$ ethnic group. The numbering is not based on anything other than alphabetical order. Hence, constitutionally, and - one may add, legally - the Nubians are Ugandans but, in Uganda, matters of constitution are for the educated. Ordinary Ugandans have not heard about the constitution, leave alone having seen or read it. Worse still, the constitution has not been translated into the traditional languages, meaning that only the highly educated can read it. This is why Nubian citizenship is still contested in rural areas.

Another historical mistake concerning citizenship to which the Nubians became victim was that the British colonial authorities essentially tied each individual to a specific, territorially-bounded polity. "After independence" writes (Bøås, 2009), "citizenship laws increased in importance, as the new African states had to permanently define who legitimately lived within the borders of their territory and who did not". The other ethnic communities of northern Uganda did not only boast of indigeneity, but also a territory. Nubians have no territory. Even Bombo, where the majority of Nubians live, is not taken as their land; it belongs to the Baganda. When they were sent to Patiko, the British should have mapped the place and named it Nubian land to match with Acholiland, Madiland, etc.

A lack of territory, coupled with their failure to speak an indigenous Ugandan language, has

denied the Nubians the support and cooperation of other communities of northern Uganda. An anthropologist would say that the Nubians have suffered social exclusion.

> Broadly defined, social exclusion refers to the societal and institutional processes that exclude certain groups from full participation in the social, economic, cultural and political life of societies. The concept goes beyond the focus on income deprivation as a cause for marginalization of individuals or social groups (Deepa 1999: 4).

"Social exclusion", says Deepa (1999: 2), "has quickly become an umbrella concept to highlight the role of social factors and institutional processes that lead to exclusion and deprivation". Especially after 1979, the Nubians have been excluded from many activities: cultural, political, and economic. Currently, they are not in leadership at the district and sub-county levels anywhere in the districts that comprise Acholiland.

As a result of discrimination, Nubians have been called names that are derogatory. In the 1970s, they were referred to as 'the One-Elevens'. This was because many of them had three vertical lines scarred on their cheeks (Leopold 2006). Most of Amin's soldiers had these marks. Many Sudanese ethnic groups bear these marks up to today. It is an open secret that Idi Amin recruited most of his soldiers from among the communities of present South Sudan, especially among the Kakwa, Kuku, Lughbara, and Madi.

The three marks on their face reminded the Acholi and other ethnic identities of northern Uganda of the atrocious conduct of Nubian slave raiders who defaced their captives, in order to make it hard for them to escape and return to live happily among their kith and kin. This point has been corroborated as follows:

> These scarifications were said to have originated with marks made by nineteenth-century Sudanese slave soldiers to identify their captives. At various times, and for different reasons, the 'One-Eleven' markings had been adopted by members of local West Nile 'tribes' such as the Lugbara, the Madi and the Kakwa, for whom over the course of the twentieth century 'Nubi' identity provided an elective, strategic, alternative 'ethnicity' (Leopold 2006: 181).

Anybody with the one-eleven mark became excluded, an outcast in northern Uganda after 1979. This explains why the children of Nubians, as well as Kakwa and Madi born after 1979, no longer bear those marks. The practice has been phased out, due to discrimination and affront against those who have followed it.

However, their lack of acceptance in society has emboldened the Nubian community's resolve to use other institutions of government to address their problems (Mwesigwa, 2009). The Nubians have undertaken suing Ugandans in the courts of law. In one case, a Nubian was accused of murder during Amin's era and, as per Acholi customs, he had to compensate the parents of the deceased. But rather than settle the matter traditionally, the Nubian sought legal intervention and won the case (Gulu District Archives, Box 538/SINT/6/Internal Security).

Discrimination against Nubians after 1979 was extended to all the peoples of West Nile origins. From time immemorial, farmers from the western side of River Nile had been allowed to farm on the eastern banks. It is common knowledge among the Alur, Jonam, and Madi people that the western banks of the Nile are infertile and unsuitable for farming. Legend also has it that the Alur and Jonam people lived with the Acholi people on the eastern banks of the Nile before the famous separation at Pubungu took place, following a clash between Gipiir, the father of Jonam and Alur, and Labongo, the father of the Acholi people. Gipiir and Labongo were children of

Olum, the legendary Lwo giant who brought the Lwo from Barelghazel to what is now Uganda.

Hence, the Acholi regarded the Jonam and Alur as their brothers and sisters. Their relations took a turn for the worse after Nubians settled among the Acholi. Scores of Jonam farmers were chased from the Acholi banks of the Nile and their crops destroyed. A letter from A. S. P. Ofungi, the District Special Branch Officer, West Nile dated 6/2/1964, to the Uganda's Inspector General of Police warned about an impending clash between the Jonam and the Acholi if the latter continued to farm on Acholiland (Gulu District Archives, Box 533/RC/6/Acholi-East Madi Elephant Sanctuary and Acholi Game Committee).

This lukewarm relationship is, however, improving. When I visited Fort Emin on Saturday November 12, 2016, I saw many canoes carrying Jonam farmers returning from their gardens on the eastern banks of the Nile. My informants in Gulu also confirmed that relations between the Acholi and the Nubians are beginning to improve. This is attributable to the deliberate steps made by the current government of Uganda to advocate unity and patriotism among citizens, as well as listing the 'Nubi' as one of the indigenous peoples of Uganda in the 1995 Constitution.

Although Nubians are recognized constitutionally as citizens of Uganda, doubts still linger in the minds of the rest of ordinary Ugandans about their status. Matters are not helped by the fact that the Nubian identity, as illustrated here, is constructed and not natural. The 'Nubi' identity is constructed by history, religion, and obedience. This makes the Nubian identity unique, and renders their citizenship a contested matter compared to other Ugandans, whose citizenship is associated with a specific geographic territory, and which challenges the Nubians to show their original homeland.

## 6. Growth of Nubian identity in Northern Uganda

Nubian pride and self-consciousness greatly improved during the period from 1971 and 1979 when one of their own, General Idi Amin, was president. This was also the epitome of the evolution of the Nubian identity in Uganda. Nubian officers in the Ugandan Army helped Amin to execute his coup in 1971. For this:

> Amin remained indebted to the Nubians and Muslims throughout his life. As he became older and acquired power he considered himself first and foremost a Nubian, second a Muslim, thirdly a West Niler and fourthly a Ugandan. Consequently, the closest people around him came in this order which was later repeated in his choice of senior operatives and agents (Amone 2013:4).

So, although from colonial times Muslims and Nubians have complained of being discriminated against by the Christians with the denial of key political positions, educational opportunities, and economic benefits, during the nine years of Idi Amin's regime, the reverse happened.

When the Nubians returned to Gulu in 1986 at the behest of the National Resistance Movement government of Yoweri Museveni, they still received hostility. The returned Nubians assembled at Pecce War Memorial Stadium but were attacked by the then Uganda People's Democratic Army, a rebel movement fighting against the government of Museveni. This rebel army was dominated by the Acholi, who felt that the Nubians had allied with the government against their interest.

From their side, the Nubians never expected hostility following the alliance which General Tito Okello had made with former Amin's soldiers at the White Rhino Hotel in Numule just before his coup in 1985. My informant stated that Nubian forces were instrumental in the ouster of Dr. Obote in 1985, because they were officially invited by General Tito to join them and remove the hated UPC government. Indeed, former Amin's soldiers guarded Kampala alongside the UNLA

before its fall to the National Resistance Army of Yoweri Museveni in January 1986.

Following the attack at Pecce stadium and the gruesome murder of one of their leaders, Mr. Ali Mamaru, the Nubians refused to resettle anywhere in Acholiland. Their argument was that, if they were hated and could be killed in Gulu Town under the watch of government soldiers, what would happen in the rural environs of Gulu District or anywhere in Acholiland where rebels marauded? With this setback, an alternative settlement was sought for the returned Nubians. The government established two camps across the Nile among the Banyoro for them. These camps are Kirasa and Masindi Port, where the Nubians still live up until today. The Nubians have, thus, been unable to claim back the land they lost in 1979.

Ethnicity evolves out of a shared memory of a unified-difficult past and common history (Atkinson, 1989). No other ethnicity in Uganda better fits this expression than that of the Nubians. Whereas other Ugandan ethnicities emerged out of a common ancestry or a homeland, the Nubians have nothing to do with those. Right from the beginning, it was a multifarious body of people assembled from most, if not all, the major ethnic groups of present-day Sudan, South Sudan, and northern Uganda. Their only known leaders were the military commanders SalimBey and Fadhl-el-Maula.

Nubians remember those two leaders, not as great ancestors, but as skillful commanders who mentored and led them through difficult times until the British took over their welfare and control in 1891. The most difficult moment in the memory of the Nubians is the period 1881 to 1890, when they were cut off from Egypt. No supplies came from the Khedive regime, yet they were surrounded by enemies. The military ingenuity and diplomatic tact of Emin Pasha, SalimBey, and Fadhl-el-Maulawas what enabled them to sail through this period.

But the Nubians took advantage of their frightening memories and difficult past to forge an identity that has stood the taste of time. Pursuing a frugal and simple lifestyle devoid of alcohol and leisure, the Nubians became entrepreneurs and owned property in almost all the towns of Uganda. To Kasfir (1979: 381),

> Although the Nubians were a marginal group, they possessed some important economic advantages during the colonial period, as well as a special status that created social solidarity and made them attractive to some outsiders. They formed a trading network which, on a very small scale, connected different Nubian settlements in the towns of Uganda.

At different times in their history, every Nubian family had a member in the armed forces or the business community. They were denied land; hence, farming on large scale was out of question. Where the Nubians could not own large businesses, they were dominant in taxi business, shop ownership, and in the butcheries across the country.

When they finally settled in northern Uganda, Nubians were faced with many questions they could not answer. In Uganda, ethnicity is manifested primarily in an ethnic group's attachment to land, culture, and religious rites (Karekona 2015). Although the Nubians had religious rites which never differed from those of Muslims, they lack an ancestral land and a defined culture. This greatly affected their recognition and participation in the political leadership of the districts in Acholi where they settled. The limitation of the expression of ethnicity in district council politics, as Karekona (2015) has said, implies that ethnic minorities are not able to assert their land, cultural, and religious rights at local levels. The Nubians remained isolated and detached from the bulk of the population of northern Uganda.

One of the rights that the Nubians lacked in northern Uganda, like elsewhere in East Africa,

was land ownership and control. There is a direct link between contested citizenship and land rights. Land is a special substance; it is not increasable, is non-renewable, and is central to both material livelihood and the politics of belonging. It must, therefore, also be protected at all costs, as stated by Boas (2009). The Acholi, Langi, Madi etc. communities did not want the Nubians to claim an inch of their land, and their British masters did very little to secure land for their best military allies, the Nubians.

Hence, for most of their life in northern Uganda, the Nubians were not certain of their future. Even now, when the constitution of Uganda guarantees their citizenship, land rights in northern Uganda are still a tall order for them. This explains why, since 1986, they have remained in the temporary settlement at Kirasa and Masindi Port, as was already mentioned. Nubians feel betrayed by both the colonial and subsequent post-colonial governments of Uganda. But, among them, there is a high degree of cohesion. And, being a group that is adaptable to circumstances, they have been able to sail through all turbulent waters with a very exciting history:

> Formed into an ethnic category by a distinctive life of banditry and military operations far different from the culture of their home villages, the first Nubians followed a pattern of establishing new social identities that is morphologically identical to contemporary explanations of urban ethnicity (Amone 2013:7).

Up until now, membership of the Nubian identity has been open to anyone willing to abide by the strict codes of dressing, remaining a teetotaler, learning Kinubi, and becoming a Muslim. There is no discrimination among the Nubians on the basis of when they joined the group. Their strictness about their codes of conduct and lifestyle has, however, continued to haunt them in terms of discrimination by the other ethnic identities among whom they live.

Membership to the Nubian identity is as open and easy as that of their umbrella organization, the Uganda Nubian Consultative Forum, which originally was 'The Nubian Forum'. The change in name was to differentiate it from sister organizations in other countries like Kenya. This forum is a symbol of Nubian existence, unity, and identity. It has branches in all towns and regions of Uganda where Nubians are found. Aware of their marginalization and discrimination, Nubians formed this association to defend its members against human right's violations and the promotion of their culture throughout Uganda.

## 7. Conclusion

The British settled Nubians in Patiko in the Gulu District, aware of their history. They hoped that it would be easier for the Nubians to live among the Acholi or, at least, the Nilotics, because their original members were from the Nilotic ethnicities of Sudan and northern Uganda. With time, this became a triumph of hope over experience!

Although the 1995 Constitution of Uganda guarantees five fundamental rights, including freedom from discrimination, respect for human dignity, protection from inhuman treatment, and protection of freedom of conscience and religion, the Nubians have faced discrimination for most of the period of their life in northern Uganda. Their propensity to lead an urban lifestyle is dictated by a lack of land for sustained agriculture in rural areas, as well as the sense of insecurity they face, given the attitudes of other ethnic groups which surround them.

The Nubians have, however, survived against all odds and have forged an identity that is marveled at by many scholars (Mazrui 1976; Moyse-Bartlett 1935). Hence, the unique history that makes Nubians victims of discrimination and contested citizenship is also what makes Nubian identity very strong and resilient in the face of persecution. As has been said, "all societies are built from social groups rather than individuals, and these groups determine attitudes, beliefs,

identities and values, as well as access to resources and opportunities" (Deepa 1999: 2). In this article, I have attempted to determine how the Nubian identity evolved in northern Uganda, the challenges they faced, and how these challenges helped to build an ethnic identity with values, beliefs, attitudes and, above all, a history that differentiates them from other ethnic identities of the region.

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# Secularity as a tool for religious indoctrination and identity formation: a case of semi-urban community in Nepal

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**Abstract:** This article presents the complexity of a secularization process that goes on in a state where Hinduism is culturally embedded and dominant. The term 'secular' is meant to indicate the state's 'dis-involvemet' in religious issues. However, Nepal faces a complex and ambivalent process of secularization. On the one hand, the state itself has encouraged diverse cultural communities to bring religious schools into practice. On the other, people of diverse communities are increasingly motivated to seek their identities via religious practices. Amid this confrontation, this ethnographic study, conducted in a single territory with diverse religious communities, organizations and schools, challenges the very dis-involvement of the state, community and individual in religious matters. In the process of practicing religious rights and constructing religious identities, religious communities have come into a competition for public support and resources. This competition not only divides the communities into indigenous versus non-indigenous forms but also compels the indigenous religions to go into redefinition and revival in order to resist the non-indigenous religions.

**Keywords:** Secularity, religious indoctrination, religious identity, Nepal.

## 1. Introduction

From pre-historic time Hinduism has been the dominant religion in Nepal. Hindu texts suggest that a state is impossible without a king, and therefore Hinduism not only became royal religion but also got protection from the state and thus achieved a dominant position. Under the dominance of Hinduism as the state religion, practicing non-indigenous religion was almost impossible because practicing non-traditional religion was considered religious conversion and was later banned. In 1990, as Nepal went into political change from Royal totalitarianism to constitutional monarchy and parliamentary democracy, the state adopted religious pluralism, i.e. allowed freedom to practice all religions. Such plurality was declared in the constitution as "every religion has right to maintain its independent existence and for this purpose to manage and protect its religious places and trust". With another political change in April 2006, Nepal was declared a republic and secular state in 2008 (in Interim Constitution), and the same spirit flourished in the Constitution of Nepal 2015 where "the state is secular" has been written in the preamble. This brief but comprehensive description made in this paragraph indicates that religious policy in Nepal amalgamates with politics.

Since 1990, religious communities have been establishing religious organizational institutions, social spaces, schools, etc. in their own effort and with government funding. Moreover, since 2004, the government has funded the cost of running religious schools and introduced government courses to such schools. The Government has allocated millions of rupees to construct and repair Gumbas, Madarasas and travelling costs for Hajj every year. Rituals with Hindu and Buddhist motives continue to be financed as state affairs, and the president of secular Nepal seems to have adopted the king's ritual role in Hindu festivals. Likewise, political leaders have participated in religious celebrations and festivals such as Muslim, Christian and so on. Similarly, religious festivals of ethnic minorities have been addressed with public holidays. It suggests that the Hindu-dominant state has paradoxically contended both open-minded and close-minded status in regard to religious matters. Secularization in Nepal has been described by external scholars e.g. Chiara Letizia (2017: 110), as "It was not a move to banish religion from public life, but rather a call for non-Hindus to be treated equally with Hindus".

To look further into those complexities and based on an ethnographic approach, this study provides a close look at the micro-process of major religion-cultural shifts brought by secular policy in particular territories (society) in terms of perception, motivation and practice of diverse religious communities, and argues that secularity is used as a tool for religious indoctrination. The study also responds with a local lens to national and international lenses by presenting a life of practice of religious rights and equality in communities. A model of secularization proposed by Karel Dobbelaere (2004) has been used for analysing the ethnographic information collected in religious communities. Dobbelaere (2004) claims that the impact of religion is being reduced at three levels: first, societal secularization i.e. the functional differentiation of the economy, the family and politics from religion; second, organizational secularization i.e. secularization or religious hospitals, religious schools and third, individual secularization: decline of religious practice, decline of religious beliefs and non-acceptance of religious morals.

The secularization process of Nepal is quite complex. It stands in contrast to Dobbelaere's model. Instead of functional differentiation, concentrating on political representation, religious preservation and reproduction through religious organizations, hospitals and schools, has been practised. Diverse communities are motivated to practise religious rights and constructing religious identity. In the process of expanding religious faiths, religious communities have ferocious competition in accumulating public resources, and presenting self as superior. Secularization, thus, interfaces tensions and conflicts among indigenous dominant and non-indigenous minority religions. The classical conception of secularization that "state's relation to religion is dis-involvement" is no longer effectual in Eastern Hindu country of the 21st century, and moreover seems complex and contradictory too. Therefore, understanding the very secularization processes of Nepal demands multiple views.

## 2. Contesting views of secularization

The very concept of secularization, developed as a by-product of modernization in Christian Europe (Oviedo 2007: 478), has produced different views across time and space. Therefore, to present the unintelligible and complex phenomenon of secularity, a brief discussion is needed.

### *2.1 Secularism a modernity view: separation of religion and state*

The concept of secularism emerged with modernity in Europe. As science began to demystify the mysteries of the universe, the belief in God withered gradually. Meanwhile, the power of religion (church) over state, community and individual has diminished in every generation (Swatos & Christiano 1999: 212). Moreover, with modernity, religious reproduction through habit formation and indoctrination has been declining (Chaves 1994: 751, 754). Every child of a new generation gets less opportunity than the older in participating in religious ceremonies and activities. Meanwhile, children are taught modern secular subjects rather than religious doctrines because parents and state give less priority to religious education and religiosity. Karel Dobbelaere (2004) claims that the influence of religion in society (state policy), organizational and individual levels is diminishing. As an impact of religion diminishes, a state becomes secular in the level of giving individuals religious liberty. Religious liberty is that individuals are free not only to criticize the religion into which they are born, but at the very extreme, to reject it and further, given ideal conditions of deliberation, to freely embrace another religion or to remain without one (Bhargava 2006: 35). He presents the example of Indian constitution for religious liberty and right to its citizen: "no person is compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination" (Article 27), and "no person attending any educational institution…. shall be required to take part in any religious instruction or to attend any religious worship that

may be conducted in such institution" (Article 28 (3)). Thus, this discussion suggests that states and societies have, on the one hand, not given higher value to religion so as to indoctrinate or impose over individuals, and on the other, have regarded religion as an absolutely personnel affair and up to an individual whether to practice or not.

*2.2 Secularism a political view: state neutrality*

As people migrate, their rituals, beliefs and religions disperse too. Beside migration, religion is expanded along with missionary religious conversion in the state. Sometimes, tribal and indigenous communities too rise up with their religious faiths, practices, rituals, rights and identities. Hence, regardless of the number of followers, more than one religious group is found in a state. Hence, the trend of development of religion in a society is shifting from single-religious to multi-religious. This trend has been highlighted by Rajeev Bhargava (2006: 25) as: "[…] secularism in the single-religion societies of the west is beginning to be challenged not only from religious believers within, but also from recently emigrated believers of other religions. This new multi-religiosity is threatening to throw western secularism into turmoil". For him (2006: 25), a separation type of secularism in a multi-religious society, acceptable to the dominant religious majority, is not automatically endorsed by religious minorities. Secularism, for individuals is their conceived liberty and equality, and state policy on neutrality in religion. A neutral state is not anti-religious but it makes the provision that "no one is compelled to pay tax for religious purposes or to receive religious instruction, and no automatic grants to religious institutions are available" (2006: 33-34). Hence, secularity is, in another form, a process of establishment of religion. Thus, a conception of secularity as 'state neutrality' is contradictory to ideas of 'separation'.

Bhargava (2006) stressed that secularity in a multi-religious nation rests on religious liberty, rights and equality of the people where individual practices are affiliated with a religious community. A secular state thus adopts the policy of equal-distance to diverse communities in intervention or abstention or combining both. Therefore, a secular state must not only distribute resources to all religious communities equally, but the communities must also realize this; otherwise, religion becomes a weapon in political conflicts wherever people start using religious rhetoric in political arguments and other differences of opinion (e.g. Casanova 2010: 8). This implies that in the context of Nepal that was briefly presented in the opening paragraph, secularization is always associated to political movements. On the one hand, religion provides cultural resources to political actors and they use the power of religious rhetoric and religious symbols; on the other, politics (government or state) is responsible for creating a religiously tolerant situation in pluralistic communities so that individual rights and liberties, religious diversity, societal integration and independence of institutional domains are achieved (Schuh 2012: 358).

This discussion suggests that the state or politics both encourages and at the same time hinders religious communities of a multi-religious society in realizing equality. Since, a state adopts a policy of neutrality to dispirit the ethno-religious antagonism and conflict.

*2.3 Secularism a sociological view: rebirth and revival of religion*

Religious markets and competition are the sources of revival and birth of religions (Introvigne & Stark 2005). As religious organizations begin to compete for public support, the participation in organized faiths rise up, and religious beliefs become more clearly defined and widely held. This phenomenon creates inter-religious debate, criticism, antagonism and conflict to some extent. At the same time, religious communities tend to correct their malpractices for the defending. Stark & Brainbridge (1985: 19) claimed that any religious community revolting against the common belief and practice of their religion, try to redefine and make innovation in practice. This process brings

either the emergence of a new religion or a sect or the revival of an old one. However, such redefinition and rebirth of religion can take place only within the framework of a general recognition of basic rights of the actors themselves whereas a process of interreligious and intercultural consensus building through the recognition of basic political values is a must. This view sees secularism in two waves: first, secularism as religious liberty, rights and equality; second, formation of religious organizations (cults). However, a degree of inter-religious harmony or antagonism in religious practices depends on the awareness of politicians and the public.

An important aspect of religious organization is religious identity. Religious identity refers specifically to religious group membership whereas religiousness and religiosity refers to religious activity or participation. However, the value of religious identity is correlated to the religiosity of a person. Religious identity is understood better with three dimensions (Kuznecoviene 2004): a communal dimension including social and symbolic markers which define the boundary among religious groups and allows people to distinguish 'those who are in' and 'those who are out'. People show their identity via formal and practical belonging; an ethical dimension that includes the peoples' acceptance of the values of particular religious tradition and an emotional dimension that includes the emotional experience, i.e. feeling of merging, as 'us' and hence, the experience of belonging becomes established that makes group cohesion. Due to the very group formation they have a sense of self and othering (e.g. Jensen 2009: 7) in religious identity.

This discussion suggests that religious communities in a multi-religious society negotiate for identity formation and compete for public support and resources. In this process, political prudence and awareness of religious members are crucial to hinder competition leading to antagonism and conflict.

The three views presented here can be viewed as a chain with a uni-linear structure. Modernity demystified the religious power hence brought separation of state and religion. Then the state could not favour any one religion but must adopt neutrality to all religions. As a consequence, many religions not only had to compete for public support and resource accumulation, but also for redefinition and revival. As a result, religion has become vivid in the social arena. This is a theoretical complexity and ambivalence of the very original concept of secularization, which modernity advances day by day. This ethnographic study presents the complexity of secularity where these three views interface.

## 3. Methods and Data

To observe secularization via religious practice of people in daily lives, I selected a field of about 2 km of radius in Mid-Terai of Nepal where four religious communities, their formal organizations, and their religious indoctrination centres are located. Both field and respondents were selected purposefully based on information richness, accessibility and convenience (Tongco 2007). The phenomena of the study were: perception of and motivation for secular policy, development of religious organizations and institutions of indoctrination, individuals' practice of religion, and the process of religious indoctrination in four religious communities of Nepal. I observed these phenomena using ethnographic design (Creswell 2012: 209). I talked with leaders and members of each religious community. Then, I confined my talking to a leading person of each of the four religious organizations. I conducted narrative interviews mostly listening to account on how religious organizations, land and buildings were developed, how obstacles were overcome. I also observed their religious practice, ceremonies, and functions. The process of constituting religious organizations of each community has been described in the data section. However, information on perceptions and motivation for the secularization process of Nepal has been incorporated into the analysis section directly. I selected the students of each religious organization to generate information regarding religious indoctrination. Hence, I selected four students from each religion,

who were seen as the most learned and motivated among their colleagues. I asked them how and why they come in such schools. I observed their kitchen, dormitory and out of class activities, such as participation in religious activities. I generated information through talking to their teachers. Except for Iqbal, I talked to parents too. The information was generated during July-November, 2013.

## 4. Analysis

The section below presents the portraits of four religious organizations and four students of religious education and schools, focusing on motivation, ideologies, standpoints, attitudes, feelings and practices. This is done by conceptualizing secularization on three dimensions: perception toward state, religious practice of community and members, and religious indoctrination. The portraits have been prepared with highly selective and purposive information as half-baked data (Kouritzin 2002).

### *4.1 Buddhism*

The foundation of 'Nepal Non-violence Buddhism World Peace Cycle Association' began with the interaction of Buddhist people of this community with other religious communities. Buddhist people of this community realized a need of combining their identity with religious place (spot) in formal group activities like all other religious groups. Therefore, they decided to construct a Gumba, for both religious (spiritual) and social purposes in 1993. Some of the leading members of the community constituted a committee as an NGO, collected funds through donations and government grants for constructing a Gumba. The committee is inspired and guided by Buddhist Lama, Jnanasagar Guru Rinpoche to follow non-killing and vegetarian practice of Buddhism. Rinpoche frequently encourages(d) to follow the true path of Buddha where more than 20 people are the regular members of the Sangha. The Gumba is an agent of preserving and promoting the non-violence message of Buddha where worship and pray to Lord Buddha (sculpture) on certain Buddhist days. This comprises*ksheur* (religious ceremony for a son to make man/malehood around the age of 7-12 years), and *ghewa* (a shamanic practice for demised soul). Their religious patrons (Lamas) frequently come in Gumba and preach them the right practice of Buddha dharma, and interested people gather in Gumba to listen to dharma. The chairperson believed it is their duty to preserve and promote Buddha dharma, but it is now in crisis, both internally and externally. Internally, Buddhist priests are miss-practicing and miss-interpreting the truth of Buddha dharma e.g. Buddha never allowed meat by killing animals and drinking alcohol, but now many Buddhist people perform their rituals with animal slaughtering and alcohol. Externally, there is encroachment in Buddhism from foreign religion. For the last six years they have been doing *neuni brat* (i.e. three days long fasting and silence during Dashain festivals), in Gumba. These two penances were one way of requesting Buddha, first for release of the soul of those animals who were slaughtered in Dashain (Hindu festival, where animals are scarified to please deities), and second for forgiveness to all people who committed sin ignorantly. This movement was organized at 30 Gumbas of the nation.

#### 4.1.1 Mina

Among the 25 participants of *neunu brat* in Dashain 2012, Mina was a girl of 18 years and a university student. She has known the ideal of Gumba for the last eight years and celebrated *neuni brat* four times. She came to participate along with her mother and neighbours. Her brother, aged 16 years, also was expected to come but he preferred playing with friends. Meat is not allowed in her home, since her brother eats either in hotels or in friends' homes, and she has no desire when she understood this ideology. In around 25 households there are only 15 in her hamlet, who follow

this cult of Buddhism, and most of them are girls and their mothers. And mothers too expect their daughters to follow this ideal but not sons, because it is impractical to sons/male. Mina shared this ideal with some of her friends who are Buddhists. She says there is a need of such Buddhism for youngsters, who are now falling into different evil deeds. Moreover, she believes that *neuni brat* is one way of earning merit for this and the next life. She participated in many sessions of preaching and follows five precepts of Buddhism. She likes Buddhism for its ideal of social equality and justice. She expresses dissatisfaction with Hindus, as "we are this much serious here about non-violence inside the compound of Gumba, but outside people are slaughtering animals". Therefore, she hopes for such a man as husband who consumes neither meat nor alcohol; at least he will not oppose her religious practice.

*4.2 Christianity*

Before restoration of a multiparty system in Nepal in 1990, Christian people were not allowed to be organized and to show their religious identity. With the dawn of the multiparty system, some Christians realized a need of a church for their religious activities. The secret practitioners of Christianity were organized and constituted a seven-member church management committee. They bought land and constructed a building funded by an international Christian mission and established the 'Nipani Church' (name by place) in 1992. The aim of the church is to organize followers and to expand Christian ideology. Now there are more than 300 members, who frequently gather in Church; however, some people, still caricature them as *dharmachhada* (selling the dharma for money). But Christian people claim that though they receive money for subsistence, they follow Christianity for religious faith. Moreover, they complain that some government officials too, see Christians as an inferior race, and even the state has already gone into secularism. They demand to constitute a 'Christian Commission', to celebrate religious equality and secular policy. With the secular policy, everyday numbers of newly converted members are growing, and the old members are working for religious expansion. Followers gather in Church every Saturday, talk in religious matters, sing psalms about Jesus, collect grains and donate to Church. They talk even about their personal problems and search ways of solution. Some of them read some lines from the Bible and teach to some followers to read the Bible. They discuss Christian ethics, e.g. helping the helpless, donating to the poor, not to tell lies, not to steal, not to kill, and not to commit adultery. They (try to) persuade people not to drink and gamble; for such ruined persons, the Church works as rehabilitation centre. The Church teaches children, adolescents and adults separately. Adolescents join in *sangati* (musical psalm to Jesus). For children Christianity is taught for two hours every Saturday; they are given homework and individual feedback. Textbooks, copies and pens are provided free of cost. Christian children and adolescents are taken frequently from here to there for inter-church competition, seminars and socialization.

4.2.1 Nikita

Nikita was born a daughter of a pastor: she reads in grade nine, in English medium private school. Nikita enjoys the Saturday: she engages in the morning in rehearsal as a member of *sangati* (music band), and from 10-12 a.m. she engages in contents of the Bible and in singing psalms: from 12-2 p.m. she teaches younger children, and from 2 p.m. she engages in inter-church adolescent program. Hence, she devotes a whole day for the Lord. She criticizes Hinduism for being an unethical religion presenting the evidences of myths e.g. God Shiva consumes hashish marijuana and God Krishna adopts polygamy and infuses lust in thousands of ladies. She believes that Jesus is far superior to any God of Hinduism. Lots of poor (in terms of economic, socio-cultural, and health) people come in Church for refuge, and most of them are female. Nikita listens to the life stories of such women, and silently requests God to help. Everybody who comes in Church for

Saturday prayers donates whatever and how much they can; Nikita collects the donations and helps followers who request with this collection. The church has kept some orphan children, and Nikita engages in teaching them by saving her study time. Once, Nikita and her friend performed a music concert in a nearby town to collect funds to keep these orphan children. Nikita and her colleagues are taken for tours and camping, and they have organized and participated in inter-church competitions in different events. Those friends who are unable to bear the personnel costs are supported by the church. She likes such a helpful system as the church. Like her grandparents, uncles and aunts and her parents, brothers and sisters she wants to be a good Christian activist in future.

### *4.3 Hinduism*

Brahmin people of this community realized that most of the Indo-Aryans were (are) not correctly practicing the *dharma* of their ancestor; therefore there was a need of an organization to share the Vedic knowledge and practice accordingly. They established an organization 'Vedic Wisdom Academy' in 1992, began to share the Vedic knowledge for preserving and promoting Veda, practicing the *dharma* correctly and performing the rituals as per intent of Veda. They conceived it as their responsibility to advocate the truth of Veda, and to pull the people into the right track of *dharma*. For that mission, they attracted other people too, and made the law that 'any person who is committed for Vedic ideal and can pay NRS1000 for registration, and donate a fistful of grains from each meal, can be a life member of the Academy'. In this system, more than 600 life members are committed there. Moreover, they managed to produce priests and scholars accordingly and later established a religious school named 'Vedic Sanskrit Gurukulum' in 2007, as a non-profit making private institute. They captured public land, collected some funds at the local level, and obtained some money as a government grant that helped them to construct a building of two flats. The ground floor has been used for religious purposes for both Gurukulum and Academy, and the first floor by Gurukulum. There are 28 students from grade one to eight studying in the academic session 2012/13. All are residential students living with their four residential teachers. Founders of the Gurukulum hope that graduates from the Gurukulum not only defend Veda as the best knowledge for practical virtues, but also present a role model in their lives accordingly. Therefore, the children in the Gurukulum strictly follow the five precepts; non-killing, no sexual-adulteration, no stealing, no lying, and *satvikbhojan* (the right way of feeding with only vegetables and very pure things). In Gurukulum students and teachers are living in a single family; sharing a single kitchen, performing rituals and sleeping together. Gurukulum teaches both mainstream school courses and religious subjects, so that students after completing courses can precede either stream in higher education, or if they drop out, they can adopt a pristine occupation. The first floor of a building has been utilized as classroom, students' hostel, teachers' quarter, kitchen, etc., and the ground floor as a hall where at one wall there is a statue of Rama and Sita (ideal king and queen in Hindu Epic). Every evening, devotees around the Gurukulum gather there for worship and for singing psalms, and perform their rituals at least for one hour. The number of participants varies from three or four old widows to hundreds of all ages and of both genders. At least once a week, teachers perform rituals and students work as apprentices.

#### 4.3.1 Subas

Subas is a seventeen-year-old boy studying in grade eight in Gurukulum. He studied grades 1-4 in English medium private school, but then his father could not sustain family costs and Subas was admitted in Gurukulum. He has got lodging, food and educational opportunity free of cost. Gradually, he got a chance to participate in different rituals as an assistant priest and earn a little money. He can handle alone the *Durgapooja* (worshiping a goddess of energy) in *Dashain* and

earn both fame and money. Villagers too expect that he will be a good priest in future. In Gurukulum he performs different tasks e.g. getting up at 5 a.m., taking bath every morning and worship, working in the kitchen in turn and collecting alms. He practices religious practice of daily life even he is at home during vacation, as in Gurukulum. He does not eat meat and other foodstuff even at home that are not allowed in Gurukulum. He hopes to complete school education from this religious school, and to be a *pandit* (a priest who can perform all rituals). For him, being a *pandit* has two benefits: self-employment and collecting merit for this and the next life.

### *4.4 Islamism*

Nabi Hasan, the chairperson of Aljamiyatula Islamiya Madarasa, had migrated in 1956 from Birgunj to this community with his parents. In his childhood there were only three Muslim families and he used to study with Hindu friends; however, he was very strict on Muslim manners. The Muslim population gradually increased by migration and indoctrination and now reached more than 400 families. From the beginning they used to gather in certain places each Friday for namaz, and over time they collected money and constructed a mosque in 1991 by capturing public land. Now Muslim people are organized under 'Muslim Service Committee (MSC)' a supreme body of Muslim people, under which three different organizations, the Madarasa Management Committee, the Mosques Management Committee and the Graveyard Management Committee, are functioning. MSC is the highest body to organize all Muslims around this locality. It is an elected body of 11 members, registered in District Administration Office in 2001. Madarasa is the place for formal education and indoctrination of Islamic ideology to children whereas the Mosque is more responsible for making people more committed, strict and show faith in Allah. Maulabis care after mosques where young boys go to learn Urdu/Arabi language and to read Quran. For more systematic indoctrination, they established a separate institution; hence the Madarasa was established in 2001. Via Madarasa they can inculcate intellectual virtues to their children so that they can claim that the Quran offers the best knowledge and practical virtues so that they can present their life as role models of Quran practice. With the mainstreaming policy of government they introduced government courses too, in Madarasa. The Madarasa has another function too in that those youngsters who were educated in English medium school by living in hostels also learn Urdu/Arabic language, to be able to read the Quran, and some basic Muslim manners. Muslim people focus on whether a person is educated from Madarasa or other places, but s/he should always follow the same basic Muslim virtues. This community has barely managed the Madarasa of grade 1-5 with five teachers that are all Muslim by birth, training and practice. Besides the collection of money from donations, they have accepted government funds so that they can buy land, construct school buildings and manage school running costs. They argue that "this is a secular state, government should support Muslims because their population is increasing day by day, not only in Nepal but all over the world".

#### 4.4.1 Iqbal

Iqbal, a 13-year old boy, studies in grade five. All of his siblings are studying in different Madrasas but not in government school. Iqbal aims to be a good Mullaha, and for higher studies, he wants to join an Indian Madarasa. To get admission there, memorizing the Quran is mandatory; one must be able to recall 400 pages for the entrance exam, and he is doing his best. He wants to go to Mekka for Umara, the holiest place; water is brought from there during Hajj and used as medicine to cure sick people. He believes the Quran is a holy text, "while he sought me the Quran and I extended my hands to hold it, but immediately took away and said you are not allowed to touch because you are not pure to touch". He believes and follows the teaching of his parents and teacher, e.g. not to do any *haram* (precept according to the Quran) such as eating blood, touching dogs or pigs, or

believing in any other Gods except Allah. He follows the rule of Islam commenting that he "took bath when he was touched by a dog". He wants to reach in *jannat* (heaven) and he knows the way i.e. reading *namaz*, giving *jakat* (donation) and making Allah happy. Iqbal said there is only one God, Allah: if more than one there will be a problem in decision-making e.g. whether making a day sunny or rainy? He claimed co-education is *haram,* it spoils the mind, moreover singing and dancing with girls leads one to hell.

## 5. Discussion of findings

Karel Dobbelaere (2004) suggested that the influence of religion diminishes at three levels. First, societal secularization, the functional differentiation of the economy, the family, politics and religion, second, organizational secularization, the secularization or religious hospitals, religious schools, and third, individual secularization understood as a decline of religious practice, decline of religious beliefs and non-acceptance of religious morals. However, these three dimensions are interrelated and influence each other (e.g. the government policy and laws control the running of religious organizations). This study discusses how the secularization policy influences 'organizational secularization'. The status of 'organizational secularization' is observed at community level in terms of how it influences secular policy in community. Dobbelaere (2004) assumes that communities are getting less religious, and that secular policy influences community members to be less active in developing 'religious organizations' and establishing 'religious schools' or 'religious hospitals'. Along with institutional disinvolvement, people are found less interested in involving in religious activities individually.

The ethnography presented above is viewed through Dobbelaere's model and suggests the following themes:

### *5.1 State support to religious communities: conflicting perception*

The four religious communities (their leaders) expressed their dissatisfaction to the state regarding secularity and its process. The Hindu community leader saw declaring the state secular as a conspiracy by Christianization…"the *firangis* (an inferior word for Christians) are excited and wandering into streets, denouncing Hinduism and alluring to their *dharma*". He added that "All other religions have at least one nation - was it essential to dismiss a Hindu-nation?" For Hindu, religion is not only an agent of identity but also a pride and glory because this is the land of thousands of Hindu deities, Gods and Goddesses, historical lineage and prosperity, richness of philosophy, theology, texts and monuments. To be an unshakeable Hindu is to be honest toward history, forefathers and the sacred-land. These days Hinduism has neither domestic (political) nor foreign support (material and psychological), but is threatened by foreign encroachment and shrinking resources. He says, "Let us see the irony of fate, we Hindu burn up our dead bodies, but people of other religions capture our jungles to use for their cemetery".

On the other hand, Muslim and Christian non-indigenous religions are not satisfied either. Muslims claim that they "have always been threatened by Christians in expansion in Nepal. Still they are not allowed to slaughter cows" (banned in the name of national animal). But he did not suggest to be united with Christians and fight for the right to slaughter cows. On the other hand, Christians say that not only the Hindu elite but also government officials still behave in Christianity as inferior, even if the nation has adopted secular policy. They say: "getting public land and government funding for Christians is impossible whereas it is easy for others. All the ceremonies, festivals, emblem are for the Hindus and we are being neglected". They claim the right of a status as minority religions, but still they are not treated equally. Buddhist leaders have their worries too and claim that the ethnic people are by lineage Buddhist, but some of them are converting into Christianity. There is a threat to indigenous religion by foreign/non-indigenous religion.

The dissatisfaction and despair of Hindus against secular policy at community level challenges the assumption formulated by Bhargava (2006: 5) which holds that "Hindus are tolerant of other religions and supportive of preserving the right of minorities"; however, it still supports the assumption to some extent as Hindus have not made any organized resurgence or committed any riots even though they are in extreme majority in the community population with access to politics and state agencies. The limitation of secularity is that it can please none of the communities: Hindus are displeased with the very policy, Christians with the lack of provision of equality and preservation of minority, Muslims with the expansion of Christianity, and Buddhists with the conversion of ethnic people into Christianity. Secularity is itself a riddle; for Christians it is a solution; however, to Muslims it is seen as another kind of security threat.

Nepalese culture is dominated by Hindu ideology crystallized with practice during thousands of years. Along with culture, a majority of the population and national elites hinder religious equality in every sector. However, reservation quota would give the minorities greater representation in the courts, the legal profession, the political parties, and the governmental apparatus (Letizia 2017) but dilution comes in the hegemonic position of Hindu.

*5.2 Emergence of religious organizations: right and identity*

Dobbelaere (2004) claims that at community level, secularization reduces the influence by religious organizations, such as trusts, religious school, hospitals, etc. The empirical data of this field challenges his claim. The state's adoption of multi-religiosity in 1990 and secularity in 2007 brought emergence of religious trusts and schools. All the communities of four major religions (according to national census 2011) practiced religious organizations and trust Mosques in 1991, the Church and Vedic academy in 1992 and Gumba in 1993. Similarly, two organizations established two separate religious schools, viz. the Vedic school in 2007 and Madarasa in 2001. Now both of them receive government funding, whereas the Church runs Saturday school and the Gumba runs occasional schools.

These religious organizations, trusts and schools are the means and symbols of practicing their religious rights and constructing religious identities. Despite the hindrances, Christians got their religious organization where they can freely organize, participate in ceremonies, preach, and expand their ideals. The Buddhist people got public land and government funding and the right to construct their buildings. In this regard, liberty, right and equality have to some extent been realized in secular Nepal as highlighted by Bhargava (2006: 25).

All the religious communities have established their religious places by different means. Followers of the four religions gather there from time to time and perform rituals and ceremonies in groups. Hence, they not only feel integrity and closeness as an emotional dimension of religious identity (e.g. Kuznecoviene 2004) but show their power of unity to others. Religious identity of any community exists in the numbers of followers, religious places in public and activities of religious participation. They present the sense of self and othering as a communal dimension (2004). Data from my field suggest that people construct their identity via religion. More than 200 members of the Christian Church are *dalits*, who feel equality and dignity in this religion and hence organizes there. Similarly, as claimed by a Buddhist leader, many Tamang people are affiliated to Christianity, because they find their identity better in this religion.

Religious communities compete either to continue their hold on hegemony, or to achieve hegemony. In this sense they are united, they strengthen their organization by increasing their followers, adding resources, or refining the ideals. They value their ideals as purer and superior to those of other religions and claim that 'mighty is righty' and they denounce to others what is the ethical dimension of religious identity (ibid). From ancient times, Hinduism has taken advantages as state religion, and the government has invested a lot in its promotion of all modes of education

(e.g. one university and nearly fifty schools were established for the promotion of Hinduism), and the Hindu people presume that they are superior to followers of others religions. Now the Hindu community feels powerless and helpless, and therefore united to continue their hold against other religions. On the other hand, Muslims and Christians are in minority, and they are in both defensive but at the same time in expansive position, which has made them unite for stronger influence.

The introduction and expansion of non-indigenous religions, Muslim and Christian religions, labelled as such by the Hindu and Buddhist leaders, have created a pressure on indigenous religions. These two Hindu and Buddhist organizations not only re-educated the priests, lamas and followers, but also practice the ideals of Vedic Hinduism and Buddhism in daily lives. This is an attempt at protecting religion from both internal and external threats. It resembles to Thomas Meyer's (2007: 12) argument that "secularization passes through redefinition and rebirth of religion". These two religious organizations are radically different from other sects of the same religions that are still in mainstream. Against the mainstream ideals, the 'Vedic wisdom academy' advocates non-violence against animal sacrificing and caste discrimination or four-verna (colour) system practice by common Hindu people. For the academy, a Brahmin or a person of the highest caste is someone who follows the code of conduct regardless of which family s/he is born in. Similarly, for 'Non-violence Buddhism' a pure Buddhist is a person who never drinks and always follows vegetarianism and the five precepts. To establish their identities free from criticism by other religions, these two religious communities re-defined their religions and hence new cults/sects have been reborn. Now 'Vedic wisdom academy' can easily overcome the blame if any sect of Buddhism, Christian and Muslim criticizes Hinduism for caste-discrimination and animal sacrifice. Similarly, the Gumba also manages if Buddhism is blamed for shamanic and animistic practice, by saying: "look at us we are the real followers of Buddhism". Hence, the phenomenon of rebirth of these two sects of indigenous religions resembles the nineteenth century India where European colonized movements created pressure on indigenous community to crystallize their religious identity (e.g. Hinduism and Buddhism as –isms were products of the 19th century and did not exist as –isms before) as discussed by (Casanova 2010: 4). Before 1990, no other religions could raise fingers against Hinduism even in any evil practice. There was no public competition of religions, and therefore, no need to revise. Buddhism too was the second privileged religion and had no competition from Islamism and Christianity. Hence, my ethnographic study of secularity as a tool for religious indoctrination and identity formation in Nepal agrees with Casanova (2010: 4) on secularization as a means for religious reformation, redefinition, and revival of old or rebirth of new norms and values.

In the process of constructing religious identity, the religious communities tend to make their religion safe from criticism such as "this religion encourages followers for malpractices". In the field I found cases of people who were Buddhist by birth (e.g. Tamang, an ethnic group known to be Buddhist), but had followed habits of drinking as their custom. They practiced gambling too, but their religious organization or leaders did not attempt to stop them from being ruined. But a Christian organization took care of them, preaching about Christian ethics and keeping them in a rehabilitation centre, to finally give them a job in the Church. Three of such persons achieved social status and are now working as pastors of different Churches. Such events created a pressure on Buddhist leaders to practice the core ideals (vegetarian, non-violence and five precepts) of Buddha and hence the Buddhist organization and cult was founded where the Buddhists advocate for banning alcohol drinking and animal slaughtering. Hence, immigration of foreign religions is one of the causes of redefinition and revival of indigenous religion. *Sudras* (the lowest caste in Hindu Varna system) are now entering into Christianity, even if this group is categorized as Hindu religion by tradition. These converted people blame Hinduism for discriminating them by caste. Hinduism is also blamed for its extravagant ritual activities which are a burden for economically

poor members of the community. To be safe from such fact-based blame, the Hindu community redefined their religion, i.e. no discrimination by caste and no more extravagant rituals, and no practice of animal sacrificing in the name of religion. These two cases, present on the one hand a redefinition and rebirth of a new cult as a consequence of secular policy, and on the other, secularization as an encouragement of religious identity negotiation. The leaders of Hindu community expressed, "unless we are able to demonstrate that we have a true knowledge of the Veda and followed the ideal practices, our religion, though having the virtues of 'mainstream' and 'classical', suffers from criticism". Therefore, Hindu wants to produce such individuals from the education offered so that they can guide the society in the right ways by involving correct ways of religious practices. Now, they have realized that the distorted form of religion cannot maintain the existence and identity of Hindu.

*5.3 Religious involvement: reproduction via schools*

The field work suggests to me that members of all four religious organizations are growing day by day and they are religiously conscious. However, I cannot claim that their religiosity is on the increase. They seek their religious identity, and they enjoy by participating in religious activities in their groups. Christians are enthusiastic to participate in every Saturday programs and Muslims on Fridays. The religious organizations and spots make them religiously bonded, engaged and give them an identity.

Grurukula and Gumba are religious indoctrination centres that have existed from pre-historic time in Nepal, while Madarasa and Churches were found after 1950 and 1990. Among the many religious schools, 930 have introduced mainstream school courses because the state has earmarked the budget for such schools. More than 100,000 students are studying in such schools whereas about 7,000,000 students are in mainstream schools (DoE 2015: 6). Students from such schools are certified as equal to mainstream schools regardless of their religious indoctrination. In this way the state has encouraged establishing religious schools, encouraged students to participate in religious activities, indoctrinating religious ideals and reproducing religiosity. Such religious indoctrination (Momanu 2012: 97; Flew 1972: 114) in the communities has been observed at the interpersonal level, i.e. a teacher indoctrinates the students, and religious preaching is conducted in religious spots. Moreover, an institutional level of indoctrination was also observed, as well as the establishment of the religious organizations and development of educational systems guided by religious ideological interest.

The portraits of the four religiously indoctrinated individuals; Mina, Nikita, Subas and Iqbal present the religious motives, engagement and commitment; however it is not transparent to what extent they contribute exponentially to ideology in future. Nevertheless, their habitus (cf. Ozturk 2005: 145) has been formed to some extent by observing religious activities, imitation and active participation (Bandura cf. Woolfolk 2004: 317-320). They have made their aim (although this may change later) on practicing religions for now and in future, and link religions with career and progress. They are in the process of constructing their religious identity and in future they will express their religious habitus and even engage in (re)production because one's experience in childhood influences future behaviour (Andresen, Boud & Cohen 2001: 225).

## 6. Conclusion

The ethnographic data analysed, using the model by Dobbleare challenges itself. The four religious communities are not satisfied with political secularization. Hindu presumes that the state is close to Christianity and the other three religions claim that the state highly favours Hindu. In societal secularization, the hypothesis of "diminishing religious organizations" predicted by the model is being challenged as religious organizations have emerged; religious communities are competing

for power and resources while negotiating new identities. Indigenous religions have been redefined and revived. Moreover, the model predicted the disinvolvement of individuals in religious activity; however the study has indicated that members of different religious communities participate regularly, periodically and occasionally in rituals and ceremonies. People are better united in religious identity. Communities have run schools for the preservation and (re)production of religious ideals.

As Bhargava (2006) argued secularism within Hinduism in particular and in South Asian religions more generally is quite different from the west as regards the construction of religious identity; individuals are affiliated within organizations and participating in ceremonies. The empirical study challenges Dobbelaere (2004) by revealing some ambivalence. In the process of secularization religious organization (schools) have been emerging which goes against his assumption. In 'Laicization,' there is a disjuncture: equidistance of religions from the state makes religious harmony, but we see antagonism among the religions. There is a complexity at the societal level, and rather than sublimating religious affiliation, identity formation grounded in religion is stronger, more vivid and condensed.

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# The impact of examination ridden system of education on democracy in education in Uganda: an implication for policy change

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**Abstract**: Uganda is a democracy, but the education system is dominated by examinations at all stages and there are variations in performance between regions of Uganda and schools in Uganda CertificatRee of Education (UCE) examinations. The purpose of this study was to comparatively examine the impact of emphasising examinations in secondary schools on democracy in education system. Data was collected using questionnaires and interviews, data from teachers, students, school leaders, and parents in secondary schools, and analysed using frequency counts, percentages, and t-tests. The study found that, to a large extent, there is no democracy in both the Central and Northern Uganda education systems because, centrally, all children are forced to take examinable subjects compulsorily and the emphasis is on students passing examinations. However, the schools in Central Uganda are democratic only in methods of administration, teaching styles, and controlling discipline, unlike those from Northern Uganda which remain undemocratic. Consequently, students in Central Uganda worked harder and were more disciplined, while the students from Northern Uganda put in less effort, and were less disciplined. Schools in Central Uganda achieve higher results, while schools in Northern Uganda achieve lower on the School Performance Index (SPI) in UCE examinations. Although all schools emphasised passing examinations, there were differences in the democratic practices in schools in Central and Northern Uganda, leading to variations in SPI in UCE examinations. The study recommends that schools should create a democratic environment where students in schools in the whole country can achieve equal performances in UCE examinations and SPI.

**Keywords**: Democracy, policy, examination ridden, system, implication.

## 1. Introduction

### *1.1 Background*

Uganda is a democracy and thus has certain democratic responsibilities to its citizens and students (Kelly & Odama 2011). The Constitution of Uganda made education the right of every child. Uganda is a signatory to the International Community decision to make sure that, by the year 2015, Uganda should have attained universal access to quality basic education. Uganda has made positive progress towards increasing access to secondary education after a successful pilot on primary education in 1997. In 2007, the government abolished school fees nationwide and introduced capitation for secondary schools under the Universal Secondary Education (USE) policy. This led to narrowing the gap between the rich and the poor in the opportunity to access secondary education, and had an impact on enrolment at secondary school level.

But the education system is linear, highly centralised, and is reinforced by examinations set by a foreign body (the Uganda National Examinations Board - UNEB). The curriculum is developed for the whole country by the National Curriculum Development Centre (Odaet et al. 1980). Legislation has put national standards, a national curriculum, and national examinations in place. There are teaching and examination syllabi where, out of the eighteen subjects taught in secondary schools, only a maximum of ten and a minimum of eight subjects are examined, out of which seven subjects are compulsory and three are optional. Above all, the candidates are graded by using only the marks of their eight best subjects in the Uganda Certificate of Education (UCE) examinations, where mathematics and English are taken to be the most important subjects that candidates must pass. Therefore, candidates who do not have the ability or interest in the subjects that are not examined and are not used for grading are at a disadvantage. Thus, no democracy is exercised in the allocation and evaluation of the subjects. The system is skewed towards those few

who are prepared for white collar jobs, rather than including those who have interests and abilities or talents in the vocational world of work. When grading students, the results of students' performances during continuous assessments (daily class exercises, weekly and monthly tests, and mid-term or mock examinations) are not considered, only performance in UCE examinations. Education success is measured in terms of examination results. Graduates are categorised into two camps - the "passed" and the "failures" unlike in the USA, where the education system is co-linear, decentralised, with a flexible curriculum and which is highly democratic, the problem of either drop-out or repetition is reduced or negligible. This has caused the problem of "wastage", where the majority who fail these examinations end up either "repeating" or "dropping out" of the education system, reducing their chances of joining institutions of higher learning, jeopardising their opportunities for job placements, and reducing active participation in national development. Government policies of ensuring equity in education and the socioeconomic status of their people, and the obligation to achieve the Millennium Development Goals and those of Education for All by providing quality education to all by 2015 have not been not realised. Thus, as Businge (2011) warned, the

> drop-out crisis has eaten away the gains attained by Government in education sector [sic] because school drop-outs are facing difficult time [sic] in life. They are more likely to be unemployed and impoverished, compared to their colleagues who continue schooling which will be costly to pupils and the nation if it persists (6).

The candidates from the Central region of Uganda have been performing better in UCE examinations than their counterparts from Northern Uganda, leading to variations in performance. Performances are graded through the number of candidates who passed in grade one; Candidates' Performance Indices (Aggregates), and School Performance Averages (SPA) in UCE examinations (The Observer 2010; WeInformers 2011; Vision Education Consultants 2011; AccessMyLibrary 2011 and Media Consult 2011).

The gaps in performance levels in UCE examinations have continued to widen since the mid-1980s. For instance, a Task Force of the Ministry of Education (1994) ranked performances in UCE examinations results (1992) based on School Performance Averages (SPAs), and five schools out of the top ten best performing schools, which had SPAs ranging from 1.02 to 1.51, implying that the majority of the students who passed in Division one were all from the Central region. The schools from Northern Uganda had SPAs ranging from 1.80 to 3.30, implying that the majority of their students passed in Divisions two and three. In the 2006 UCE Examination results, where the ranking of districts and schools was based on Aggregates or Candidates Performance Index (CPI), the best candidates in Central Uganda all scored an aggregate of 8 in their eight best subjects, but the best candidates' scores in Northern Uganda districts were from an aggregate of 13 to 27 in their best eight subjects. Similarly, in the 2009 UCE examinations, all the candidates of some schools in the Central region passed in grade one. The results of the 2010 UCE examinations indicated that, in districts from the Central region, 13% to 18% of the candidates who sat examinations during the year passed in Division one, while in districts from the Northern Region, 0% to slightly over 6% of the candidates who sat the examinations during the same year passed in Division one (UNEB 2008, 2010, 2011, 2012). Therefore, as Patrick (2003) says, the idea of democracy has fallen on hard times. While schools are called on to educate all our children, they are simultaneously blamed for the social and economic disparities that severely detract from their chances of successfully doing so. Therefore, is democracy being practiced by Ugandan education managers and teachers, while trying to satisfy the expectations of the students', parents', and other stakeholders' that the students pass the public examinations, especially the UCE examinations?

No research has been done at the national level on the influence of democratic practices in the Ugandan secondary school system on democracy, except by Kelly & Odama (2011) in Northern Uganda, who mainly emphasised the management and administration of education, and excluded the influence of the emphasis on examinations on democracy in schools. This research therefore aims at bridging that gap.

The purpose of this study was to carry out a comparative study of the impact of the emphasis on examinations in secondary schools in Uganda on democracy in the education system in Uganda. The study was guided by the following objectives:

1. To compare the SPI between the schools in Central and Northern Uganda,
2. To assess the extent to which democracy has been applied in the teaching styles of the teachers in Central and Northern Uganda,
3. To assess the extent to which democracy has been applied by the teachers in Central and Northern Uganda in methods of controlling the classroom discipline of the students,
4. And to assess the extent to which democracy has been applied in the motivation of students in schools from Central and Northern Uganda.

The researcher hypothesised that there would be no differences in the levels of democracy practiced in schools from Central and Northern Uganda.

The researcher used Gardner's (1983) theories, supported by the findings of researchers like Darling-Hammond (2010), Hattie (2011), and Tomlison (2014) concerning multiple intelligences, project-oriented teaching, the use of portfolios both in learning and assessment, and focusing on different learning styles where interactions between teachers and pupils are encouraged. Gardener's (1983) theory has been used to assess the extent to which democracy is influenced by the practices that ensure that students excel in UCE examinations and achieve good SPI. For instance, to what extent is democracy applied in methodologies of teaching, administration, managing students' discipline, allocating subjects for examination, and assessing and grading students?

## 2. Methodology

The study used a cross-sectional parallel survey design, following causal-comparative and correlational-regression approaches, and a descriptive survey method. Using questionnaires and interviews, data was collected from school teachers, students, leaders, and parents in all traditional secondary schools. Forty school leaders from Central Uganda – Headteachers (HTs), Deputy Headteachers (DHTs), Directors of Studies (DOS) and Careers Guidance Teachers (CGTs) participated in the study. Thirty two similar school leaders from Northern Uganda participated in the study. Forty two teachers of schools from Central Uganda and thirty eight teachers of schools from Northern Uganda participated in the research. Seventy eight students of schools from Central Uganda and sixty two students of schools from Northern Uganda participated in the study. Seven parents from Central Uganda and five parents from Northern Uganda were involved, while ten Key Informants (KI), (five from each region), participated in the study (Table 3). The instruments were designed to collect data that would lead to finding out if the schools were following the principles of Gardener's (1983) theory as upheld by Darling-Hammond (2010), Hattie (2011), and Tomilson (2014) in their teaching and learning process. The data was analysed using Analysis of

Variance (ANOVA), and t-tests. The formula used was:

$$t = \frac{\overline{x_1} - \overline{x_2}}{\sqrt{\frac{S_1^2 + S_2^2}{n_1 + n_2}}}$$

## 3. Scope

This study was conducted in the districts of Arua, Koboko, Gulu, and Kitgum in the Northern region, and Kampala, Mukono, and Wakiso in Central Uganda. It compared students' factors' influences on SPI in UCE examinations from the year 2001 to 2011.

## 4. Literature review

### *4.1 The concept of democracy in education*

According to Dewey (1916), in Tristan (2016), democracy is not only about extending voting rights - a big issue in 1916 - but also equipping citizens with the ability to take on the responsibility of making informed and intelligent choices and decisions which lead to public good. Democracy, according to Dewey (1916), is not just a political system but an ethical ideal, with active informed participation by citizens. Dewey stressed that education has to prepare students for an uncertain future and, therefore, a high priority should be given to developing effective habits and the ability to adapt and learn how to learn. Patrick (2003) stated that democracy is the basis for how a country is governed - a concept by which wisdom and worthy social policies are measured and which is the ethical anchor - and is used to measure the political progress of a country. Tristan (2016) observed that the modern globalised world is a highly unpredictable one where individuals often have little job security and have multiple careers, and coping well with uncertainty has never been more important. Thus, according to Tristan (2016), Dewey's concern with the relationship between effective democracy and education was important to helping the young cope well with uncertainty, to learning how to learn for life, and to understanding that education was a moral enterprise concerned with developing informed citizens capable of making informed choices and decisions. This, therefore, calls for the teaching and learning process to follow Gardener's (1983) theory approach of teaching: where project-oriented teaching, the use of portfolios both in learning and assessment, and the focusing on different learning styles where interactions between teachers and students are encouraged. This should further be reinforced by the views of Darling-Hammond (2010) that providing students with multiple ways to demonstrate knowledge and skills increases engagement and learning, and provides teachers with a more accurate understanding of students' knowledge and skills, of Hattie (2011) that providing students with multiple ways to access content improves learning, and of Tomlison (2014) that instruction should be informed as much as possible by detailed knowledge about students' specific strengths, needs, and areas of growth.

### *4.2 Teachers' styles of teaching and students' performances*

The teacher as an input is the principal factor in education provision, and thus affects the quality of education in a significant way. The extent to which other inputs can improve the quality of education is directly related to the extent to which teachers effectively use their inputs to improve the teaching-learning process (Wenglinsky 2001; Sifuna & Sawamura 2011; and Kimani et al. 2013). Entwistle (2009), on the other hand, said that intelligence - the profiles of students' abilities and subject-specific knowledge and skills - are all strongly affected by teachers. Teachers are encouraged to use democratic styles of teaching that have been found to encourage students'

willingness to learn and attain excellent performances (Gardener 1983; Darling-Hammond 2010; Hattie 2011; and Tomlison 2014). The democratic methods of teaching, as revealed by the researchers Darling-Hammond (2010), Hattie (2011) and Tomlison (2014), were those teaching methods that encouraged students' participation through demonstrations, experiments, and group discussions, to mention but a few. Teachers can use a number of democratic methods to achieve effective interaction with their students. For instance, Kimani et al. (2013) found that significant differences existed in the mean scores, depending on whether teachers provided individualised learner attention to weak students ($F [2,120] = 4.731$, $p = 0.011$) and where the teacher was democratic in his teaching style and paid attention to a weak student as well, teacher's evaluation of students' Continuous Assessment Test (CATs) results were statistically significant in academic achievement ($F [2,121] = 7.909$, $p = 0.001$ at $p < .05$. Salman et al. (2012) advised teachers to use peer group methods of teaching that play a normal part in the process of socialisation, as they provide experiences to those who are growing up of a type that is not available in their own families.

Wenglinsky (2001) also emphasised three additional classroom practices through qualitative research: individualisation, collaboration, and authentic assessment. Individualisation means that teachers instruct each student by drawing upon the knowledge and experience that that particular student already possesses. Collaborative learning means that teachers allow students to work together in groups. Finally, authentic assessment means that assessment occurs as an artefact of learning activities.

Agwagah and Ezeugo (2000) indicated that there is a strong relationship between instructional strategies such as concept mapping, and achievement in mathematics. Similarly, Kamoru & Isioma (2007: 64) revealed that "students taught with guided scoring strategy achieved higher than those taught with conventional methods". Sonni and Ochepa (2002) in Kamoru & Isioma (2007) found that practical discussions outside the classroom can improve students' achievements in mathematics. Armbruster et al. (2009) found out that student performance on identical final exam questions was greater in years when the material was taught in an interactive format (2007 and 2008) than in 2006, when the material was taught in a standard lecture format. All these revelations confirmed Lundberg's (2003) findings that classrooms structured around peer learning predicted student learning better than traditional classrooms where students worked individually and independently. Other instructional strategies that have been cited by scholars as having a strong relationship with students' achievements included the demonstration method - which is a teaching strategy in the laboratory that involves experimentation, classroom interaction, instructional objectives, planned repetition, active student participation, reinforcements and questioning; thus, the students will achieve more. Nwachukwu (2007) reported that providing students with a combination of behavioural objectives on topics they were taught in biology led to an enhanced understanding of that topic, and hence better performance. According to Akudolu (1995), the instructional objectives, if well-planned by the teacher using the demonstration method, will promote the achievement of students in biology, and that demonstrating biology skills - especially student-led ones - can enhance students' performance. For instance, Nwachukwu (2007) reported that in a post-test after student-led the demonstrations, the performance mean ($\bar{\chi}$) was 17.63, while after teacher-led demonstrations the performance mean ($\bar{\chi}$) was 13.53. Similarly, Okebukola (1995) revealed that factors such as students' participation in chemistry laboratory activities increased students' achievement in chemistry. Biggs and Tang (2007: 10) propose active teaching styles to help to narrow the gap between the two categories of students. The consensus among the researchers is that democratic styles of teaching (learner-centred) have positive effects on students' learning and academic performance. Thus, this researcher set out to investigate if democratic styles of teaching based on Gardener's (1983) theory and reinforced by the views from Darling-Hammond (2010); Hattie (2011) and Tomlison (2014) are being practiced by the teachers

of schools from Uganda.

*4.3 Teachers' methods of managing students' classroom discipline and students' performance*

Another indicator of good teacher quality is the teachers' method of managing students' discipline, which can affect students' performances. Kralevich et al. (2010) found that students' achievement was affected by disciplinary action. Where disciplinary consequences become more severe, such as suspending students from school, the average scaled scores on the Texas Assessment of Knowledge and Skills (TAKS) Reading and Mathematics Tests decreased. The Director of St. Francis Xavier's School T.W, Nigeria (2008-2009), revealed in his Annual Report that discipline alone may not be the only cause for good performance, but that a good approach to managing students' discipline helps in improving students' learning, and thereafter performance. Some methods included the establishment of class codes, class handbooks and the scoring of class disciplinary performance after each lesson that lead to students developing a sense of responsibility for learning and hence "the level of satisfactory performance" where the homework submission rate of 95% was obtained. There is, therefore, a need to encourage democratic methods of controlling students' discipline. This research therefore, was to compare the extent to which democratic approaches were used to control classroom discipline between the schools in Central and Northern Uganda.

*4.4 School strategies to motivate students to learn and excel in UCE examinations*

Karl, et al. (2005) said that enhanced learning experiences can encourage students to take responsibility for their own learning and develop as autonomous learners. Student engagement was encouraged through active learning and collaborative learning. He carried out a study on Motivating Students through Group Project and Open-Notes Examination, and found that the learning, teaching, and assessment strategy for the module had proved to be successful. Analysis of the examination results with another examination sat by the students during the same period indicated a positive correlation ($r = 0.7$) with no significant difference in the means. Thus, a democratic style of teaching motivated the students to perform better than those who were not exposed to a democratic style of teaching. He said that regular feedback allows students to measure their progress, and the tutor to identify gaps in their knowledge. Student disengagement can be readily identified and prompt remedial action can be taken. Secondly, he found that the process of collaborative learning and peer support encourages students to assist and take care of each other.

Secondly, Bruce (1998 ) investigated the use of frequent testing to increase students' motivation to achieve, and his results clearly showed that frequent tests worked better than homework in improving achievement (frequent test mean=82.8 (sd=9.3), homework mean=71.6 (sd=9.4), control mean=66.9 (sd=12.6). The ANOVA for this condition yielded $F=21.69$ ($df=2/106$), $p<.001$. All the teaching styles found here confirm Gardener's (1983) theory as reinforced by the views from Darling-Hammond (2010), Hattie (2011), and Tomlison (2014). This research intends to investigate if school leadership, together with the teachers, have strategies to motivate the students to learn and excel in UCE examinations.

*4.5 Gap*

In the existing literature, there is no clear explanation of the practice of democracy in the secondary school system. There was more emphasis on relating practices to the performance of students in examinations. Teaching styles based on Gardener's (1983) theory, as reinforced by the views from Darling-Hammond (2010), Hattie (2011), and Tomlison (2014) have not been outlined. This reflects the emphasis on examinations, rather than on making the teaching-learning process and management of education system democratic. Thus, this research is necessary.

## 5. Findings

### *5.1 Null hypothesis 1: "Schools in Central Uganda do not have better SPI in UCE examinations than the schools from Northern Uganda"*

Based on comparing the SPI in the UCE examination results of 2001 to 2011 of the schools in Central and Northern Uganda, schools in Central Uganda still performed better than schools in Northern Uganda. This is illustrated by two examples given in Tables 1 and 2.

From Tables 1 and 2 it is observed that schools in Central Uganda have SPIs ranging from 97% to 100%, while schools in Northern Uganda have SPIs ranging from 96% to 163%. It is further observed that the majority of the students in schools in Central Uganda passed in Divisions One, Two, while majority of the students in school in Northern Uganda passed in Divisions Two, Three, and Four.

### *5.2 Null hypothesis 2: "The teaching styles used by the teachers in schools from Central Uganda are not better than the styles of teaching used by the teachers in schools from Northern Uganda"*

The teachers' teaching styles were investigated from both the teachers themselves and from school leaders. The results revealed that there was no difference between the regions in the application of teaching styles by the teachers. They both apply teacher-centred and learner-centred methods (Table 3) like Guided Teaching Methods (GTM), Lecture Method (LM), Practical Teaching Methods (PTM), Guided Discovery Method (GDM), Guided Discussion Method, Guided Scoring Methods (GSM) and Students' lead Practical Group Discussion methods. In both regions, there were fewer teachers who said that they apply the said methods "seldomly". Only less than 16 % of teachers from both regions "disagreed" that they use the said styles, or are "not sure" if they use the methods.

The school leaders – the DHTs, DOS, and CGTs of schools from Central and Northern Uganda - concurred with the teachers. They stated that their teachers use teacher-centred methods like "talk and chalk" – LMs and the dictation of notes to students; learner-centred methods like group discussions, demonstrations, project work (research), dramatization, giving group and individual assignments to students, a question approach, organising tours, project-based learning, the use of cyber technology, and organising remedial work like tests and examinations. Others included peer to peer teaching, explanations, oral questioning, and experiments, especially in the sciences.

The result of the t-test reveals that t calculated (0.2891) is less than t theoretical (2.12), $\alpha$ one tailed = 0.05, df = 16, accepting null hypothesis 3 and confirming the assessments by the teachers (Table 4).

Out of eight teaching styles, five (1, 2, 4, 5 and 6) are teacher-centred and mainly to prepare the students to pass examinations, while only three (3, 7 and 8) are for democratic approach styles of teaching where students' active participation is encouraged (Table 3). The interests of students who are not good at these examinable subjects are not catered for. Strategies to develop the talents of students in subjects like music and sports, to mention but a few, are not emphasised. Thus, the system is not responding to the needs and strengths of all learners (Tomilson 2014).

### *5.3 Null hypothesis 3 "Teachers in schools from Central Uganda do not have better strategies to control the classroom discipline of the students than the teachers in schools from Northern Uganda"*

The strategies teachers used to control the students' classroom discipline were investigated from the teachers and school leaders. The results based on teachers' assessments revealed that the teachers in schools in Central and Northern Uganda use the same strategies to control students' classroom discipline. Teachers reported that they allow students freely to approach them for help

"very often" or "often". Approximately the same percentages of teachers of schools from Central and Northern Uganda either "strongly agreed or "agreed" with the statements Teachers' Strategies (2-7) Table 5.

But the assessment by school leaders revealed that better strategies that are more democratic were used more often by teachers in schools in Central Uganda than by teachers in schools in Northern Uganda; that their teachers go further to maintain good students' discipline through using student-centred methods in teaching. They involve the students themselves to control their own discipline, monitor the teaching-learning process and inform the administration, while teachers themselves are exemplary by being punctual for lessons. They integrate academics with co-curricular activities and encourage self-respect, thus making students disciplined, self-controlled, and focused. This is further confirmed in Table 5, where on Items 5 and 6 there are higher responses by teachers from Central Uganda than by teachers from Northern Uganda. In comparison, school leaders of schools in Northern Uganda revealed that their teachers maintain good student discipline through the use of some elements of force, including enforcing rules and regulations; enforcing class and prep attendance, the use of uniforms, excluding late comers from attending class, apprehending undisciplined students, and locking dormitories during class and prep hours, thus making the students always require some attention and therefore not have self-control. Indeed, in Table 5 responses show that Items 3 and 4 are used more often by teachers from Central Uganda than teachers from Northern Uganda.

This finding was further confirmed statistically where t calculated (1.88) is less than t theoretical (2.12), α one tailed=0.05, df=16 accepting null hypothesis 3, ($\overline{X}$) for Central Uganda = 4.55625; $\overline{X}$ for Northern Uganda = 4.2325) (Table 6). The test result confirms the teachers' assessment, and contradicts the assessment of school leaders who maintained that the teachers from Central Uganda used more democratic methods to control students' discipline than teachers from Northern Uganda.

### *5.4 Null hypothesis 4: "Schools in Central Uganda do not have better motivational strategies for their students than the schools in Northern Uganda"*

Teachers were asked to state the motivational strategies set by the school for the students to help the students excel in UCE examinations. The responses by the teachers of schools from Central and Northern Uganda have been tabulated in Table 7 below.

From Table 7, the results show that, according to the teachers' experiences, schools set and implement motivational strategies 1, 2, 3, 4, 5, 11, 12, 13, 19, 20 and 21 "very regularly" in their schools, as reflected by the high percentages (40% to 86%) and 40% to 63% of teachers of schools from Central and Northern Uganda, respectively, who responded to the questionnaire; while strategies 2, 3, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, and 20 are implemented "regularly". Similarly, 51% of teachers of schools in Central Uganda who responded to the questionnaire "strongly agreed" that the schools ensure that teachers complete the syllabus. When the regions were compared, 41% to 68% of teachers of schools from Northern Uganda who responded to the questionnaire said that the set motivational strategies 1, 2, 4, 5, 6, 11, 12, and 13 were implemented "very regularly", while 41% to 86% of teachers of schools from Central Uganda reported that strategies 3, 7, 9, 14, 15, 17, 19, 20 and 21 are implemented "regularly". In the case of strategies 22 - 26, at least 33% to 56% of teachers of schools from Central Uganda who responded to the questionnaire either "strongly agreed" or "agreed" to the statements, while only 14% to 68% of teachers from schools from Northern Uganda either "strongly agree" or "agree" to the statements. The teachers of schools from Central Uganda who felt that the set motivational strategies were implemented either "seldom" or "not at all", or those who were "not sure", ranged from 0% to 33%, and from Northern Uganda the percentage ranges from 0% - 39%. Generally, the frequencies

of the responses by the teachers showed that the differences between the strategies set and implemented to complement the efforts of the students to excel in UCE examinations in schools from Central and Northern Uganda are not significant. However, the majority, except Items 2, 15, 16, 18, 19, and 25 are school- or teacher-centred, meant for preparing the students to pass examinations rather than catering for students' future responsibilities to make informed decisions and choices.

The students themselves were asked to give their assessment of schools' strategies to complement their efforts to excel in UCE examinations. The expected school's strategies were as listed in Table 8. Students were further asked to give their impression of the state of the facilities in their schools. They were also asked to give their opinion on if they were to start afresh if they would come back to their present school. The responses by the students of schools from Central and Northern Uganda have been tabulated in Table 8.

From Table 8, it is observed that, according to students' observations, the schools in both Central and Northern Uganda have set motivational strategies to complement the efforts of the students to help them excel in UCE examinations. As per assessment by the students, the rate of the implementation of school strategies to complement the efforts of the students to excel in UCE examinations is the same in the two regions. Even the students' impression of the teaching-learning processes in their schools does not reflect any difference. Similarly, the students' opinions on if they would come back to the same schools if they were to start afresh do not indicate differences in their opinions. Like what was found for teachers, students' revelations indicated that much emphasis was on strategies to help the students to pass examinations, rather than on students' democratic lives, except for Items 2, 3, 10, 11, and 12 (Table 8).

The teachers' and students' frequencies agree with the results of the statistical test below. The summary shows that t calculated for teachers is (1.2199) and is less than t theoretical (2.12), α one tailed=0.05, df=16, t calculated for students is (1.3226) and is less than t theoretical (1.746), α one tailed=0.05, df=16. Therefore, the null hypothesis 4 **"**Schools in Central Uganda do not have better motivational strategies for their students than the schools in Northern Uganda" has been accepted by both the teachers and students. According to the assessment by the teachers and students, there is no difference in the motivational strategies set by the schools for their students in schools in Central and Northern Uganda.

The findings from the responses by the teachers and students contradict the findings from the school leaders. The School Headteachers, Deputy Headteachers, DOS and Career Guidance Teachers showed that the leaders of schools from Central Uganda have set and implemented better strategies to support the efforts of the students to help the students excel in UCE examinations and there by improve SPI. Some of the strategies include holding motivational talks, encouraging students to consult teachers as often as possible, and ensuring good food, health, accommodation, and recreational facilities. These are strategies that are encouraging to both teachers and students, and help to build their capacities. In comparison, strategies that were set by the schools in Northern Uganda make the students depend on them for guidance. The Headteachers indicated that they give teacher-parent support during Subject, House, Visitation, and Under Performance Meetings. Based on the school leaders' revelations, schools in Central Uganda apply more democratic strategies than the schools in Northern Uganda.

### *5.5 Summary*

The study found that teachers in Central and Northern Uganda use the same styles of teaching. But teachers in schools from Central Uganda apply better strategies to manage the students' classroom discipline than the teachers in schools in Northern Uganda. They are more democratic and involve the students more than the teachers teaching in schools from Northern Uganda, who are more authoritative. Thus, the students in schools in Central Uganda were better guided to be more

disciplined than the students in Northern Uganda. The study further found that the schools in Central Uganda motivate their teachers more than the schools in Northern Uganda, leading to the teachers of Central Uganda being more committed to helping the students, and thus contributing more to the efforts of the students, leading to better learning and better SPI in UCE examinations.

## 6. Discussion, conclusion and recommendations

### *6.1 Discussions*

This study found that there was no difference in the teachers' styles of teaching between teachers teaching in schools from Central Uganda and Northern Uganda. This finding was confirmed by the school leaders – HTs, DHTs, DOS and CGTs of schools from Central and Northern Uganda. These findings agree with the findings by Christie (2010) and Cristiana (2015), who found that teachers can influence student motivation and that certain practices make assigned work more engaging for students at all levels. However, the teaching styles reflect that the schools are not pedagogically autonomous, but rather are centralised. Teaching styles were also designed to help students pass examinations but not - as Dewey (1916) stressed - for preparing the students to acquire the ability to take responsibility to make informed, intelligent choices and decisions, develop effective habits, and learn how to learn and how to learn for life. The teaching styles do not follow Gardener's theory (1983), where there should be project-oriented teaching, the use of portfolios both in learning and assessment, and a focus on different learning styles where interactions between teachers and students are encouraged. This should further be reinforced by the views from Darling-Hammond (2010), that providing students with multiple ways to demonstrate knowledge and skills increases engagement and learning and provides teachers with a more accurate understanding of students' knowledge and skills; Hattie's (2011), that providing students with multiple ways to access content improves learning, and Tomlison's (2014), that instruction should be informed as much as possible by detailed knowledge about students' specific strengths, needs, and areas of growth. The increased pressure to perform has meant that teachers teach to enable the students to pass examinations, "cramming" to remember things that are not likely to help them much and which will be forgotten shortly after examinations (Manishankar 2015). Four years of secondary education is judged on the basis of one set of one time examinations. The examinations, in large part, measure the regurgitation of facts, but neither analytical nor problem-solving skills, or their outcomes or capabilities.

The curriculum is rigid (few subjects which students are forced to take compulsorily irrespective of their interests, aptitudes, and abilities), thus leading to high drop-out rates in our education system and it not being relevant to every region Odaet et al. (1980). Yet, a democratic curriculum - according to Kevin (1989) - involves continuous opportunities to explore problems, events, and issues that arise in the course of our collective lives: to imagine the responses to problems and to act on those responses.

Just as the teachers of schools from both Central and Northern Uganda revealed that they use the same styles of teaching, the same teachers in schools from Central and Northern Uganda revealed that they use the same strategies to control students' classroom discipline. However, further analysis of the responses from the school leaders – HTs, DHTs, DOS, and CGTs – refutes the observations by the teachers. It instead reflects that there was a difference in the methods the teachers of schools from Central and Northern Uganda use in controlling the classroom disciplines of the children. The teachers teaching in schools from Northern Uganda applied less democratic methods where they use some elements of force including enforcing rules and regulations; enforcing class and prep attendance; the use of uniforms; excluding late comers from attending class; apprehending undisciplined students and locking dormitories during class and prep hours, thus making the students always require some attention and therefore no self-control. This confirms discoveries by Kralevich et al. (2010) that, when students were suspended, their average

scaled scores on TAKS in reading and mathematics are reduced. While teachers teaching in schools from Central Uganda use more democratic methods where they allow students to freely approach them for help, use student-centred methods in teaching, involve the students themselves to control their own discipline, monitor the teaching-learning process and inform the administration, integrate academics with co-curricular activities and encouraging self-respect, thus, making them disciplined, self-controlled and focused. All reflect that democratic ways are applied more in schools in Central Uganda than in schools in Northern Uganda, following the advice from Patrick (2003) that in education for democracy, all those involved in school - including young people - have the right to participate in the process of the decision-making process. Therefore, while the teachers in schools in Northern Uganda try to force the students to study so that they pass the examinations, they end up being undemocratic to the students. Teachers from Central Uganda are following the advice of the Director of St. Francis Xaviour's School T. W. Nigeria (2009), that a good approach to managing students' discipline helps students to develop a sense of responsibility for learning and helps in improving students' learning and performances, as is reflected by good SPIs (69% - 118%). This agrees with the findings by Dunleavy & Milton (2009: 15), that effective learning experiences are also shaped by student-teacher relationships that support the development of young peoples' social and emotional competencies, when they said that "Students themselves consistently say that what most helped them thrive in spite of these challenges was the quality of relationships they developed with adults in their schools". According to them when students have opportunities to connect with adults who approach these relationships with a spirit of caring, empathy, generosity, respect, reciprocity, and a genuine desire to know students personally, they can make a unique contribution to young peoples' emerging adaptive capacity, self-sufficiency, resiliency, confidence, and knowledge of themselves as learners. Therefore, he emphasised a democratic way of treating the students that, according to the findings in this study, the students in schools from Northern Uganda were missing.

### *6.2 Conclusions*

Uganda is a sovereign, democratic state whose constitution allows every child an equal right to an education, especially basic education including secondary school, as shown by the implementation of Universal Primary and Secondary education policies. But, as Patrick (2003) said, Uganda's democracy in education has fallen on hard times. The system of allocating subjects to the students is not democratic because, out of the eighteen subjects taught in secondary schools, only ten are examined, among which seven are compulsory. Teaching styles are mainly geared towards making the students pass the examined subjects, while ignoring the development of skills and the talents of students in everyday life and which may allow them access to the vocational world of work. The administration sets strategies to motivate both teachers and students, mainly to help the students to pass examinations.

However, the teachers' styles of teaching were closely influenced by teacher motivation. The schools in Central Uganda that motivated their teachers better had teachers who were more committed and put in more effort, interacted more with their students, and thus were more democratic and guided their students to acquire self-motivation, competitive attitudes, and be more focused. But the teachers in schools in Northern Uganda, who were less motivated by their schools, had lower morale and were less democratic, did a routine job (came, taught, and went home), and cared less about the performance levels of their students. The teaching styles emphasised more the need to make the students pass UCE examinations, rather than applying democratic means to teaching the students, especially in schools from Northern Uganda. Therefore, Gardener's theory (1983) that encourages project-oriented teaching; the use of portfolios both in learning and assessment, and focusing on different learning styles where interactions between teachers and students are encouraged are not practiced by teachers from Northern Uganda. Further still, the

teachers are not practicing the views of Darling-Hammond (2010), that providing students with multiple ways to demonstrate their knowledge and skills increases engagement and learning and provides teachers with a more accurate understanding of students' knowledge and skills; Hattie's (2011), that providing students with multiple ways to access content improves learning; and Tomlison's (2014), that instruction should be informed as much as possible by detailed knowledge about students' specific strengths, needs, and areas of growth. This explains why the performance of students from Northern Uganda in UCE examinations is poor, leading to a low SPI of 71% - 163% in UCE examinations.

The methods teachers used to control students' classroom discipline, likewise, were less democratic in schools in Northern Uganda. In schools from Central Uganda, where teachers used democratic approaches, the students are more disciplined and have self-control. But in schools from Northern Uganda, where teachers used some element of force, made the students always require some attention and be less responsible and less friendly to teachers and administration – be undisciplined.

In practical terms, the students in schools in Central Uganda are at an advantage over the students in schools in Northern Uganda, not that they have more potential (Karooro 2002) or that there are more resources (Mugimu 2004), but rather that their learning environments are more democratic and therefore more conducive than in Northern Uganda. Teachers and school leaders of schools in Central Uganda applied the theories of Gardner (1983) to carry out management and teaching-learning processes. The school management applies some democracy to mobilise the teachers, students, and parents to help the students to learn and excel in their performance in UCE examinations, and their schools attained a high SPI 69% - 118% in UCE examinations.

### *6.3 Recommendations*

School managers need to find ways to make school management democratic, for instance, the necessity for cooperation between parents and schools in the achievement of the all-round personal development of the individual pupil should be emphasised (Townshend et al. 2005).

Teachers in their classrooms, together with their students, should engage in collaborative planning, reaching decisions that respond to the concerns and interests of both the teachers and their students. They need to guide the students to get involved in the teaching-learning process, and should emphasise the critical thinking skills and inquiry that are usually embedded in active student-student interactions or small group activities. Teachers need to guide their students to develop self-regulated attitudes behaviours and motivational beliefs that they have the capability to perform well. The results of the formative assessments (continuous assessments) that the schools administer – such as at the beginning of term, mid-term, end of term and mock examination throughout the candidates' four years of study need to be considered together with results of Uganda National Examinations' Board for the final grading of the candidate.

The Education Ministry should ensure that educational planning, including the choice of teaching approaches and the content to be taught in all subjects should meet the objectives of secondary education in particular, and objectives of education in Uganda in general, in order to take care of the needs of the individual student. Subjects to be examined should be expanded to meet the interests and abilities of all students – academic, vocational and other life skills – so that education becomes a democratic and lifelong process. Let the teaching-learning conditions be changed to the realisation of a noble dream for people's education (Ball 2002), so that the graduates of the system can acquire the necessary knowledge, skills, and habits to make them self-reliant, active contributors to the development of the country, and act to fulfil the motto of the country, "For God and my Country".

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## Tables

Table 1: Uganda Certificate of Education Examination Results for 2001 – 2011 for St. Mary's Namagunga Mukono District, Central Region, Uganda.

| Year | Div.I | Div.II | Div. III | Div. IV | Div.V | DIV VI | DV VII | DIV VIII | DIV IX | DIV X | TOTAL | Performance average (SPA) | Performance index (SPI) % | Rate of performance Change |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2001 | | | | | | | | | | | | | | |
| 2002 | 137 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 139 | 1.02877698 | 100.00% | 0 |
| 2003 | 136 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 136 | 1.000 | 97.2027972 | 2.7972028 |
| 2004 | | | | | | | | | | | | | | |
| 2005 | 141 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 142 | 1.00704225 | 100.00% | 0.00 |
| 2006 | 142 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 145 | 1.02068966 | 101.355197 | -1.6448030 |
| 2007 | 139 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 141 | 1.0141844 | 99.3626605 | 0.6373395 |
| 2008 | 134 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 135 | 1.00740741 | 99.3317793 | 0.6682207 |
| 2009 | 132 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 134 | 1.01492537 | 100.746269 | -0.7462690 |
| 2010 | 146 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 147 | 1.00680272 | 99.1996799 | 0.8113201 |
| 2011 | 151 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 153 | 1.0130719 | 100.622682 | -0.6226820 |
| Average | | | | | | | | | | | | 1.01201767 | 85.9454666 | |

**KEY**
**DIV** = Division
**DIV I** = Division (one); **DIV II** = Division (Two); **DIV III** = Division (Three); **...**
**DIV X** = Division (Ten)
**Source:** Result Files, St. Mary's Namagunga Mukono District, Central Region, Uganda**.**

Table 2: Uganda Certificate of Education Examination Results for 2001 – 2011 for St. Aloysious College Nyapea, Zombo District, Northern Region, Uganda.

| Year | Div I | Div II | Div III | Div IV | Div V | DI VI | DV VII | DV VIII | DV IX | DIV X | TOTAL | Performance average (SPA) | Performance index (SPI) % | Rate of performance Change |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2001 | 15 | 22 | 10 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 2.02 | 100 | 0 |
| 2002 | 7 | 18 | 22 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 50 | 2.52 | 124.752475 | -24.75247525 |
| 2003 | 18 | 26 | 13 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 58 | 1.94827586 | 96.4493001 | 3.550699898 |
| 2004 | 17 | 35 | 21 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 81 | 2.24691358 | 111.233346 | -11.23334556 |
| 2005 | 9 | 39 | 17 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 66 | 2.15151515 | 106.510651 | -6.510651065 |
| 2006 | 10 | 34 | 38 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 100 | 2.64 | 130.693069 | -30.69306931 |
| 2007 | 8 | 26 | 47 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 123 | 3 | 148.514851 | -48.51485149 |
| 2008 | 2 | 16 | 27 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 64 | 2.984375 | 147.741337 | -47.74133663 |
| 2009 | 0 | 26 | 18 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 59 | 2.81355932 | 139.285115 | -39.28511495 |
| 2010 | 1 | 12 | 16 | 16 | 0 | 0 | 0 | 0 | 1 | 0 | 46 | 3.17391304 | 157.124408 | -57.12440809 |
| 2011 | 1 | 12 | 21 | 26 | 0 | 0 | 0 | 0 | 1 | 0 | 61 | 3.29508197 | 163.12287 | -63.12286966 |
| Average | | | | | | | | | | | | 3.39825125 | 229.548 | |

**KEY**
**DIV** = Division
**DIV I** = Division (one); **DIV II** = Division (Two); **DIV III** = Division (Three); **...**
**DIV X** = Division (Ten)
**Source:** Result Files, St. Aloysious College Nyapea, Zombo District, Northern Region, Uganda.

Table 3: Number of respondents per school

| Respondents | Number Sampled | Central Uganda Number of Responses Received | Northern Uganda Number of Responses Received | Method of Sampling |
|---|---|---|---|---|
| ***School Leadership*** | | | | |
| Headteacher | 1 | 10 (30.3%) | 8(24.2%) | Purposeful |
| Deputy Headteacher Academics | 1 | 10 (30.3%) | 8(24.2%) | Purposeful |
| Director of Studies (DOS) | 1 | 10 (30.3%) | 8(24.2%) | Purposeful |
| School Careers Master | 1 | 10 (30.3%) | 8(24.2%) | Purposeful |
| ***Sub-Total*** | *4X33 = 132* | **40(30.3%)** | **32(24.2%)** | |
| ***Subject Heads of Departments*** | | | | |
| Representative from Science | 1 | | | |
| Representative from Arts | 1 | | | |
| ***Sub-Total*** | *2X33 = 66* | | | |
| ***Class Teachers*** | | | | |
| S3 Teachers' Representative | 1 | | | |
| S5 Class Teachers' Representative (Science) | 1 | | | |
| S5 Class Teachers' Representative (Arts) | 1 | | | |
| ***Sub-Total*** | *3* | | | |
| ***Teachers per school*** | *5X33 = 165* | **42(50.6%)** | **38(46%)** | Purposeful/ Random |
| ***Students*** | | | | |
| S3 Students' Representatives (Girls) | 2 | | | |
| S3 Students' Representatives (Boys) | 2 | | | |
| S5 (Science) Students' Representatives (Girls) | 2 | | | |
| S5 (Science) Students' Representatives (Boys) | 2 | | | |
| S5 (Arts) Students' Representatives (Girls) | 1 | | | |
| S5 (Arts) Students' Representatives (Boys) | 2 | | | |
| ***Students per school*** | *11X33 =363* | **78(43.9%)** | **62(34.1%)** | Stratified Random |
| **Parents (5 per Region)** | | | | |
| **Sub-Total** | 10 | **7(70%)** | **5(50%)** | Purposeful |
| ***Key Informants (KI)*** | 10 | **5 (100%)** | **5(100%)** | Random |
| **Sub-Total** | *18* | | | Convenience |
| ***Overall Total*** | *754* | **161** | **143** | |

| Category of People Interviewed | No. Interviewed |
|---|---|
| 1. Teachers who did not participate in the questionnaire, and especially those who had the experience of teaching in Central Uganda where the candidates' performances in UCE examinations have been observed to be good. | 5 |
| 2. Headteachers and other Administrators in Education sector who were serving in Northern Uganda but had experience of serving in Central Uganda as either Deputy Headteachers, Directors of Studies, Career Guidance Teachers or Head of Subjects. | 3 |
| 3. Parents who decided to transfer their children from Northern Uganda to Central Uganda. | 5 |
| 4. Students from Northern Uganda who were studying in Central Uganda. | 5 |
| **Total Number Interviewed** | **18** |

Table 4: Teachers' teaching styles; Central and Northern Uganda as stated by teachers

| | Central Uganda | | | | | | Northern Uganda | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Teachers' Teaching Styles** | **GTM (%)** | **LM (%)** | **GDM (%)** | **PTM (%)** | **NS (%)** | **TOT (%)** | **GTM (%)** | **LM (%)** | **Guided Discussion Method (%)** | **PTM (%)** | **NS (%)** | **TOT (%)** |
| 1. What methods do you use while teaching? | 70 | 25 | 5 | 0 | 0 | 100 | 63 | 32 | 0 | 5 | 0 | 100 |
| | **VR** | **R** | **S** | **NAT** | **NS** | **TOT** | **VR** | **R** | **S** | **NAT** | **NS** | **TOT** |
| 2. Do you give students guided scoring guides per subject? | 16 | 51 | 14 | 19 | 0 | 100 | 13 | 66 | 13 | 8 | 0 | 100 |
| 3. Group discussions are organised for students/held by students | 42 | 51 | 7 | 0 | 0 | 100 | 34 | 42 | 11 | 13 | 0 | 100 |
| 4. Revisions are done | 51 | 49 | 0 | 0 | 0 | 100 | 63 | 29 | 5 | 3 | 0 | 100 |
| 5. Do you complete syllabus? | 43 | 33 | 17 | 5 | 2 | 100 | 26 | 37 | 24 | 13 | 0 | 100 |
| | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** |
| 6. Teachers show the students how omission of certain steps might lead to loss of marks | 53 | 43 | 2 | 2 | 0 | 100 | 26 | 66 | 5 | 3 | 0 | 100 |
| 7. Teachers encourage practical discussions among students outside classroom. | 37 | 47 | 12 | 2 | 2 | 100 | 32 | 55 | 8 | 5 | 0 | 100 |
| 8. Teachers use demonstration method in teaching. | 22 | 67 | 9 | 2 | 0 | 100 | 42 | 42 | 16 | 0 | 0 | 100 |

**KEY**

1. Guided Teaching Method (GTM)
2. Lecture Method (LM)
3. Practical Teaching Method (PTM)
4. Guided Discovery Method (GDM)
5. Guided Discussion Method
6. Guided Scoring Method (GSM)
7. Students' lead Practical Discussion Group

SA = Strongly Agree
A = Agree
N = Neutral
DA = Disagree
SDA = Strongly Disagree

VR = Very Regularly
R = Regularly
S = Seldom
NAT = Not at all
NS = Not Sure

Table 5: Teachers' styles of teaching

| S/NO | Teaching Style | Description of Teaching Style |
|---|---|---|
| 1 | Guided Teaching Method (GTM) | This is the teaching method where the teacher acts only as a guide. The students are made to teach themselves. |
| 2 | Lecture Method (LM) | The teaching method where the teacher is the main provider of the information. Students passively receive the information. This method is less democratic. The student is not given much opportunity to express his/her views. |
| 3 | Practical Teaching Method (PTM) | This is where the teacher encourages experiments, demonstrations with full learner participation. |
| 4 | Guided Discovery Method (GDM) | Teaching method where the teacher guides the students to discover the unknown based on the knowledge the students already have (Teaching from the known to the unknown). |
| 5 | Guided Discussion Method | The teaching method where the teacher assigns groups to the students to discuss among themselves, and the teacher's role is to guide the discussion to ensure that the trend is correct. |
| 6 | Guided Scoring Method (GSM) | A method where the teacher guides the students to establish main points, steps, or areas where students will earn more marks. |
| 7 | Students' lead Practical Discussion Group | A method almost the same as in 5 above, but with less teacher involvement. |

Table 6: Teachers' strategies for maintaining students' classroom discipline Central and Northern Uganda as stated by Teachers

| | Central Uganda | | | | | | Northern Uganda | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Teachers' strategies for maintaining students' classroom discipline** | **VO (%)** | **O (%)** | **S (%)** | **NAT (%)** | **NS (%)** | **TOT (%)** | **VO (%)** | **O (%)** | **S (%)** | **NAT (%)** | **NS (%)** | **TOT (%)** |
| 1. Allowing students to approach me freely for help. | 67 | 27 | 3 | 3 | 0 | 100 | 65 | 30 | 3 | 2 | 0 | 100 |
| | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** |
| 2. Teachers to showing good morals. | 41 | 45 | 14 | 0 | 0 | 100 | 57 | 35 | 8 | 0 | 0 | 100 |
| 3. Teachers maintaining students' good discipline in the school. | 57 | 34 | 7 | 2 | 0 | 100 | 45 | 50 | 3 | 2 | 0 | 100 |
| 4. Teachers having Discipline Control Mechanisms. | 40 | 53 | 2 | 5 | 0 | 100 | 35 | 57 | 5 | 3 | 0 | 100 |
| 5. There is guidance and counselling. | 61 | 32 | 5 | 0 | 2 | 100 | 56 | 31 | 10 | 0 | 3 | 100 |
| 6. Students' and prefects' meetings are organised by teachers to allow the students participate in the decision making process of the school. | 61 | 32 | 5 | 0 | 2 | 100 | 54 | 32 | 11 | 0 | 3 | 100 |
| 7. Issues raised by students genuinely are handled promptly. | 31 | 46 | 21 | 2 | 0 | 100 | 42 | 47 | 8 | 3 | 0 | 100 |

**KEY**

VO = Very Often
O = Often
S = Seldom
NAT = Not At All
NS = Not Sure
SA = Strongly Agree
A = Agree
N = Neutral
DA = Disagree
SDA = Strongly Disagree

Table 7: School strategies to complement students' effort in doing homework, reading, and discussions with peers as stated by Teachers from Central and Northern Uganda

| | Central Uganda | | | | | | Northern Uganda | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **School strategies to complement students' effort** | **VR (%)** | **R (%)** | **S (%)** | **NAT (%)** | **NS (%)** | **TOT (%)** | **VR (%)** | **R (%)** | **S (%)** | **NAT (%)** | **NS (%)** | **TOT (%)** |
| 1. Encourages revisions to be done | 60 | 38 | 2 | 0 | 0 | 100 | 57 | 41 | 2 | 0 | 0 | 100 |
| 2. Encourages that group discussions are organised for students/held by students | 41 | 56 | 3 | 0 | 0 | 100 | 41 | 38 | 14 | 7 | 0 | 100 |
| 3. Organises seminars in different subjects. | 45 | 40 | 10 | 5 | 0 | 100 | 38 | 41 | 11 | 10 | 0 | 100 |
| 4. Organises study related field trips for us students. | 55 | 38 | 2 | 5 | 0 | 100 | 41 | 43 | 10 | 3 | 3 | 100 |
| 5. Teachers with exceptional experiences and expertise are made to teach students from different schools | 55 | 38 | 2 | 5 | 0 | 100 | 41 | 43 | 10 | 3 | 3 | 100 |
| 6. Ensures there is organisation of extra lessons to be guided by the teachers. | 32 | 54 | 5 | 7 | 2 | 100 | 47 | 24 | 18 | 11 | 0 | 100 |
| 7. Encourages that teachers are eager to help students when approached for help | 30 | 56 | 12 | 0 | 2 | 100 | 28 | 54 | 13 | 5 | 0 | 100 |
| 8. Ensures that teachers give homework. | 7 | 60 | 33 | 0 | 0 | 100 | 36 | 39 | 17 | 8 | 0 | 100 |
| 9. Ensures that teachers mark homework. | 20 | 40 | 26 | 14 | 0 | 100 | 20 | 66 | 6 | 8 | 0 | 100 |
| 10. Ensures that teachers give feedback on homework to students. | 16 | 63 | 14 | 7 | 0 | 100 | 21 | 33 | 39 | 6 | 0 | 100 |
| 11. Ensures that teachers set and give end of month/term examinations. | 72 | 28 | 0 | 0 | 0 | 100 | 69 | 29 | 2 | 0 | 0 | 100 |
| 12. Ensures that teachers mark the end of month/term examinations | 86 | 14 | 0 | 0 | 0 | 100 | 49 | 47 | 2 | 2 | 0 | 100 |
| 13. Ensures that teachers give feedback on month/term examinations. | 61 | 34 | 5 | 0 | 0 | 100 | 68 | 16 | 11 | 5 | 0 | 100 |
| 14. Making positive and encouraging remarks. | 33 | 47 | 18 | 2 | 0 | 100 | 24 | 62 | 11 | 3 | 0 | 100 |
| 15. Teachers discuss weaknesses and strengths of individual children with the children | 37 | 41 | 20 | 0 | 2 | 100 | 27 | 62 | 5 | 3 | 3 | 100 |
| 16. Teachers discuss the weaknesses of the individual children with parents in the presence of the children. | 33 | 44 | 10 | 13 | 0 | 100 | 38 | 33 | 24 | 5 | 0 | 100 |
| 17. Teachers encourage the children who are performing well to continue to aim higher. | 27 | 42 | 22 | 7 | 2 | 100 | 16 | 46 | 27 | 8 | 3 | 100 |
| 18. Teachers hold regular meetings with children and teachers to discuss problems faced by the children. | 32 | 48 | 15 | 5 | 0 | 100 | 38 | 38 | 13 | 11 | 0 | 100 |
| 19. Teachers allow children to express their feelings freely and listening to their expressions. | 42 | 44 | 12 | 2 | 0 | 100 | 36 | 51 | 5 | 8 | 0 | 100 |
| 20. Encourages teachers to show concern about the performance of the children in the tests and homework. | 58 | 42 | 0 | 0 | 0 | 100 | 36 | 61 | 3 | 0 | 0 | 100 |
| 21. Ensures that teachers set motivational strategies for their children. | 40 | 33 | 22 | 5 | 0 | 100 | 30 | 43 | 16 | 8 | 3 | 100 |
| | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** | **SA** | **A** | **N** | **DA** | **SDA** | **TOT** |
| 22. Ensures that teachers complete the syllabus. | 51 | 43 | 2 | 2 | 2 | 100 | 46 | 48 | 3 | 3 | 0 | 100 |
| 23. Set motivational strategies to encourage teachers to work hard. | 37 | 33 | 19 | 9 | 2 | 100 | 33 | 44 | 19 | 3 | 0 | 100 |
| 24. Encourages teachers to stress the allocation of marks at different steps while teaching (Guided Scoring Strategy) | 19 | 51 | 12 | 18 | 0 | 100 | 14 | 68 | 13 | 5 | 0 | 100 |
| 25. Ensures that teachers encourage practical discussions among students outside classroom | 35 | 56 | 7 | 2 | 0 | 100 | 37 | 42 | 13 | 5 | 3 | 100 |
| 26. Ensures that teachers use demonstration method in teaching | 38 | 44 | 16 | 2 | 0 | 100 | 24 | 68 | 8 | 0 | 0 | 100 |

**KEY**

VR = Very Regularly
R = Regularly
S = Seldom
NAT = Not at all
NS = Not Sure

SA = Strongly Agree
A = Agree
N = Neutral
DA = Disagree
SDA = Strongly Disagree

Table 8: School strategies to complement students' effort in doing homework, reading, and discussions with peers Reported by Students of Central and Northern Uganda

| | Central Uganda | | | | | | Northern Uganda | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | VR (%) | R (%) | S (%) | NAT (%) | NS (%) | TOT (%) | VR (%) | R (%) | S (%) | NAT (%) | NS (%) | TOT (%) |
| 1. My school encourages revisions to be done | 79 | 19 | 1 | 1 | 0 | 100 | 64 | 26 | 5 | 3 | 2 | 100 |
| 2. My school ensures that group discussions are organised for students/held by students | 60 | 29 | 8 | 0 | 3 | 100 | 62 | 20 | 10 | 5 | 3 | 100 |
| 3. My school organises study related field trips for us students. | 47 | 28 | 13 | 6 | 6 | 100 | 64 | 25 | 7 | 2 | 2 | 100 |
| 4. My school gives opportunity to teachers with exceptional experiences and expertise to teach students from different schools. | 62 | 24 | 6 | 5 | 3 | 100 | 77 | 15 | 4 | 2 | 2 | 100 |
| 5. My school has well equipped computer laboratory with Internet | 47 | 24 | 12 | 6 | 11 | 100 | 51 | 22 | 10 | 12 | 5 | 100 |
| 6. My school has a substantial number of text books for the various student grade levels | 56 | 25 | 12 | 4 | 3 | 100 | 60 | 23 | 8 | 7 | 2 | 100 |
| 7. My school has adequate laboratories that are well equipped | 63 | 28 | 4 | 5 | 0 | 100 | 59 | 20 | 10 | 11 | 0 | 100 |
| 8. My school has adequate number of other necessary instructional materials for effective teaching | 48 | 27 | 16 | 6 | 3 | 100 | 36 | 42 | 15 | 5 | 2 | 100 |
| 9. My school has enough classrooms | 58 | 23 | 11 | 4 | 4 | 100 | 60 | 20 | 5 | 13 | 2 | 100 |
| 10. My school provides adequate recreational facilities for the children | 22 | 37 | 21 | 15 | 5 | 100 | 38 | 32 | 12 | 11 | 7 | 100 |
| 11. My school ensures good feeding for the children. | 32 | 39 | 17 | 8 | 4 | 100 | 37 | 20 | 27 | 13 | 3 | 100 |
| 12. My school has good health facilities | 35 | 32 | 23 | 5 | 5 | 100 | 34 | 46 | 14 | 4 | 2 | 100 |
| 13. My school has adequate discipline control mechanisms. | 51 | 26 | 20 | 3 | 0 | 100 | 47 | 33 | 15 | 3 | 2 | 100 |
| 14. My school asks parents to provide text books for their children to add to the number provided by the school. | 39 | 28 | 16 | 9 | 8 | 100 | 39 | 33 | 8 | 15 | 5 | 100 |
| 15. My School organises extra lessons to be guided by the teachers outside the official timetable | 43 | 38 | 8 | 8 | 3 | 100 | 47 | 26 | 12 | 6 | 9 | 100 |
| 16. My school encourages teachers to show good morals | 60 | 33 | 6 | 1 | 0 | 100 | 64 | 29 | 2 | 3 | 2 | 100 |
| 17. My school assists teachers in maintaining students' good discipline in the school. | 58 | 37 | 4 | 0 | 1 | 100 | 63 | 32 | 3 | 0 | 2 | 100 |
| **Impression** | **E** | **G** | **F** | **P** | **VP** | **TOT** | **E** | **G** | **F** | **P** | **VP** | **TOT** |
| 1. How would you evaluate the quality of teaching and learning you received in this school? | 38 | 49 | 11 | 1 | 1 | 100 | 41 | 47 | 12 | 0 | 0 | 100 |
| 2. How would you evaluate your entire educational experience at this school? | 37 | 42 | 20 | 1 | 0 | 100 | 32 | 53 | 13 | 2 | 0 | 100 |
| **Opinion** | **DY** | **Y** | **PY** | **PN** | **DN** | **TOT** | **DY** | **Y** | **PY** | **PN** | **DN** | **TOT** |
| 1. If you could start school over again, would you go to the same school again? | 40 | 23 | 9 | 12 | 9 | 100 | 32 | 28 | 13 | 17 | 10 | 100 |

**KEY**

VR = Very Regularly
R = Regularly
S = Seldom
NAT = Not at all
NS = Not Sure

E = Excellent
G = Good
F = Fair
P = Poor
VP = Very Poor

DY = Definitely Yes
Y = Yes
PY = Probably Yes
PN = Probably No
Definitely No

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# Navigating exclusionary-inclusion: school experience of Dalit EFL learners in rural Nepal

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**Abstract:** Modern schooling is often expressed as one of the key social dynamics of development and modernisation in Nepal. Ideally, school policies and pedagogies are said to embrace inclusion, socialisation and democratisation of young children irrespective of their class, caste, gender and ethnicity. The state's signatory promises in national/international conventions and platforms often mention social inclusion as the most important expected goal of formal schooling. However, such an understanding is often undermined by persistent educational inequalities and differences which, in turn, underline emergent social, cultural and economic forces that exacerbate social exclusion of many schoolchildren. English Language Teaching (ELT), one of the modern education specificities in the national educultural space, is intricately connected to such inequalities, and is the de facto cause of the enforcing social exclusion of socially, culturally and economically marginalised Dalit children, despite the fact that they attend schools and English as a Foreign Language (EFL) classrooms as the "principled inclusion" advocates. Amid this paradox, the main purpose of this paper is to examine exclusionary-inclusion in relation to modern schooling and English learning in rural settings. Employing critical ethnography, this paper examines how modern schooling, particularly in relation to English teaching/learning including English-as-a-medium-of-instruction (EMI), perpetuates social exclusion of the Dalit schoolchildren. The analysis of the data derived from qualitative interviewing, participant observation and learner diaries, suggests to us that policy-practice ambiguities and complicated intersection of existing caste-class-gender disparities with English Learning Opportunities (ELOs) are the principal domains areas that enforce "exclusionary-inclusion" among the marginalised Dalit children in community, school and EFL classroom spaces in rural Nepal.

**Keywords:** Schooling, exclusionary-inclusion, Dalit, identity, ELOs.

## 1. Introduction

> The magnitude of the problems of illiteracy, non-enrolment and school dropout varies by gender, region and different social groups. There are variegated gaps between rural and urban, males and females as well as ethnic and social groups. People (6-24 years) living in remote rural areas, females, ethnic minorities, Dalits (so called untouchable castes according to the old tradition) and the poor are extremely disadvantaged in terms of educational attainment (National Review Report for EFA 2000/2015: 6).

Modern schooling in Nepal is often expressed as one of the key social dynamics of "development" and "modernisation" of the nation (Pigg 1992; Liechty 2003; Bista 1991). Ideally, modern school policies and pedagogies in the state are said to embrace inclusion, socialisation, democratisation and the overall development of schoolchildren irrespective of their caste, class, gender and ethnicity. The state's signatory commitments in diverse national-international conventions and platforms, including "Education for All" (EFA 2000-2015), often signal its motivation to employ educational agendas and policies to inculcate its young citizens with quality, and often free and compulsory, secondary education. However, the actual realities seriously contrast with the paper declarations carried out so far. Besides some noticeable improvements in school enrolment and literacy rates, hopefully from all sections of its citizens, schooling in the state is still entrenched with a vast range of social inequalities and disparities that underline social class, caste, gender, ethnicity, mother tongue and regional background (Mathema 2007; Graner 2006). Such inequalities and disparities are often challenging for the state in terms of attaining the expected

educational goals, such as, "inclusive education", "child friendly school environment", "equality-equity to Dalit, women and the disadvantaged", and "equal access to those with special needs and the populations facing multiple exclusions" (MOE 2009/2015), outlined on the basis of EFA Goals recorded in the Dakar Framework of Action (DFA), and the Millennium Development Goals (MDGs) as well.

Critical ethnographies on schooling here, on the one hand, argue that inequalities and disparities as stated are the consequences of very socio-historical and socio-cultural constructions of formal schooling as well as its privileges to selective social groups in this manifold hierarchical society, and, on the other, the very intervention of neoliberal, meritocratic, and Western *bikasi* [development/developmentalist] ideologies in the development of school policies and pedagogies (Carney & Madsen 2009; Valentin 2011; Shrestha 1995). English education, especially English Language Teaching (ELT) including English-as-a-medium-of-instruction (EMI), is one of the modern educational dimensions that influences not only the school policies and pedagogies but also the social constructions that reproduce social inequalities and exclusion of the schoolchildren from marginalised communities. In this particular context, this paper explores how ELT including EMI enforces exclusionary-inclusion of Dalit children in school, community and (EFL) classroom spaces in rural Nepal.

### *1.1 Situating the research problem*

The present study more specifically concentrates on modern schooling in relation to ELT including EMI for its role in reproducing social exclusion of the schoolchildren from the marginalised Dalit social groups. The Dalits are the subcastes, such as *Sarki* (tanners/shoemakers), *Kami* (blacksmiths), *Damai* (tailors), *Gaine* (minstrels) *Badi* (musicians) and many other hereditary groups, especially belonging to the earlier *Sudras*, the bottommost of the four hierarchical *vernas* viz. *Brahmin*, *Chhetri*, *Vaisya* and *Sudra*, in the Classical Hindu Caste religiosity (Dumont 1980; Bista 1991; Cox 1994). As ordained with the Hindu scriptures, such as *Rig-Veda*[1] and *Manusmriti*[2], these four *vernas* and their corresponding subcastes are supposed to sustain, firstly, "separation" in matters such as marriage, contact and food; secondly, "division of labor" that the successive generations of each of the hereditary groups has to pursue; and finally, "hierarchy" that ranks the groups as relatively superior or inferior to one another (Bougle 1908 cited in Dumont 1980: 43). Considering the caste system as a collective whole rather than an individual phenomenon, Dumont (1980) concentrates on "(religious) hierarchy", which reduces all defining principles, pure-impure, separation and division of labour, into a single principle. As such, the superiority of the pure over the impure inevitably reinforces the separation between the pure and the impure, and, accordingly, the division of labour/occupations between the pure and impure because the pure and impure must be kept separate (Dumont 1980: 43). Such a deep-seated opposition between the pure and the impure strongly institutionalised Brahmins at the top, then Chhetri, and finally Vaishya as the pure castes, and Sudras/Untouchables as the impure one positioned at the bottom of the caste hierarchy. Furthermore, such hiarchicalisation legitimised the hegemony and dominance of the former over the latter for centuries in diverse Hindu societies.

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[1] Rig Veda, one of the four Vedas of Hindu, is the collection of Vadic Sanskrit hymns (1028 hymns and 10600 verses) into ten books called Mandalas. Each of these Mandalas consists of Suktas, well-recited eulogies. One of the Suktas mentioned in the tenth Mandala is Purusa Sukta that recounts how the four vernas Brahmin, Kshetri, Vaisya and Sudra were born from Purusa's (the Cosmic being) mouth, arms, thighs and feet, respectively. A verse in this Sukta also mentions that the Brahmin is the priest, the Kshetri is the member of the class of the kings, the Vaisya is the farmer, and the Sudra is the unfree servant (Dumont 1980).

[2] Manusmriti, the laws of Manu, the progenitor of humanity, recounts the creation of the world, sources of Dharma (action conforming to), the dharma of the four social classes/vernas/castes, and the laws of karma (deed/act), rebirth and final liberation.

Nepali society is one of such societies in which caste is still a dominant social agent in shaping the life, livelihood and identities of the citizens (Bista 1991; Cameron 2005; Gellner & Quigley 1999). Historically, the Nepali caste system underlined the influence of both the Indo-Aryan and Tibeto-Burman caste cultures (Bista 1991). It specified three caste categories - *Tagadhari* (Twice-born, which includes Brahman, Chhetri and Thakuri), *Matwali* (liquor drinking, which includes Vaishyas) and *pani nachanlne* (untouchables) (Cox 1994: 90). The earlier caste practice in the state was not so stern and prejudicial among the diverse Tibeto-Burman communities. However, due to a series of political-ideological interventions by the then Lichchhivi and Malla rulers under the influence of the Southern plains, the Hindu hierarchical caste tradition was extended and intensified among the Newars in Kathmandu Valley (Gellner & Quigley 1999). The then Malla King, Jayasthiti Malla's (1382-1395) social division of Kathmandu Newars in terms of occupations, housing styles, food habits and language uses not only reinforced discriminatory caste hierarchy, but also fostered Hinduisation and Sanskritisation in the caste culture and everyday life of the people in Kathmandu Valley and outside. This continued for centuries (Bista 1991). Later, the succession of Rana rulers between 1846 and 1951, and their dogmatic imposition of the Hindu caste system promulgating *The Muluki Ain* (The Law Code - 1854), intensified the discriminations and exploitations of the low caste people throughout the nation. However, the establishment of democracy abolishing the Rana oligarchy in 1951 outlawed the social discriminations on grounds of caste to some extent. The legislations written during the Panchayat reign (the period between 1962 and 1990 during which the Monarch was the official ruler of Nepal) also provided some space to the lower caste people and untouchables to participate in education, mainstream politics and development. However, since the ruling block itself granted the patronage of the Hindu ideology and caste religiosity, the laws framed against caste discrimination could not bring substantial change in the state.

The restoration of multi-party democracy in the state in the 1990s and the successive political transformations during the last decade have strongly advocated against any sort of social discrimination on grounds of caste, ethnicity, gender and religion. The state has categorised the earlier Sudras and Untouchables as "the Dalits", and has also pronounced some government incentives for empowering the Dalits with regard to their practical inclusion in education, politics and development. The current socio-political discourses of the state define the Dalits as socially, culturally, politically and economically suppressed and marginalised, so as to bring them into mainstream politics and development (The Constitution of Nepal 2015). The political protests of the Dalits themselves by instutionalising diverse Dalit organisations have encouraged them to participate in the mainstream development. Against this very backdrop, some significant changes can be observed in their participation in diverse social dimensions including formal schooling. The statistics demonstrates some considerable growth in school enrolment and literacy of the Dalits throughout the state. However, as for the focus of the current ethnography, the Dalit children are still subjected to diverse forms of social exclusion and inequalities in school, classroom and community spaces due to their socio-historical positioning, low profile in terms of social, cultural and economic capital, and burdened household liabilities that cause them to be less prepared for school engagement. Thus, although they enrol in schools and attend and try to engage themselves in the classroom as the "principled inclusion" advocates, yet most of these children still feel humiliated, prejudiced and excluded. State educational policies and pedagogies often stress, both in national and international contexts, the importance of addressing these challenges and ensuring the true sense of social inclusion in schooling. However, several factors that stimulate uneven policies and pedagogies on grounds of caste, gender, economic and regional disparities are at work in the national educultural space.

One such factor that challenges the practical social inclusion of the marginalised Dalit children is ELT including EMI practice in schools and (EFL) classrooms. From the very instigation

of modern schooling, English language has been specified as the cultural capital among the Nepalis (Liechty 2003: 212-216). English-prioritised school access for the children is often perceived as the symbol of a better future, better social status and economic soundness of the household. However, its uneven and unequal distribution among the Nepalis, via uneven school policies and practices, is often instrumental in reproducing even further the existing social inequalities and class divisions (Giri 2010: 93). Although quality maintenance is still a debatable issue in school education, EMI, and its role in differentiating English-rich-schools and English-poor-schools, has a great social impact on the schoolchildren from the marginalised communities, in this case the Dalits. As they attend poorly managed schools and classrooms, they are not often exposed to very much English. In EFL classrooms, they experience multifarious social discrimination because of their caste, gender and economic positions. Thus, even if modern school policy discourses highlight school enrolment and (EFL) classroom attendance as social inclusion, the critical school ethnography in rural Nepal traverses a number of exclusionary practices, such as caste discrimination, gender bias and othering in school, (EFL) classroom and community spaces. In this very context, the main purpose of this paper is to establish the role of English and ELT including EMI in perpetuating social exclusion of the Dalit schoolchildren in a rural setting.

### *1.2 Globalisation, schooling and ELT*

Globalisation has a strong impact on the diverse fields of social sciences including education (Zajda 2011; Spring 2008). During the last few decades, the social, cultural, political and economic transformations have advanced on grounds of unprecedented and often disjunctive flows of people, capital, technologies, images, and ideas, and ideologies have attributed to a new form of social-cultural dimension in the global cultural economy (Appadurai 1996: 32). Consequently, these transformations have also, in different ways, affected the current developments in school policies and pedagogies around the world (Zajda 2011; Rizvi & Lingard 2000). As these transformations themselves constitute and/or are constituted of manifold tensions and debates amid "global and local", "homogeneity and heterogeneity", "sameness and difference" (Appadurai 1996), these tensions have also been reflected in the school policies and practices in any developing society. However, since the influence of Western neoliberal ideologies, which underline market-based human capital production, standardization of curricula, and academic standards-driven educational reforms, is still dominant in modern school policy discourse, people from peripheral and marginalized sections in terms of gender, caste, class, ethnicity, social status and region, and those with different abilities (traditionally, disables) are undeniably experiencing a growing sense of uncertainty, alienation and exclusion (Zajda 2011; Spring 2008). The ideals that concern human rights, social justice, equality-equity, democratic understanding, etc. are often superseded by neoliberal, meritocratic, and Western-hegemonic discourses of schooling. These discourses are persuasive in shaping modern school policies and pedagogies in Nepal as well (Carney & Madsen 2009; Shrestha 1995).

Scholars often argue that ELT is deeply embedded in the current globalisation processes (Spring 2008; Tsui & Tollefson 2007; Phillipson 1992). Tsui and Tollefson (2007: 1) argue that "globalisation is effected by two inseparable mediational tools, technology and English; proficiencies in these tools have been referred to as global literacy skills". There is no doubt that English is widely used in science and technology, media and consumption, business transactions and intercultural communication. It has hegemonic presence in modern school pedagogy in society as well. Globalisation that manifests in rapid social, cultural, political and economic transformations in either field has also enforced English communication skills as the dire need for individuals to enact as the citizens of the global village in the 21st century (e.g. Crystal 2003). However, any critical examination on the current spread of English and ELT around the world undoubtedly raises some serious issues. These issues primarily concern the social inequalities and

differences that ELT in general and English-as-medium-of-instruction (EMI) in particular generate in diverse non-native societies and/or non-native individuals in English-speaking societies. These inequalities and differences have been legitimised through modern schooling via its crucial role in distributing unequal English knowledge and skills, and intensifying the social division between "English language-rich" and "English language-poor" schoolchildren (Meganathan 2011: 60). This is due to the fact that in many non-native societies, the acquisition of English knowledge and skills has been an index to cultural/symbolic capital for the elite and middle-class children, yet a matter of social exclusion for many other children struggling on the peripheries (Park & Wee 2012; Tsui & Tollefson 2007; Phillipson 1992).

### *1.3 Schooling & inclusion-exclusion dialectics*

Modern schooling, historically called *angreji schooling* [English schooling], in Nepal was formally instigated in the mid-nineteenth century under the colonial influence of the then British-India as well as the choice of the aristocratic Rana rulers between 1847 and 1951; on the one hand, to show themselves as distinct from the common mass, and, on the other hand, to connect themselves with the then British ruling bloc so as to continue their own sovereignty in the state. In its early history, it was merely used as a necessity for the elite and middle-class children from the ruling block, because the Rana rulers mostly denied the public access to mass education. However, it became an issue of mass interest after the establishment of democracy in the 1950s. Supported by Western development ideologies, these newly emerged *angreji* schools superseded conventional *aadhar schools*[3] [middle schools] as well as *pathshalas*[4], and *gumpas,* both the religious schools in Sanskrit and Buddhist traditions, respectively, were in practice, serving mostly the higher caste people with some skills in literacy, numeracy and religious preaching. Thus, the access to *angreji* education along with English exposure then was often highlighted as the icon of *bikasi* [developed], *aadhunik* [modern] and *sabhya* [civilized] among Nepali people (Shrestha 1995: 268). Such legacy continued even after the Panchayat political transformation in the state, and stimulated further social stratification between "educated persons" and "uneducated persons" among the citizens (Skinner & Holland 1996: 281). In this very context, a large section of people comprising of women, Dalit, and all those struggling from the margins was denied access to schooling for a long time. Principally, modern schooling was highlighted as the panacea for underdevelopment, social disparities and discrimination. As such, free primary education, equality-equity in the schooling of girls, Dalits and others who are socially, culturally and economically disadvantaged and marginalized, etc. were but a few on the list among several discourses attributed to modern schooling in the 1980s and 1990s. However, the social selection and prejudices deeply ingrained in the existing socio-cultural hierarchies, as well as the growing privatization of English-sloganeering schools in urban and semi-urban centres under the influence of neoliberalism, meritocracy and global capitalism has always challenged the very equality-equity discourses and practices of modern schooling in the state.

## 2. Theoretical motivation

The critical school of thought that examines schooling/education in general (Bourdieu 1986; Bourdieu & Passeron 1977; Willis 1977), and language education in particular (Phillipson 1992; Pennycook 1994; Tollefson 1995; Canagarajah 1999) provides us with some conceptual tools for

[3] *Aadhar* schools were supposed to equip the pupils with basic literacy skills in Sanskrit and Nepali languages, basic numeracy skills and some vocational training.

[4] *Pathshala* comprised of *bhasa pathshalas* (language schools) and Sanskrit *pathshalas* which were conducted in order to equip higher caste pupils with Sanskrit and Nepali literacy skills and priest-works to accomplish Vedic rites, rituals and performances.

analysing and understanding how modern schooling in relation to ELT including EMI acts as a key agent of social inequalities and exclusion. Equally, the critical examination of modernity through "a set of global cultural flows" (Appadurai 1996: 33) provides a powerful tool to see how the global flows of policies and pedagogies, and ideas and ideologies of English language education shape the identities of the modern school subjects, where English is often taught unevenly and ambivalently. However, before highlighting the theoretical as well as empirical insights, I conduct a short discussion on how and why I conceptualised "exclusionary-inclusion" in this ethnography.

Recent literature on critical school ethnography often retains high currency to the twin sociological constructs "social exclusion" and "social inclusion" (Lareau & Horvat 1999; Kane 2011; Tamim & Tariq 2015). Lareau and Horvat's exploration of social inclusion and exclusion with reference to race, class, cultural capital and family-school relationships between white and black parents in the US context; Tamim and Tariq's observation of the intersection between caste, social exclusion and educational opportunity in rural Pakistan; and Kane's investigation of school exclusion with reference to social class and gender in the context of the UK are just a few examples from the long list of school ethnographies that explored how social inclusion and exclusion are practised in schools and (language) classrooms. However, the fundamental question I raise here with reference to these studies is the very epistemological understanding of the notions – "social exclusion" and "social inclusion". These twin terms are often interpreted as having extremely opposite values in a continuum where "exclusion" stands for the social situation in which an individual or a social group is often marked with the ideological, political and/or structural segregation from the mainstream; whereas "inclusion" maintains participation and involvement of an individual or a social group in policy and legal framework in order to ensure one's integration into the mainstream. Thus, these epistemologies that swerve in the opposite end of the inclusion-exclusion continuum hardly account for the space in-between where "social inclusion" is often maintained in policies and legal framework, so that participation and engagement of an individual or a group in the mainstream polities to some extent takes place, yet the participant(s) often feel(s) alienated, excluded and marginalized due to the prevalent social inequalities and disparities. In this sense, the social exclusion is apparent; nevertheless, the policy and legal documents speak of social inclusion. I specify such a situation as "exclusionary-inclusion". The present ethnography examines a situation where policy and legal documents of modern schooling and ELT speak of social inclusion of all schoolchildren in mainstream schooling. However, schoolchildren of the Dalit social group very often experience social exclusion on grounds of apparent social hierarchies as well as emergent global cultural complexities. To grasp such a complexity, I am better informed with the theoretical perspectives I discuss below.

Pierre Bourdieu's (1986; 1991) scholarly contributions, especially on "cultural capital" and "symbolic domination", provide some useful insights for exploring social exclusion of schoolchildren from the marginalized social category in schools and classrooms. Bourdieu often maintains that schools perform the work of reproducing social inequalities and disparities by distributing and legitimizing the cultural capital that favours the social-cultural practices and tastes of the middle class. The students entertaining the dispositions with more valuable social and cultural capital perform better in schools and classrooms than their otherwise-comparable peers who embody less valuable social and cultural capital. As such, the schoolchildren from low and marginalized social standing predominantly experience symbolic domination and submit themselves to the social exclusion and alienation in a school and classroom environment. As Bourdieu argues, cultural capital that exists in any of these forms: "embodied" (long-lasting dispositions of mind and body), "objectified" (cultural goods including books, dictionaries, etc.), and "institutionalised" (objectification in educational qualifications and standards) can be exchanged with other capital, and also deserves more symbolic values in the field of interaction or

market (Bourdieu 1986: 84). Bourdieu's reproduction-production thesis based on cultural capital and symbolic domination has been a strong reference for a large number of critical ethnographies on schooling/education (Dimaggio 1982; Willis 1977; Mills 2008; Skinner & Holland 1996). Although, these ethnographies diverge on a number of theoretical and empirical premises for their field of investigation, the role of human agency and the nature of argumentation that they attempt to hold, they do have consensus on the role of schooling/education for reproducing social inequalities and disparities.

Such an argument with reference to cultural capital and symbolic domination has also become a strong reference to the studies in English as Second/Foreign language (ESL/EFL) education (Park & Wee 2012; Malik & Mohamed 2014; Tollefson 1995). Park and Wee (2012), examining the role of English language in the current world of 'flows' and 'interconnections', critically argue that English is often perceived as "a capital with global convertibility…in the global (linguistic) market" (165). It is so since the English knowledge and communication skills are often indexical and convertible into other forms of capital, for example, Nepali people having some command of the English language are found to have enjoyed more opportunities in the job market compared to those who are 'English-illiterate'. However, since it manifests itself in diverse non-native society unevenly and irregularly, "English has become a key example of the problems and dilemmas that globalisation engenders and exacerbates" (Park & Wee 2012: 3). The opportunity of learning quality English is very often associated with those who can afford it. The ones struggling at the peripheries of any society are always disconnected from the access of quality English language education. Such an argument often echoes in Malik and Mohamad (2014), who explored how "English as a cultural capital" has become an agent for reproducing social inequalities and existing socio-economic class structure in a non-native society (165-166).

Some scholars in language education, remarkably Phillipson (1992), Tollefson (1995) Pennycook (1994) and Canagarajah (1999), have widely discussed how English language education has performed the role of reproducing social inequalities and exclusions that mostly underpin socio-economic constraints and linguistic minorities. They often criticise how the current globalisation processes have caused an unprecedented flow of English, and how such a flow, connecting intricately with the emergent social, cultural, political, and economic flows, perpetuates social inequalities in diverse non-native societies such as Asia and Africa. They do not deny that English has acted as the cultural/symbolic capital for many elites and middle class people to attain social prestige, global connection and economic enhancement in these societies. However, for them, such a role of English is very serious and often exclusionary in nature since a large number of people, mainly in the developing societies, have been forced to experience social inequalities and exclusion in their social, cultural and educational repertoires because of the prejudices constructed through and around English and ELT. These theoretical arguments are found imperative to understanding the spread of English and its manifestations in modern schooling in a multilingual, multiethnic and socially stratified society (Phyak 2013). And particularly, as the major focus of this ethnography is on Dalit children, these insights are more imperative to exploring how English and its unequal manifestation through modern schooling, whether that be ELT or EMI, enforce exclusionary-inclusion among these children because of their lower caste inheritance, gendered self and socio-economic constraints in a highly stratified community context in Nepal. Thus, in the section below, I explore research context, ethnographic methods employed for collecting data, and the analytical optics framed for situating the research argument.

## 3. Context

This study, a part of my broader PhD research, took place at Ranidanda Dalit Community (RDC)[5] and the schools located nearby in Western Nepal. RDC is located adjacent to a small historical town of the district. The town itself is found to be interacting with the transition between the feudal tradition of the past, primarily reflecting Hindu religious practices, social hierarchy and earlier histories of the Shah dynasty, and the (so-called) modern practices of schooling/education, fashioning, advertising, marketing, travelling, communicating outside, etc. that, however, befit what Liechty (2003) calls "Nepali modernity" on its own (210). It accommodates the administrative offices of the whole district, that of the municipality, hospitals, modern schools both public and private, a museum portraying how the past king fought to unify small principalities, and a few modern hotels for tourists from home and abroad. Consisting of forty thousand people in the main town and nearby village settlements that elevate from a low-level riverbank to the top of the 1100ft. hill, this town connects itself with the rest of the country via a 24 km concrete road from the south, and the villages of the uplands with a number of rough gravelled roads that depart from the heart of this town. Nonetheless, for centuries, the centre of the town was mostly occupied by Newars and Brahmin-Chhetris, both the higher caste social groups, and the emergent flow of migration increasing during the last few decades has transformed the town into a site of ethnic, cultural, linguistic, and religious diversities. Yet, the influence of classical caste-culture based on the Hindu religion is still a residual apparatus of the feudal past in shaping the life trajectories of the people of the town, and so are the Dalits who have been living in the adjacent settlements for centuries.

The first (so-called) modern school was founded in this town along with the mass-school movement right after the establishment of democracy in the 1950s in the state. The school was established on the basis of a conventional Sanskrit *Pathshala* and a skill-based *aadhar* school (middle school). Although the school was said to be open to the masses since its instigation, the Dalit people of RDC remained unaffected by it for many decades. Since the caste and gender discrimination continued to be reinforced on grounds of classical Hindu religious practices and feudal rule, the Dalits and women were hardly given any access to mass schooling. The public fallacies such as *sana jat le padnu hudaina* [the small castes should not read and write], *chhorilai padaera ke kaam* [What is educating daughters worth?] worked to maintain the subordination of Dalits and women in this hierarchical society. Although, many schools in their vicinity mushroomed in the 1970s and 1980s, parental illiteracy, social prejudices for Dalit castes and fragile livelihood remained challenging for the Dalits with respect to school attendance. Only after the 1990s, along with the influence of political transformations in the state, Dalit parents became slightly aware of formal schooling for their children. The school records show that the enrolment among the RDC people increased considerably only during the last decade. Yet, their school engagement is not as satisfactory as the modern school ideals in the state expect. Rather, I found these schoolchildren seriously entrenched with the social inequalities constituted around public-private schooling in their educultural repertoires. The social prejudices rooted in their low caste inheritance, gendered self and economic fragility are crucial in shaping their social identities. Still, one more social agent that I found crucially confounding among these Dalit children, and also their parents, is schooling in relation to ELT including EMI in their social life. Educational circumstances that concern English and ELT including EMI enforce exclusionary-inclusion of these children, although they attend schools and (EFL) classrooms as the "principled inclusion" advocates.

[5] RDC and participants are given pseudonyms here.

## 4. Methods and data

Ethnographic methods, particularly qualitative interviewing of the Dalit schoolchildren, parents and both Dalits and non-Dalit schoolteachers, Focus-Group Discussion (FGD) with schoolchildren and English subject teachers, and multisite observation in schools, EFL classrooms and community settings, were employed as the principal methods of data collection in this research. Qualitative interviewing of twelve Dalit schoolchildren, four times each, provided me with knowledge of how these children understood and responded to schooling and English learning in relation to their life, livelihood, social positioning and future aspirations. The FGD carried out once with both the public school and private school Dalit student groups informed me of how they experienced schooling and English learning. I ran the FGD with public school students and private school students separately. Also, the FGD with the English subject teachers of the participant schools informed me of how they [teachers] experienced the school/classroom engagement and behaviour of the students of different social groups, especially focusing on Dalit children. The use of multisite participant observation in community, school and EFL classroom spaces gave me knowledge of how Dalit schoolchildren engage and act in diverse social sites. For the qualitative interviewing, I prepared interview guidelines focusing particularly on children's engagement, imagination and aspiration to English learning. The interviews with students, their parents, teachers and principals were all conducted in semi- or unstructured settings. Since the participant children preferred Nepali to English to express themselves, we conversed in Nepali language while interviewing and conducting FGDs. For participant observation, I also prepared guidelines, and engaged myself fully in EFL classrooms, community activities and feasts, and festivals taking place at RDC. I always took field notes when I participated in schools, classrooms, home visits and work sites (e.g. construction sites, wage labour in farming, household chores, etc.) in which students were engaged. Along with these methods, I also requested that all participant Dalit children and a few of their non-Dalit friends write daily diaries. These diaries remained imperative to exploring how these children engaged themselves at home, work, construction sites, wage labour, TV watching, peer engagements and school reflection. Furthermore, these diaries shed light on how the Dalit children enacted multiple and often simultaneous identities, including "schooled identity" (Levinson 1996: 211) and English Language Learner (ELL) in their home, at school and in the community space.

## 5. Analytical procedure

Gupta and Ferguson (1997) argue that ethnography always contains at least some recognition that knowledge is inevitably both "about somewhere" and "from somewhere," and that the knower's location and life experience are somewhat central to the kind of knowledge produced (35). As such, the argument built up around the present research issue here reflects some manifold interactions between my real life experience as an ethnographer, and the field confronted; between my own experience as an English language educator at a university college in that locality, and the theoretical insights drawn from my reading of critical ethnography on modern schooling in general, and that of second/foreign language education in particular. Particularly, in this paper, the data concerning the policies and practices of ELT including EMI at schools, on the one hand; and the children's life stories, experience and engagement in modern schooling and English learning, on the other hand, were analysed tracking "thematic analysis" (Boyatzis 1998; Baraun & Clarke 2012). As such, I transcribed the raw data from all sources (interview, observation, field notes and diaries) into Nepali, and translated it myself into English. Coding and categorizing took place focusing especially on ELT cum EMI policies, their practices at schools and in EFL classrooms, and Dalit children's interaction with such policies and practices at school and in EFL classrooms. Here, interaction meant their understanding, experience, engagement and behaviour in the community, at school and in classroom spaces in relation to English and English learning

opportunities. Codes and categories were invented in the data transcripts, and I tried to establish if there were any patterns. I then developed "narratives and stories" of each of the participant schoolchildren (Silverman 2013), which I incorporated into in the analytical procedures. The analysis of policy-practice at schools and schoolchildren's narratives informed a number of domains of social exclusion. Here, in particular, I highlight policy-practice ambiguities for English and ELT including EMI and caste-class-gender intersections with English Learning Opportunities (ELOs) in schools and EFL classrooms.

## 6. Domains of exclusionary-inclusion

### *6.1 Policy-practice ambiguities*

School pedagogies in Nepal often highlight English knowledge and communication skills as a dire need for the young citizens in order for them to connect themselves with the outside world in their future. English and English education have been perceived as "modern" and *bikasi* [developed] in the state since the very start of formal schooling, and such notion in regard to English learning is still dominant in society (Shrestha 1995: 268). English as cultural/symbolic capital is deeply rooted for Nepalese pertaining to the elites and middle-class since it indexes higher social status, social mobility, linguistic superiority and educational and economic benefits (Giri 2010: 93). Also, the masses have shown an increased interest in possessing English knowledge and communication skills with a view to attaining such middle class indexes. However, far from these indexes, the analysis of the data here suggests that English is intricately connected to favouritisms and social prejudices among the school subjects at RDC. Policy-practice ambiguity apparently realized in ELT including EMI in school pedagogies, in this particular context, institutionalises exclusionary-inclusion among the schoolchildren. As I observed, the schools involved in this study adopted diverse and often ambiguous ELT and EMI policies locally. These schools are locally identified as English-medium-schools and Nepali-medium-schools, and they differ in regard to the total teaching hours allocated to English Subjects per week, type of English textbooks pupils are prescribed to read, and the Medium-of-Instruction (MI) adopted for instructing other subjects including Mathematics and Science. The schools that allocated more teaching hours for English and EMI are, from a social perspective, perceived as *ra:mro siksha* [better education], whereas the ones that lacked such emphasis are undermined for their service. Educational actors (schools, principals, teachers, students and parents) are confused by such locally instituted policies that underline some powerful ideoscapes of English, ELT and EMI. Such policies, constituting "English-rich" vs. "English-poor" school types through uneven pedagogical practices, confront us with the question of whether English should be seen as *samayako ma:g* [demand of time] or "a special problem" that institutionalises power and privileges to some learners; and symbolic violence and subordination to others - mostly those belonging to Dalits and economically disadvantaged social groups (Ramanathan 1999: 212). Such confrontation can be seen in the responses by school actors, here by principals of two different EMI schools for example, when I asked how they perceived a higher emphasis on English in their respective schools. Principal 1 replied,

> It is because of the time, the demand of time [*samayako mag*]. You know, what parents want from their children today? They want their children to speak English not only in the English classrooms, but also on the way to school and back home in the morning and evening; they don't know English at all but they become happy when their children learn and speak more English. What to do then? If we don't teach them more English, and English Medium Instruction, they leave for other schools…Boarding [schools], for English. [Interview, 10/07/2014]

However, Principal 2 put his words differently,

> I am worried…I know we have to teach English well at our schools, but you see, how is the practice? We have stressed it unnecessarily in some schools, English, English, English,..but not in others, yet we use the same mechanism to evaluate at the final exam, isn't it problematic for those who cannot do well in English or learn more English? [Informal talk, field note, 16/07/2014]

English has constituted a hegemonic space in school policies and pedagogies as a *samayako ma:g* [demand of time]. Equally, it is, allegedly, perceived as "problematic" in school and classroom practices. By stating "*samayako ma:g*" for English learning, Principal 1, in an elegant manner, explained that "the new global condition where our children may not be confined to a single space, they go, contact, and speak to other different people, and learn new things face to face or through media" [Interview]. However, such a situation obviously contrasts with the life, livelihood and school engagement of young Dalit children who find themselves beyond school ideals and expectations. They attend schools, and attempt to act as instructed. Yet, their socio-economic positioning and the linguistic and cultural habitus that they have always embodied are confronted by the school policies and knowledge that they are exposed to. Sajan, a Grade 9 Dalit student at an English Medium private school shared his school experience with me as follows:

> I came to join this school two years back. My parents sent me here as this school is the best among others, but now I feel it is very difficult for me. All teachers and students have been instructed to speak English in the classrooms and school premises,…only English…our class has an English Monitor, he makes lists of the names of those who speak Nepali in the classrooms, and submits the lists to the class teacher for sanctioning. I am still new to this school, and not good at English either. I find it difficult. I am scolded a lot for my poor English in English subject classes. I feel so isolated! I cannot speak English like my friends in a class do. [Interview, 11/08/2014]

Sajan's school, one of the private schools in the town, was established in the early 1990s. As it was founded along with the neoliberal influence in Nepal, the school was "mainly established with a view to meeting the middle-class' demand for English and quality education" [Interview, Founder Principal]. From the very start of its establishment, more exposure to English and EMI has been pronounced as "the key tools to meet the motto of quality education" [Principal, Interview]. A big display board comprising students' creative writings in both English and Nepali at the main entrance; cemented beams all painted with English and Nepali quotes from legends from home and abroad; walls painted with the portraits of great writers, including Western writers, such as Shakespeare, Byron and Shelly; display boards by the door outside each class to project the students' creations in English and Nepali; and the usual morning assembly accompanied by students who take turns speaking in English, quiz round, music round, as well as the usual, provision of co-curricular and extra-curricular activities – all of these illustrate how the school has attempted to maintain a good environment as well as an "English Speaking Environment". Equally, "more periods for English language subjects" as well as "the balance between literature, grammar and conversational courses for each Grade", all indicate how this school has adopted "more English exposure" at the centre of its policies and pedagogies. However, such policies and pedagogies become confusing for young Dalit schoolchildren who often find school pedagogies seriously conflicting with their social standing, economic and cultural constraints and investment. Despite all these efforts of his school, Sanjan's remark "I feel isolated…" challenges the very ideal

of social inclusion in modern schooling and makes us understand how policy-practice ambiguities in schooling in relation to ELT and EMI enforce exclusionary-inclusion among the Dalit children in this particular time and space. In the next section, I will discuss further how such exclusionary-inclusion is situated amid a very complex intersection of caste-class-gender with English Learning Opportunities (ELOs) in the school life of Dalit schoolchildren.

*6.2 Caste-class intersection with ELOs*

Any critical observation on schooling in Nepal often argues that it, to a large extent, is a matter of economic capital, both in terms of access to school education as well as the expected outcomes (Valentin 2001: 49). As society itself is deeply imbued with social disparities as regards social caste and class, the children from low socio-economic standing, especially Dalits, hardly enjoy better access to education. These children often seek to find their path of school progress somewhere in inexpensive public schools. It does not mean that all public schools function poorly for the schoolchildren, and all Dalit children attend such schools. However, in the face of the lack of proper economic and social capital, these children are often forced to see their "schooled identity" (Levinson 1996) in some poorly managed schools. In this section, the very use of caste-class is to indicate how caste hierarchy is intricately connected to the class hierarchy among the Dalit people. At RDC, I found most of the Dalits to be economically marginalised. The social marginalisation corresponded deeply with economic marginalisation. Also, many young Dalit children were increasingly affected by class disparities compared to caste, nonetheless, the latter was not less abstemious in shaping their social-cultural identities (Liechty 2003).

The caste-class intersection was found to be deep-seated in ELOs at RDC. I found the schoolchildren mostly engaged in tough household labour in order to maintain family livelihood. They hardly have any time for learning English, math and science, which they often considered "difficult subjects and need more time for learning" [Kisan, Interview]. As I analysed the students' daily diaries written during my fieldwork, I discovered how these Dalit children are deeply perpetrated with double roles: the school responsibilities and the family livelihood, involving themselves either in *dhalan* [construction works] or agricultural wage labour, including household chores, at the same time. Kisan, a High School Dalit male student at a local Nepali Medium Public School, said,

> I am interested in reading more; but you know, I have to work a lot at home, or else we do not get to eat [*kaam nagare khana painna*]; I do everything, plowing, working for *dhalan* [building cemented homes]. Only at noon, I go to school, otherwise I work to support my family earning…English, math, science are difficult subjects, need more time to read, sometimes I cannot complete my homework, it is difficult for me. [Kasan, Interview, 27/07/2014]

In a similar vein, Samjhana, another Dalit female student of that school, narrated her household responsibilities and daily obligations as follows,

> You know, I have to work a lot, collecting fodders, preparing meals, taking care of junior siblings, and supporting parents in farm works during holidays…When to read? I hardly have any time to read books. English is difficult compared to other subjects for me. I need more time, as it is not our language. But I don't have the time. I was good at English in my lower Grades but now I am getting weaker and weaker. During the exams, I have a hard time. I feel hopeless, if I can do my SLC! [Informal Talk: Field note, 20/08/2014]

Mark Liechty (2003: 213) often argued that formal schooling, particularly in relation to private schooling, has enforced schoolchildren and their parents "to imagine themselves in terms of economic class" in Kathmandu. Such a role of schooling closely resonates in the case of RDC schoolchildren and their parents as well. The fact that English Medium private schools are mushrooming in the yard of RDC and local town reinforces the existing social disparities. Also, the complex juxtaposition of existing social disparities, and the emergent social, cultural, political and economic flows that these Dalits are increasingly interacting with through migration in the labour markets and media consumption, has promoted the social inequalities at RDC. In this very situation, schoolchildren (and parents as well), on the one hand, encounter the flows of images, ideas and ideologies that highlight the dire need for English knowledge in the present society, and on the other, they found themselves positioned and identified as "English-Poor" because of their engagement at poorly managed public schools. Many Dalit children often shared with me how they are experiencing less ELOs in their school life. Kabir, a Dalit male at Nepali Medium Public school, explains,

> I am not good at English. I didn't go to the Boarding School because I knew my parents could not afford it. I see a lot of differences between ours and theirs. I have some friends there from this *Tole* [hamlet]. They have all their subjects conducted in English Medium so they can speak English well. Surely, they get better jobs because people prefer English-speaking applicants everywhere. [Field note, 20/08/2014]

Many other students narrated similar stories to me. The analysis of these stories inform us that modern schooling in relation to its ambivalent manifestation through ELT and EMI policies has perpetuated social inequalities and exclusion among these Dalit children at RDC. Many children were found to have the same playground to enjoy in the mornings and evenings, but different schools to enforce identities of difference, especially between *angreji-janne* [English-knowing] and *angreji najanne* [English-not-knowing], which is socially implied *hune khane* [better-off] and *huda khane* [down-trodden] in this particular community. Furthermore, the analysis also informs us that the gendered self, constituted around Dalit livelihood and school engagement, is even more convolutedly intersected with ELOs. This is elaborated on with ethnographic insights below.

### *6.3 Gender-caste intersection with ELOs*

Inequalities in gender arguably originate in a widespread and systematic marginalisation of women and girls throughout Nepal (Shields & Rappleye 2008: 266). The social-cultural practices reinforced on grounds of Hindu religion as well as the hierarchical social system reinforced by caste-class-gender disparities for centuries always challenge the very equality-equity of in their social, cultural, political, economic and educational repertoires. The gender roles constituted amid such conventional practices push women so they experience an extra burden in their family life. The situation is even more serious to those from the marginalized communities. This is apparent in RDC where I found women forced to experience tripartite social domination viz. patriarchy, caste hierarchy, and gender hierarchy, simultaneously. Compared to men, the opportunities of modern schooling remained poor for these Dalit women for decades, even after the establishment of schools in their community yard. As I conducted a number of informal talks with *aama samuha*[6]

[6] *Amaa samuha* [Mothers' Community] is a social group that women of RDC initiated with the help from a local NGO. The group conduct different activities, e.g. "running a small fund collection for the children's school fees and other domestic affairs," "regulating adult literacy class," "ensuring joint participation in development work in their community," and "raising a voice against different sorts of inequalities" [extracted from informal talk with the Vice Chair of one aama samuha, field note].

[mothers' community] at RDC, I found them subjected to not only the patriarchally-loaded misbeliefs, such as *chhorile padera ke hunchha ra?* [What is it worth to educate daughters?] *saano jat tyai pani chhori, padera ke kaam?* [What is it worth by educating a daughter, even of low caste?] [August 2014], but also culturally-loaded unequal family roles and responsibilities, such as cooking, nursing kids, and other household errands. In addition, the lack of necessary family capital (economic as well as social-cultural) remained decisive for their exclusion from educational opportunities for a long time. Besides a very few SLC Graduates, many adult women stated their position as *ma aafno naam matra lekhna-padna sakshu* [I can read and write only my name] [field note] and also gave credit to the adult literacy class that ran in the late 90s with technical support by a local Non-Governmental Organisation (NGO). RDC people mainly started to enrol their daughters in schools during the last decade. Many adult women (men as well) expressed their miseries and destitutions of life which they commonly call *dukha* [hardship of life] as "not being literate", which encouraged them to make their daughters attain "at least school level education". [Field note, 2014]. Such an understanding echoed in the stories of female schoolchildren at RDC. Rama, a High School female student at a Nepali Medium Public school, said,

> Earlier, there was no tradition of educating daughters. As they said, my mother didn't go to school, father went just for a few years for lower Grades. Now they are suffering. They tell me to "read, or else you have to suffer like we do, we are kaano [blind]." [Interview, 07/08/2014]

Illiteracy is often expressed as *kaano* [blind] in everyday speech at RDC. Formal schooling is perceived as the only way to get rid of *kaano*, and also to attain a kind of symbolic capital that helps them fight poverty, social marginality and caste-gender discrimination. However, such ideals of schooling become infeasible for these young school girls as they themselves are confused with the current disparities in education and ELT practices. The gender disparities in household activities, very poor family conditions, choice of mostly inexpensive public schools for the girls, and the lack of a child-friendly school environment at schools often push these girls so that they feel alienated, insecure and excluded, albeit they enrol and attend the schools and classrooms. Rama shared her English Language Learning (ELL) experience with me as I interviewed her after school hours,

> KAM: Did you enjoy your English class today?
> RAMA: Ummm…as usual,…I got scolded a lot?
> KAM: Why?
> RAMA: Last evening, I could not do homework at home. I could not answer the teacher. You know, teachers also do not understand our problems!
> KAM: What problems do you mean?
> RAMA: I have to do a lot of work at home. Sometimes I even go to *dhalan* [construction site] with my mother to earn some wage. It is really difficult!
> KAM: Difficult for what?
> RAMA: Doing homework, coming to school every day, and learning English like sir asks.
> [Field note, 24/08/2014]

In one way, Rama's attempts at schooling and English learning could be interpreted as a way of liberating herself from the adversities that her family was experiencing due to its low economic capital. Ideally, schooling and English learning are supposed to encourage her to imagine future progress and life-improvement. However, such imaginaries remain far since she is inextricably

bound up with very complex life trajectories, whether at school, EFL classrooms or in the home environment. In this situation, her interaction with ELOs in EFL classrooms (as one could observe in our conversation above) proves "really difficult!" Like Rama did, many Dalit girls narrated similar stories to me that concerned their engagement and experience in schooling in general and English learning in particular. These stories, nonetheless woven with individual specificities and engagements, very often informed us that schools and classrooms have provided these young marginalised girls with at least some space for interacting and negotiating with newer identities, such as "school girl", "English learner", and so on. Yet, the very condition of social prejudice, educational disparities exerted in schools and EFL classrooms in terms of EMI and English exposure, socially constructed meanings such as "English-rich" vs. "English-poor" at the schools they enrol in, and multiple hegemonies, including teacher hegemony that they experience in EFL classrooms, often force them to experience exclusionary-inclusion in the current educultural space.

## 7. Discussion

Currently, globalisation has become so pervasive and intense that anybody located anywhere is deeply affected by its influence in one way or another. The proliferation of "flows", whatever that be - people, money, technologies, images, ideas and ideologies of schooling (education), language teaching/learning, etc. - are all found to be dominant in the shaping of modern individuals, not only in urban and semi-urban social spaces but also in rural settings. However, the effect of globalisation is not as unproblematic for the people living in the peripheries of any society as one might think. Uneven and disjunctive manifestation of global-cultural flows is inextricably concomitant of the "greater social stratification and more inequality in society" (Rizvi & Lingard 2000: 419). Modern schooling/education is not far from such effects of globalisation. Rather, it is now confronted with a number of criticisms of its role of reproducing social inequalities and exerting social exclusion in relation to its multifaceted, and often ambivalent, interaction with current globalisation flows. Especially, its manifestation in relation to ELT including EMI and ELOs in developing non-native societies, such as Nepal, is found even more serious. In such societies, English is often attributed with cultural or symbolic capital, and said to be easily convertible into social status, economic benefits, and a salient token for approaching the Western World (Park & Wee 2012; Giri 2010; Liechty 2003). However, due to uneven and unequal distributions through its ambiguous policies and manifestations, ELT has become no more than an agent of social reproduction and exclusion. A society, where caste, class, gender, regional, and linguistic disparities are already profound in shaping the life-trajectories of many schoolchildren, the intervention of English, aligned with global capitalism, neoliberalism and resultant privatisation in schooling/education, wields no more than insecurity, alienation and exclusion of many young schoolchildren from the marginalised society. Thus, at this very moment, "English as a capital" itself becomes a key mechanism of exercising symbolic domination on these children since their family capital (here, cultural, social, economic, habitus) hardly befits the expectations of modern school policies and pedagogies.

The very discussion in this paper as such is not to overlook the role of modern schooling in terms of bringing these socially marginalised Dalit children into the school and classroom arenas, and providing them with at least some space for negotiating newer roles and "schooled identities" (Levinson 1996). Furthermore, it does not ignore the role of modern schooling as regards enhancing their enrolment as speculated in widely known inclusive education framed under the late modern education project "Education for All". Equally, it is not focused on labelling some superfluous criticisms against English and ELT in school education. However, the very discussion in this ethnography is to point out some serious nuances that strongly interrogate modern schools' promise of social inclusion of all children irrespective of their caste, class, gender, linguistic and regional backgrounds. As highlighted in the previous section, the schoolchildren from the

marginalised Dalit community, RDC, are not free from the social prejudices concerning their caste inheritance, gender role, and socio-economic positioning. Formal schooling is expected to be the ideal space for mitigating such prejudices for these young children as the "principled inclusion" advocates. However, as Bourdieu and Passeron (1977) and many other scholars of the critical school of thought put forth, modern schooling legitimised the social inequalities by distributing capital (English as cultural/symbolic capital here) unequally and unevenly. It has done so through its ambiguous and ambivalent manifestation in relation to ELT policy-practice breach including EMI.

Finally, such unequal exposure of English and ELOs has certainly reinforced unequal competencies among the school goers where English knowledge and communication skills are the most expected norms in the diverse social milieus including the job market. An even more serious issue worth mentioning here is the fact that schooling has steered a new form of social discrimination; the form of social discrimination that enforces these Dalit children and their parents to locate themselves and their social positioning in terms of social, cultural and economic resources, which they invest or can invest in their children's schooling and English learning. As I highlighted referencing the individual cases of a few of the participating Dalit schoolchildren, ELT including EMI in Nepal is intersecting unevenly and ambiguously with primordial social disparities, and institutionalising the domains of exclusionary-inclusion among the schoolchildren from the marginalised Dalit community. Nonetheless, there could also be more factors for situating such domains; the crucial role of ELT and emergent English-sloganeering EMI schools cannot be ignored for their role of reproducing such social divisions among the citizens in this rural setting (Sonntag 2007; Tsui & Tollefson 2007). In the case narratives above, Sajan's experience "I feel isolated" constituted around policy-practice ambiguities in schooling in relation to English and ELOs, Kisan and Samjhana's experience of burdened household chores and their implications in their classroom engagement and power relations with the teachers and fellow students especially exerted on grounds of complex class-caste inter-sectionalities, and Rama's experience of gendered self, constituted on grounds of gender-caste-class inter-sectionalities at home, school and in EFL classroom all illustrate how modern schooling in relation to English and ELT/ELL enforces exclusionary-inclusion among the children from marginalised Dalit community.

## 8. Conclusion

Modern schooling in Nepal is often defined as the key agent of socialisation, democratisation and the overall development of the children irrespective of their caste, class, gender, linguistic background, ethnicity, and regional background. School objects, policies and pedagogies are ideally defined as inclusive so as to maintain equity-equality in access and participation of all schoolchildren in the state. However, this ethnography problematized such ideals on grounds of the schools' role in reproducing social inequalities by legitimising, and even promoting, the unequal manifestation of ELT including EMI and ELOs. It also problematized the conventional understanding of social exclusion and inclusion as mutually exclusive notions and, instead, conceptualised "exclusionary-inclusion" to designate some blurred space in-between by navigating a number of serious exclusionary practices in schools and EFL classrooms, where students are defined within an inclusive pedagogical policy framework. The policy-practice ambiguities and caste-class-gender intersections with ELOs are some domains that challenge the very ideal of social inclusion of Dalit children in schools and EFL classrooms. These domains should be addressed in policy formation, and school and (EFL) classroom practices to ensure the true inclusion of these socially, culturally and economically marginalised Dalit children in rural Nepal.

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# National level policy and local level practices: a multilayered analysis of language policy practices in Nepalese school education

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**Abstract:** The purpose of this article is to analyze local practices of the National Level Language Policy in School Education (hereafter, LPSE) in Nepal. Offering examples of three schools from Tanahun District representing two broad categories of Nepalese schools, i.e. private and public, I discuss the following: How is LPSE practiced in each school? How do national policy and local practices interact during policy processes? On the basis of ethnographic study in three schools, I found that the national level LPSE is interpreted and appropriated differently in multiple layers of policy practices in each context, but not beyond the outmost-boundary proffered by the national level policy structure in Nepal.

**Keywords:** Private/public school, Aanboo Khaireni, negotiation, appropriation, policy layers.

## 1. Introduction

Nepal, throughout its history, has been a multilingual country. Yadava (2014: 53, 69) and Seel et al. (2017) mention that the Census Report-2011 has recorded 123 languages that are spoken by 59 ethnic groups as their mother tongue. Among them, 48 languages that are spoken by 82.10% of the total population are affiliated to the Indo-Aryan language family. The largest numbers (i.e. 68) of indigenous languages (such as Gurung, Magar, Tamang, etc.) spoken by 17.3% of the total population are affiliated to the Sino-Tibetan language family. Very few languages are affiliated to the Austro-Asiatic and Dravidian language families. Each family consists of only one language and is spoken by 0.19% and 0.13% of the total population respectively. 'Kusunda' (a genetically isolate language from other languages in Nepal) is the mother tongue of 28 speakers. About 0.18% of the total population speak non-specified languages and approximately 0.09% of the population speak some foreign and sign languages. According to Yadava (2014) English is now the mother tongue of 2032 people who have migrated from other countries.

This socio-linguistic scenario is the legacy of chaotic language policy within education throughout the long history of Nepal. Nepali, an Indo-Aryan language and the mother tongue of high-caste elites, was developed as a dominant language in the lives of people from different backgrounds. As Seel et al. (2017: 27) state- 'One Nation-One Language' policy, enacted during 1960-1990 with insistence on Nepali as the sole medium of education, was the main technique to exclude indigenous people from the dynamics of public life. The complexities were further intensified when English was also made a part of the curriculum as a subject in public schools and as a medium of instruction in private schools. In this way, languages other than Nepali and English were sidelined, resulting in complex ethnic/linguistic inequalities throughout the country. It finally led to the restoration of multi-party democracy in 1990.

Since 1990, we have experienced a fluctuation in language policy in education. On one extreme, firstly, the Education Act-1971 (seventh amendment 2001) made provisions for mother tongue education in primary level but not mandatory in all contexts and the National Curriculum Framework for School Education of Nepal-2007 made it mandatory in Grade 1-3. Secondly, during 2007-2009, the Ministry of Education enacted the Multilingual Education Program for all Non-Nepali-speaking students of primary schools in six targeted districts. It reveals that some decades onwards the attention of the government is on the promotion of indigenous languages. However, it is widely reported that the results are not satisfactory in relation to investment. On another extreme, the Government firstly states the language policy in Education Act-1971 (added using

Amendment Act-2006) offering three nodes i.e. 'Nepali-only', 'English-only' and 'Both-languages' for making decisions on medium of instruction at a local level. Secondly, it has enacted the Company Act to give authorization to privatize education/schooling allowing people to establish private schools and to decide the medium of instruction in their contexts. Consequently, overwhelming numbers of English medium private schools have been opened throughout the country. There is an enduring popularity in English medium education from early grades in school education and the flow of students has been increasing in private schools. This has reversely affected the number of students in public schools. To cope with the situation, many Nepali medium schools have shifted their medium of instruction from Nepali to English and very few of them use both languages. Seel et al. (2017: 42) note that District Education Officials generally are the first to encourage schools to adopt English medium education in order to retain children in schools. Such a defensive motive of local government and school level actors directly influences the quality of education. Some evaluation programs found unsatisfactory learning outcomes of children. Most of the blames lies on the inefficiency of teachers in teaching English, the quality of textbooks and use of materials. Observing the situation, I realize firstly that there is a lack of detailed understanding of the nature of policy practices at a local level, although the government has taken many initiatives in policy development and their implementation. Secondly, the demand is for in-depth LPSE research to draw the enriched input for the further development of educational language policy in Nepal.

Against this background, the article asks the following overall research question. How is Language Policy in School Education (LPSE) practiced locally in Nepalese schools? To answer this question I expose an ethnographic study of three schools that were playing agentive roles in national policy implementation and engage in thick description of how policy is negotiated and appreciated. I further discuss the relationship between policy power and local level agencies during policy processes. With this aim, the current trends in Language Planning and Planning (LPP) i.e. ethnography of LPP are discussed, followed by an account of field making, and in turn followed by a historical trajectories of LPSE with the assumption that to understand the present, we should look at its history. Finally, the local level practices of LPSE are analyzed, illustrating examples of three schools in multiple layers.

## 2. On ethnography of LPP

The recent trend in LPP research is mostly based on a critical ethnographic approach. This approach sees policy as a 'multilayered process' (see Ricento & Hornberger 1996; Hornberger & Johnson 2007: 509) in which different layers ensemble in a way that the outer- layer surrounds the immediate inner-layer and that each layer is linked with others. It also focuses on analyzing the 'power and agency' of local actors (Ricento 2000: 199-200; Johnson & Ricento 2013: 16) in policy 'negotiation'[1], 'appropriation'[2] (Levinson, Sutton & Winstead 2009). It believes that ethnographic research provides a 'powerful seeing' and 'thick description' (Ricento & Hornberger 1996; Hornberger & Johnson 2007: 509) of roles of policy actors in LPP processes. It not only proffers the way of seeing how local actors (re)negotiate and appropriate official language policy while practicing but also provide robust thought on how local practices can create an official language policy (See Warhol 2012: 235-252).

Besides these, the ethnography of LPP bridges the gap between macro and micro level policies for the practical understanding of how individuals' everyday activities are linked with a larger historical, ideological, political and social framework (Ricento 2000: 208; Tollefson 2015:

[1] Negotiation: is the term used by Levinson et al. (2009: 779) as a way to account for processes of meaning making.

[2] Appropriation: is the concept used by Levinson et al. (2009: 769) as a form of creative interpretive practice necessarily engaged in by different people involved in the policy process.

188). For this respect, Ricento & Hornberger (1996) and Johnson & Ricento (2013: 16) point to the need for textual and historical analyses of policy in order to capture the historical trajectory, attitudes, and ideologies in the production of the policy at hand along with the analyses of creative interpretation and implementation of policy in detail. Similarly, Shore and Wright (1997: 14-15) and Levinson, Sutton & Winstead (2009) call for 'study through' the policy which includes both 'study up' and 'study down'. They point out that policy research should attempt to study from authorized policy formation processes to local practices or vice versa, not as antidotes but as a complement of one another (789).

Thus, ethnography of LPP is methodologically rich and highly relevant for a detailed understanding of LPSE practices in the Nepalese context. As a part of a broader framework of LPSE research developed for my PhD project, this paper provides the multilayered analysis of everyday practices of national LPSE in three different schools located in Aanboo Khaireni, Tanahun. Grounded on an ethnographic approach as proposed by Ricento & Hornberger (1996) and Hornberger & Johnson (2007: 509), this paper not only unpacks how local actors develop policy negotiation and appropriation in multiple layers, but also analyzes how the power of the national LPSE structure limits the space of local actors in policy negotiation and appropriation. Moreover, it discusses how LPSE actors in each layer exercise different amounts of power in relation to other individuals either of the similar layers or of different ones.

## 3. Methods

This paper is a part of nine-month ethnographic fieldwork for my PhD project that was conducted at Aanboo Khaireni; a business hub of Tanahun District and some parts of Gorkha and Lampung Districts in Western Nepal. While researching possible fieldwork locations among three neighboring districts of Gorkha i.e. Dhading, Lamjung and Tanahun to study LPSE practices, I selected Aanboo Khaireni from Tanahun as my study site. The rationales behind selecting this city were, firstly, that it represented one of the newly-emerging urban areas in Nepal where different practices of both public and private education could be observed; secondly, it was geographically accessible for me to conduct ethnographic fieldwork maintaining my university job which was on a contract basis; and thirdly, the place was neither completely familiar nor entirely new to me in order to maintain rapport and distance among the people living there.

During the fieldwork I experienced three faces of Aanboo Khaireni for which I use terms such as new, old and mixed (both new and old). However, I am not suggesting that this is inherently true as there is no such explicit demarcation apparent to my knowledge. The new face is the main business hub where crowds of people, rows of hoarding boards and compact houses along the sides of the road are found. In contrast, traditional houses and huts hidden among tall trees embedded with cattle sheds, dung heaps and goat pens give the glimpse of the old face. The mixed face is experienced in the inner part. It is a newly emerging residential area of both migrated and long-term-resided people composed of both cemented and old-fashioned houses.

In the city, I purposively selected three schools representing two broad categories of Nepalese schools, both of which play agentive roles in national policy practices. Among them, Shakti and Jyoti Schools (pseudonyms) were private and Tara School (pseudonym) was the public. The selection was made on the basis of a survey of Gurung students from Grade Nine studying in English-Medium whose mother tongue was Gurung. It was found that five students from Tara School, three from Shakti School and two from Jyoti School could speak Gurung with a different degree of fluency. Such selection was made to understand how the same policy was practiced in two almost identical situations and in two different situations respectively.

The fieldwork included documents collection, participant observation and semi-structured interviews. Different educational reports, acts, rules, school curricula, constitutions and articles

relevant to LPSE and availed documents of three schools such as minutes of meetings, students' records, academic calendars, notices, etc. were collected and analyzed to unfold the historical trajectories of language policy, attitudes and ideologies of elites and authorities as suggested by Ricento & Hornberger (1996) and Johnson & Ricento (2013: 16). Participant observation was conducted holding different roles at different times and sites. Extra-curricular activities, classroom interaction, and occasional events were observed and field-notes were developed. In-depth interviews were conducted not only with students but also with teachers, principals/founders, SMC president, District Education Authorities, parents, local residents and villagers. Interviews were conducted in Nepali, audio recorded and transcribed as exactly as possible. The data was collected and used as complementary of others. Thus, the fieldwork started from schools and ended up with the community.

## 4. On language policy in Nepalese school education

The LPSE in Nepal has had unique historical trajectories from the nineteenth century onward. In the mid-nineteenth century, English gained its space both as a subject and a medium of instruction in Nepalese formal education. Replacing the common metaphor 'Gai khane bhasha' (language of cow eating people), it became a language *of* power in reinforcing Rana's brutal rule and *for* power for segregating people (see Sharma 1990: 3; Eagle 1999: 284; Weinberg 2013: 63). It was the policy of the Rana Prime Minister to strengthen his power by imparting English education inclined to British India to his sons and keeping mum for others (see Daniel Wright 1877: 31; Wood & Knall 1962: 25). The policy was continued until the time of Dev Shamsher; a succeeding Rana Ruler (see Onta 1997: 69) but was shadowed by the Nepali language during his rule. However, English regained its status when Chandra Shamsher seized power from Dev and continued until Rana Rule was overthrown and democracy was established. Simultaneously, Nepali was also being developed and its functions were elaborated throughout Nepal.

In 1956, the 'Nepal National Education Planning Commission' (henceforth, NNEPC-1956) was established and dedicated to Mahendra, the Prince from Shah Coterie. The commission not only recommended Nepali as a medium of instruction but also enforced its use in different domains of children's lives (see NNEPC-1956: 96). Within a decade of its establishment, King Mahendra snatched a coup against democracy and established the Single-Party-Panchayat System. Along with other sectors, he dissolved NNEPC and formed the 'All-round National Education Committee' in 1961. The Committee changed contents inclined to faith to Crown and also included English as a subject in the curricula, but retained Nepali as the medium of instruction. In 1971, the King commanded the formation of the 'National Education System Plan' (henceforth, NESP) which brought a drastic change in education but retained same language policy. On the basis of NESP, the 'Education Act-1971' and 'Education Rules-2002' were developed. The Act and Rules are still active with a series of amendments. To implement them in the classroom, different curricula were developed and enacted throughout the country.

In 1990, overthrowing the Panchayat System, multi-party democracy was reestablished with the mandate of the Nepalese people. The 'National Education Commission' (NEC) was formed in 1992. It, firstly, recommended mother tongue education at primary level and the inclusion of ethnic languages as subjects in curricula. Secondly, it highlighted Nepali as the means of state business, national solidarity and integrity (NEC-1992: 11). Thirdly, it also realized the vitality of English for expanding knowledge/ access in science and technology (See NEC-1992: 11). Accordingly the present language policy in education is: '*The medium of education in a school shall be Nepali language, English language or both languages'* (Education Act-1971: 11 [italics added for emphasis]). Moreover, the provision of mother tongue education at primary level has also been made.

Such historical trajectories reveal that the LPSE in Nepal was dominated by English in Rana's time and by Nepali in the Panchayat System where English is a foreign language and Nepali was/is a mother tongue of Brahman/Chhetries[3]. It shows that the red-thread ideology of policy makers in different times was to diminish the use of the mother tongue of ethnic children and to maximize the use of Nepali. Accordingly, most of the ethnic languages are becoming heritage languages for the succeeding generations. The present perception of people regarding Nepali/English/other languages and their practices is the legacy of the history of language policy. Therefore, I argue that the present LPSE provisioned in the Education Act (1971: 11) did not emerge in vacuum. It represents long exercises of authorities to conceal their domination over other languages. It reflects the concept that:

> The creation of policy is a result of inter-textual and inter-discursive links to past and present policy texts and discourses. The policy is open to diverse interpretations by creator who created it and by those who practice it and are expected to appropriate it, once it has been created and put into motion (Johnson & Johnson 2015: 223).

The local level practices of the above policy statement are the departure of our discussion throughout the article. The following sections deal with how the present policy texts and discourses are practiced or appropriated at local levels.

## 5. National level policy and local level practices

The national LPSE, which states that 'the medium of education in a school shall be Nepali language, English language or both languages', has now been in effect throughout the country. Illustrating the ethnographic account of three schools, this section unpacks the multilayer policy practices. Firstly, it delineates different willpower to policy decisions made by the principal of each school and their administrative trajectories; secondly, it deals with language practices on school premises; and thirdly, it explains the classroom interaction in relation to language used.

*Layer 1: determination for policy decision and trajectories of practices*

The national LPSE quoted above proffers different nodes for policy creation. Among three schools, Jyoti and Shakti Schools preferred English-only ideology while Tara School promised to start Nepali and English education. Although both private schools decided English medium education and the public school decided Nepali and English language education, the determination of the founder/principal of each school was contextually constructed (see Levinson et.al. 2009: 772). It was the departure of negotiation and appropriation of policy leading to different trajectories in policy practices. This layer unravels different determinations to policy decision and administrative trajectories of the schools.

*Jyoti School*

Jyoti School was established in 1988 as per Company/Education Acts and adopted English medium education. The willpower of the founder to adopt such policy was shaped by his family contexts. Being from Malla Coterie, he was economically and educationally more privileged, having the construct of being a more prestigious person in his community. As such, maintaining such status became the most important thing in his life. For this purpose, he preferred to establish a private school in Aanboo Khaireni with English-only ideology. The following excerpt clearly indicates his aspiration while establishing a private school with English-only ideology:

[3] Brahman/Chhetries: are so-called higher castes in Nepal who have been more privileged politically, economically and educationally for centuries.

*'Naam pani aaunchha, Daam pani aaunchha' (To earn both fame and wealth)*

> In fact, I would live in Chitwan …However; I would frequently come to Aanboo Khaireni to meet my mother. My friends would say..."You are educated. Please, open a school. This place has a future." …Now it is going in profit…It is not bad both in terms of money and in terms of social fame… If you do well, you can earn both fame and wealth (Naam pani aauchha, Daam pani aauchha)… you will win good wishers/friends. Good wishers and friends are the wealth for you." (From interview transcript)

His utterances reveal that he established the school as a platform for earning both 'name and wealth'. His double-fold determination was the foundation of administrative trajectories of the school.

The founder was the principal of the school. He formed SMC and Parents and Teachers Association (PTA) as per the national policy. Regardless of its provision regarding the roles of SMC and PTA, he centralized all decision-making power within him granting them a ceremonial space. He could conduct or postpone the program and hire and fire any teaching and non-teaching staffs whenever he realized.

As a private company, Jyoti School was within the networks of both government and non-government organizations. It was a member of the Association of Private Boarding School of Nepal (PABSON[4]). Although no school could go beyond the prescribed frame of government policy, it was inclined to follow the Academic Calendar prepared by PABSON for opening/closing days, long-vacation and examination schedules and use the textbooks selected by it. On the basis of policy of PABSON, it prepared its Academic Calendar every year. Early completion of course and daily exam at secondary level was the main strategy of the school with the assumption that "the more testing, the more learning".

*Shakti School*

Shakti School was also registered as per the Company/Education Acts of Nepal. The bizarre experience of the founder not getting admission into an Indian school due to his lack of good English inspired him to open an English medium school in Aanboo Khaireni. During his childhood, his father took him to India from his village for a good education, but he was not admitted that year because his English was poor. He improved his English and reapplied the following year. He was admitted and continued his study. After he completed intermediate education he returned to Nepal, and since that time 'English' and 'opportunity' became synonymous for him. He started teaching in schools, and after some years he joined 'SAVE the Children[5]' to work as a social facilitator. Two year after, the project was terminated and he returned to Aanboo Khaireni realizing the need of good English for the community children. Coincidently, people in his community were looking for a child-care center in their locality. He established a child-care center there and finally it was converted into an English medium primary school and in turn it evolved into a secondary school. His determination to adopt English-only policy in Shakti School is reflected in the following excerpt:

*'The realization of a need of good English'*

> I am from an ordinary family and a son of an Indian Army… My father took me to India to give me a good education but I could not get admission due to lack of good English… spent

[4] An organization established for the welfare of private schools.

[5] An International Non-Government Organization.

> a year to improve it for admission. …completed intermediate education …returned to Nepal…for me 'English' and 'opportunity' was synonyms…worked as a teacher…. Later…joined 'SAVE the Children' as a social facilitator... I started Nursery to Kindergarten in 2001and…got approval from District Education Office (DEO) for primary level. Gradually, it was upgraded to secondary school... (From interview transcript)

This excerpt exposes a two-fold realization of the founder and of a community of people regarding the need for good English. The bitter experience of the founder in his childhood and people's realization of the need of a childcare center jointly constructed his determination to open an English medium school resulting in different administrative trajectories.

Like Jyoti School, Shakti School was also within networks of both government and non-government organizations. As a member of PABSON, this school followed the policy of PABSON while using Textbooks and Academic Calendar. However, it would prepare a detail academic calendar each year, but no part of which could contradict the DEO policy.

The School formed SMC and PTA, leaving a ceremonial space in decision-making. However, it was handled by a School Board of three shareholders. The board was the supreme administrative body in the school. The founder was the Managing Director holding intermediate level decision-making power as every decision had to be approved by the School Board. As helping hands in daily academic management, the school had appointed a Principal, Vice-Principal and an ECA teacher.

*Tara School*

The school was a leading public school in Aanboo Khaireni with a high flow of students until 1990s. But, the situation changed due to the establishment of English medium private schools nearby. In 2004, those private schools were closed due to the private school closing campaign of Maoists throughout the country. It caused a flood of students in Tara School. The following year, the schools were reopened, and therefore students returned to their schools leaving very few in Tara School. Those who were left were from low socio-economic background which changed the school as if it was only 'the school of the poor'. Most of local middle-class people paid little attention to the public school and were motivated to admit their children to the private schools. This made the situation even worse for Tara School. It encouraged the head teacher to be committed to make the school a 'School of the well-off, not only of the poor'. As the first initiative, he made the decision for a bilingual policy in education in the school. The situation which constructed his determination to bilingual policy in the school was reflected in the following excerpt:

> The local middle-class-people... would send their children to private schools. It made the situation worse which led me to make a commitment that I must change this school to the 'School of the well-off, not only of the Poor!' The key to maintain it as the 'School of the Well-off' was 'English medium education' and to make it the 'School of the Poor' was 'Nepali medium education'. (From field note)

It reveals that the head teacher decided both Nepali and English medium instruction would reduce the cleavage between the well-off and the poor and would hopefully regain the status of school as a social agent of all members of the community. Such a determination shaped a unique administrative trajectory in the school.

The school had three layers of committees i.e. first, SMC and PTA which were formed as per national policy, second, teacher-based committees and third, student-based committees which

were formed as per school policy. The SMC was a supreme administrative body in the school.

The school started two-medium education from Grade Six in 2005. Grade Six was divided into two sections. In one section, all the subjects except English were taught in Nepali medium, but in another section some subjects were taught in English and remaining subjects were taught in Nepali. Thus, subjects were added to be taught in English when the class was promoted each year. Simultaneously, the school also started completely English medium education from primary level too. As such, the school practiced three types of education in terms of medium of instruction i.e. English-only medium, Nepali and English medium and Nepali-only medium, although the underlying motivation was to enhance English medium education with the continuation of Nepali medium education.

In each strategy, the initial motivation i.e. to make a 'school of the well-off, not only of the poor' was reflected. The initiation of English medium education was to motivate local well-off people and the continuation of Nepali medium education was to save space for the poor. Thus, the number of students in the school started increasing gradually.

General curricula of the secondary level provisioned six compulsory and two optional subjects to be taught in each of grade nine and ten. Out of two optional subjects 'Optional I' was for the choice of students whereas 'Optional II' was for the choice of school. Nevertheless, the school chose both subjects leaving students no room for their choice. From the list of subjects included in the curriculum, 'Health Education' was selected for English medium students whereas 'Business and Account' and 'Education' were selected for Nepali medium students. The underlying interest of the school in this policy was:

> English medium students are relatively better than Nepali medium students. So, they likely study medicine, engineering and nursing. If they study 'Health Education'…., it will better support their future. But, most students from Nepali medium are resources for our Grade Eleven. Those who study 'Business and Account' and 'Education' will admit to Faculty of Management and Education respectively. Furthermore, it is the strategy to make weaker students pass SLC easily. (From field note)

Here, no matter whether students were interested to study a particular subject or not they were required to study what was decided for them. This policy eased the administration but violated students' rights.

Besides these, as a public school and within networks of DEO and HSEB, the school had to follow academic calendars of both systems to run their programs accordingly. Not going beyond the major schedules or programs, it would prepare a detailed Academic Calendar making it workable in their context.

The above examples reveal that the same national policy has been interpreted and appropriated differently. The policy was interpreted on the basis of their determinations which were contextually constructed. In the examples, two private schools decided on an English-only policy whereas the next one decided on Nepali and English language education policy to suit their wealth/prestige-oriented, need-oriented and equality-oriented aspirations respectively. Such aspirations to policy entailed negotiation and appropriation in LPSE practices (see Levinson et al. 2009: 768), although the way of interpretation and appropriation might or might not reflect the national level LPSE intent (see Johnson & Johnson 2015: 223). Secondly, they reveal that the policy could not be functionalized without creating a supportive environment. The environment is the composition of quality of teachers, the salary, students' placement, fee structure, textbooks used, administrative structure, power distributed to teachers, and so on. Thirdly, they reveal how all the schools that were playing agentive roles for the same policy practices finally ended up

developing dissimilar institutional trajectories[6] while attempting to put the policy into motion. For example, the Jyoti and Shakti schools were identical in terms of their registration, affiliation, language policy they selected, academic calendar, and textbooks they implemented; however, Jyoti School remained as a family property but Shakti School was the property of three shareholders including the founder. This difference directly influenced the power gravity of two founders, as discussed in Johnson & Johnson (2015), i.e. the founder of Jyoti School had more power gravity than of Shakti School. But, as a head teacher of a public school, the power gravity of the principal of Tara School was less than that of the two founders. Thus, the principal of Jyoti School was more powerful between the two. Again, the head teacher of Shakti School was more powerful than that of Tara School in terms of autonomy in decision-making. Therefore, as Johnson & Johnson (2015) argue, the determination to policy entails policy trajectories, and different trajectories create different 'arbitrators' with different amounts of power.

The next layer of policy analysis concentrates on how language was practiced on the school premises outside the classroom.

*Layer 2: language practices in school premises*

This layer explores language practices in school premises. Providing detailed accounts of languages used in different dynamics, it reveals policy appropriation in three school sites.

*Jyoti School*

Jyoti School was established with the commitment of providing an English-only medium education with the enhancement of English-environment in the school. Such agenda motivated people from different backgrounds to admit their children into that school. However, I experienced disparities in policy-ideology and practice; during my fieldwork i.e. Nepali-dominated bilingual practices were manifested in different dynamics of school premises. The signboard of the school was in English, but, some quotations such as 'Shiksha Nai Savyatako Muhan ho'- Raajaa Birendra (means 'Education is the source of civilization'-King Birendra) and some others on the front wall of the main building were in Nepali. Similarly, the academic calendar was written both in Nepali and English. The name-list of students in the attendance registers and daily-routines were in English. Similar discrepancies were observed in other daily activities too. The following is a glimpse of them.

As usual at 9.30 AM, the bell rang for morning assembly on Wednesday, 25 February 2015. The ECA in-charge conducted the assembly (in English) and the students followed him. He instructed them to sing the Nepalese national anthem (in English). Students started singing it (in Nepali). When they finished, he commanded them to perform morning prayers (in English). Following him, a boy went to the front and started praying word-by- word and all students imitated him (in English). After they finished, the ECA in-charge commanded students to start Physical Training (PT) and continued it during the activities (in English). But during PT, teachers and students were speaking Nepali in low voices. The assembly was over and the mass was dispersed, making noise in Nepali. In the office, teachers talked about the assembly (in Nepali). Immediately, the principal entered the office and asked a teacher regarding the papers of his subject (in English) and the teacher replied to him (in English). The principal immediately went out and teachers started conversation: "Yo paper check garda pani tauko dukhayo. Aaja balla balla sakyo pheri bholi arko thikka!" (Meaning: "I have a headache checking papers. Today we finish, tomorrow other papers are ready" in Nepali).

During the day, classes ran smoothly. Meanwhile, some students from grade nine and ten

[6] In this context, institutional trajectories refer to the overall administrative routes that were created in each school for policy practices.

were called to rehearse a dance to show on the forthcoming 'Literary Declaration Day' organized by Aanboo Khaireni VDC. The dance-teacher explained the choreography (in Nepali). The music played and the song started with –ho ho re… hurra…kaha na janme…(in Nepali with some Tharu vocabularies). Right away, the principal came and commented on the students' performance saying, *"bag bagaicha ra khetharu bhaneko thaunma eutai hawbhaw gareu"*(meaning: "You did the same for both words" (i.e. garden and field) (in Nepali). The students rehearsed until they felt tired. Meanwhile, the bell rang for a short break. All the students came out of their classrooms talking to each other (in Nepali). When I entered the office, teachers were also talking (in Nepali). Similarly, there were small temporary shops on the school ground during Tiffin-break. Some students went to buy things talking to each other (in Nepali).

*Shakti School*

Shakti School was also dedicated to giving English-only medium education to children from different backgrounds by creating a good English-environment in the school. Such English-only commitment attracted people not only from elite groups but also from ethnic backgrounds to enroll their children into the school. Consequently, the majority of students were from Janajati (indigenous) backgrounds and others were from other socio-economic strata. However, like in Jyoti School, I experienced disparities between ideology and practices of language policy in the school during my fieldwork. Although the school adopted an English-only policy, Nepali-dominated bilingual practices were manifested in different dynamics of the school premises. The Accounts Office of the school was located in a building by the entrance gate. Above the table, on the wall, a flex with the pictures of the Karate team was displayed. At the top and bottom of that, some information was written (in Nepali). Next to it a silver-framed certificate written in Nepali was hung on the wall. A school bus labeled in Nepali was parked next to the Accounts Office. In the front part of the main building the name-board of the school was displayed in English. In the teachers' office a daily routine written in English was pasted on the wall. The Academic Calendar-2071 (i.e. 2015) prepared by PABSON, Tanahun was written in both Nepali and English. Similarly, some official documents such as rules and regulations and the names lists of students were also written in English. The daily activities were conducted both in Nepali and English. The following is a glimpse of them.

As usual, the bell rang at 9.45 AM for Morning Assembly on Friday, 27 February 2015. Students were gathered and stood in their lines talking each other (in Nepali). The Director commanded students to come for PT (in English) and students performed the activities. After PT was finished, he commanded them to sing the national anthem (in English). Students started singing the national anthem (in Nepali). When they finished, the Director commanded them to say the morning prayers (in English) and students prayed (in English). When they finished praying, he asked them an IQ question (in English) and students replied to him (in English). After this, he instructed them to do PT again (in English). During PT, some students were side-talking (in Nepali). When the Assembly finished, all students and teachers talked to each other (in Nepali).

*Tara School*

The commitment of authority of Tara School to decide on 'Nepali and English as medium of education' was to regain the status of school as a 'School of the well-off, not only of the Poor'. To make the 'School of the well-off', it was the commitment of authority to provide English-only medium education creating an enhanced English-learning environment in the school. Similarly, to maintain 'the school of the poor', the commitment was to continue a Nepali-only medium education with advanced learning environment. Thus, students from different socio-economic, linguistic, ethnic and educational backgrounds were studying in the school.

However, like other schools, some discrepancies were experienced in this school, too. Although the school had run two different programs, Nepali-dominated bilingual practices were manifested in official documents, conversations, and programs organized at the school. The signboard of the school was in Nepali, but the signboard of Aanboo Khaireni Campus was written both in Nepali and English. Some quotations next to the pictures of national heroes drawn on the front walls of the buildings were in English, some were in Nepali and others were in both languages. A self-evaluation rubric for teachers displayed on the sidewall of teachers' office was in Nepali. Two bilingual academic calendars prepared by the DEO and developed by the HSEB were displayed side by side. Next to them, a school calendar was also written in Nepali and English. Most of the school documents such as minutes and reports were written in Nepali and very few were in English. The walls of the Nursery and Kindergarten classes were painted white and decorated with charts and pictures, posters and drawings. Some of them were in English, some were in Nepali and some were in both languages. Bilingual practices could be observed in the daily activities of school, too. The following is a glance of them.

As usual, the bell rang at 10 AM for Morning Assembly on Thursday, 5 March 2015. All students were gathered in three clusters on the playground and stood in lines. The three clusters consisted of small children, secondary and higher secondary level students and secondary level students studying in English medium. The ECA teacher started the assembly and asked the students to begin PT (in Nepali). When they finished PT, a music track was played. Following the track students sang the national anthem (in Nepali). After they finished singing, he asked them to go to the classroom (in Nepali). Following him, students dispersed to their classrooms talking to each other (in Nepali). Teachers also started talking in Nepali.

These examples reveal discrepancies between policy and practices. Regardless of underlying motivation for making policy decision, all the schools had English-only ideology. Even Tara School which was continuing Nepali medium education negotiating the context of students who were from feeder schools was inclined towards English-only education. However, bilingual practices were experienced in the premises of all three schools. The documents were displayed in two languages. The live conversations among teachers and students were mostly held in Nepali.

*Layer 3: languages used in classrooms*

This layer focuses on languages used in classroom interaction in three schools. Taking one example from each school, my aim is to unpack the LPSE practices. As the classroom is the central part of a school, it is also the focal point of policy practices where two main policy actors i.e. teachers and students are involved and all the policy processes in upper layers are centralized.

*Vignette 1: classroom interaction in Science (Jyoti School)*

The bell rang at 12.30 PM for fourth period in Jyoti School. It was a Science period in Grade Nine 'B'. The teacher went to the classroom. I followed him and asked if I could observe the class, which he allowed. When we entered the classroom, students greeted him by standing up and took their seats after he signaled. He said nothing but wrote some questions on the board (in English). Then, he asked the students to read the questions and answer orally (in English). Asking students to read, he went out of the classroom carrying a chair and sat by the window facing opposite to the class. Immediately, a girl followed him, talked and returned to the classroom. Instantly, another boy went to him, talked and came back. I was curious and asked my informant what the teacher was doing and why students went to him individually. Then, she replied, "to answer the questions" (in English). I was more curious to know the questions and the answers. Coincidently, the girl who followed the teacher at first came closer to me and I asked her 'Why did you follow the teacher immediately after he went out (in English)? Pointing to the board she said, "To answer the

questions" (in English). I asked again, "How did you remember the questions" (in English)? Showing the board she replied, "They were asked in our last exam" (in Nepali). Then, she went to the teacher again, talked and came back. I asked her, "Why did you go to him again" (in English)? She replied, "To know the answers of some questions beyond these (pointing to the board)" (in Nepali). Afterward, she went to her bench and started chatting with her friends (in Nepali). I encouraged my informant to go to the teacher, but she said, "I am not confident to answer the questions. Those who know the answers can go (in Nepali)."

As such, the focus of teaching was to enable the students to remember the answers to the questions that were asked in the previous examination. The teacher used an interview technique which was unique in teaching Science. Regardless, how fruitful it was in terms of the development of students' creativity and level of knowledge, it worked well to engage students. Some students were making noise (in Nepali) but most of them were reading and talking about the content (in Nepali). The bell rang. The teacher came to the classroom and asked students to read the next passage at home (in English).

*Vignette 2: classroom interaction in Mathematics (Shakti School)*

The bell rang for the first period in Shakti School. All teachers immediately started going towards their classrooms. I followed one teacher and when he entered the classroom, students greeted him saying, 'Good Morning sir!' He replied, "Good morning! Sit down" (in English). Then, he wrote an Algebraic problem of 'Relation' on the board and explained: 'See the denominator and put the similar ones together, then use the formula' (in English). Students were confused and asked for clarification (in Nepali) and the teacher explained again (in Nepali). A boy said, 'I could not solve problem no.3' (in English). All the students started solving the problem. Meanwhile, some students asked the teacher to clarify each step to be followed (in Nepali). He explained to them (in Nepali). While solving problems students talked to each other in Nepali but wrote each step in English. A girl asked the teacher to solve exercise no. 3 (in Nepali). Then, he started solving it, explaining each step (in Nepali and English) and gave students another problem with instruction (in Nepali and English). Students started solving the problems and talking to each other (in Nepali). Some of them asked for help. The teacher explained the steps in the following way:

> Look at the denominator of the first; it has 1. Look at the second; it has also 1. Look at the third; it has 2, but we cannot factorize it and the last one is 4 that cannot be factorized too. So, take the LCM of denominators having power 1 (in English).

Then, he asked students to solve the problem (in Nepali) and monitored the class. When students asked for help, he explained the steps (in Nepali). Finally, he solved the problem on the board with a step-by-step explanation (in Nepali and English). The bell rang and the class was wrapped up.

*Vignette 3: classroom interaction in Social Studies (Tara School)*

The bell rang for the fourth period in Tara School. A middle-aged male teacher entered Grade Ten 'A' to teach social studies in English medium. When he entered the classroom, students greeted him standing from their seats and sat again. Instantly, he wrote 'Peace and Order' on the board and asked students to open their textbook (in English). Then, he asked, "What is meant by Peace and Order?" (In English) and waited for the students' response. But the class was pin-drop silent. Standing in the middle of the classroom he repeated, "What is meant by peace and order?" (In English), but students still remained silent. Some were gazing at the texts, some were reading silently and some were talking quietly (in Nepali).

The teacher started reading the text line by line and paraphrased them (in Nepali and

English). Most students imitated the pronunciation but some remained quiet. During the lesson, he was mostly busy giving word meanings in isolation (in Nepali) and pronouncing difficult words. Showing the image of 'Comprehensive Peace Accord-2063' in the textbook, he described the people and the event (in English and Nepali). But most students were talking amongst themselves (in Nepali) and some were fiddling as if they were in leisure time. The bell rang and he wrapped up the lesson.

These classroom interactions practiced in three schools reveal the discrepancies between policy-ideology and practices. Each vignette can be analyzed from different perspectives such as classroom management, teaching methodologies/strategies, second language acquisition, etc. However, if analyzed from the perspective of a language policy aspect, they exemplify how language policies adopted by the school authorities are interpreted and appropriated by a teacher in classroom interactions. Although all teachers were teaching in English medium classrooms, they interacted in two languages (i.e. Nepali and English). Regardless the curriculum specified for monolingual teaching in the respective medium education, most teachers practiced Nepali-dominated bilingual teaching and students also preferred speaking Nepali while they were involved in classroom interaction.

However, all the above trajectories were tunneled into the national examination system. The role of the present national examination system in Nepal has power of surveillance in each agency of a local actor in different layers of policy practices. Although students were free to use any language in classroom interaction if the teacher allowed them, they could never go beyond the government policy in examination. Students of English medium had to take examination in English except Nepali as a subject. Similarly, the teacher could use their own techniques in teaching which were not recommended in the curricula, but they could not implement the textbook anonymously, neither could they weigh up students' achievement beyond the examination grids developed by CDC to maintain the national standard.

## 6. Discussion and conclusions

This multilayered analysis proffered opportunity to study the local practices of national LPSE. Firstly, it revealed how official language policy was negotiated, re-negotiated and appropriated in different layers of policy process resulting in different policy trajectories. The seeds of such policy negotiations and creations were different attitudes expressed by school authorities in terms of policy decisions which were not emerged all of a sudden; instead they were, as in Levinson et al.'s (2009) words "constructed contextually". The negotiation and appropriation were continuously going on even in subtle events in each layer, resulting in different policy trajectories which finally resulted in different policy practices. Secondly, it unpacked the fact that policy negotiation and creation could not go beyond the outmost boundary of upper level policy appropriation as there was always power and agency interaction in different layers of policy practices. Thirdly, it disclosed how two-line power exercises exist in local level policy practices in different stages.

In these particular examples, the school authorities were able to use the national policy creatively with different determinations. From the same policy statements they searched for a suitable node from which they could generate their own policy. The authorities of three schools found three nodes in the LPSE statement i.e. English-only, Nepali-only and both languages. Two schools chose an 'English-only' node with two different determination i.e. one was 'fame and wealth' oriented and another was 'need' oriented. The third school selected the 'both languages' node from which it created policies for Nepali and English medium education so that the school could serve people from different socio-economic and cultural backgrounds. Such 'service-oriented' determination for policy decision, as Johnson & Johnson (2015: 223) indicate, led the school to discover different routes in policy appropriation.

An unnoticed but embedded fact in each policy practice exposed from this multilayered analysis is that the beliefs, attitudes and ideology of elites, policy makers and authorities are not concealed only in top level policy formation processes but also in local level policy decision, interpretation and appropriation. These descriptions of LPSE practices situate to enhance the conceptual and methodological example of ethnography of LPP within a broader framework of critical socio-cultural practice approach to LPSE research which was the calls made by Ricento (2000: 208) and Tollefson (2015: 188). It illustrates that a socio-cultural approach in policy research sees policy as 'layer of layers'. Namely, a policy has at least three broad layers; formation, practice and results. Each layer consists of multiple layers. Within 'practice'; a layer in a broad policy framework, there are multiple layers such as 'determination to policy', 'institutional trajectory', 'languages in school premises', 'classroom interaction', etc. More layers can be explored if we delve into policy practice processes. Each layer can be unpeeled in multiple ways; for instance, the 'classroom interaction' is a layer which can be analyzed further from perspectives of methodology used, teaching strategies, and classroom managements and so on.

This multilayered analysis simultaneously unravels how the upper level policy power limits the boundary for the agentive roles of lower layer policy creation. Although the policy actors in a particular layer have space for their own policy creation, as Hornberger & Johnson (2007) argue, they are not completely autonomous to do so. Directly or indirectly they are navigated by the upper level policy power. The above examples explicitly show that each school brought at least some variations in creating their school level policy however; they could never go beyond the upper level policy boundary. For example, the schools could develop their academic calendar with detail activities; however, they could never change the PABSON's/DEO's policy for school opening/closing days, examination dates, long vacation dates. Similarly, as part of government policy implementation network they had to count its policy and norms while creating their own rules. Therefore, I argue that in the local level policy process there exist two-line power exercises; metaphorically, centripetal (i.e. the upper-level policy tends to bring uniformity in policy practices) and centrifugal (i.e. the lower-level policy appropriation tends to bring variation moving from the norms). Thus, there is a need for policy research through the socio-cultural approach for a detailed understanding of how the two forces of 'power and agency' are exercised in policy practices.

Another exploration from this analysis is that sometimes, the policy created by the actors to appropriate for their backgrounds and motives during its practices might turn out to be the means of injustice against the targeted group. To illustrate, firstly, English-only policy was the ideology of three schools which was the means of motivating parents to admit their children in these schools. Good 'English proficiency' of their children along with a quality education in other subjects was the main expectation of parents from English medium education. However, this expectation could not be fulfilled by Nepali-dominated bilingual practices in classroom interactions and school premises. Such practices diminish the amount of English language input that is needed to learn English and also other subjects. Secondly, one of the three schools mentioned above chose three subjects to be taught as Optional I and II from the list of subjects and made their policy for administrative ease for the school and procedural ease for students, but it turned out to be the means of discrimination due to medium of education. The assumption was that English medium students were better than Nepali medium students, so they likely study 'Science' and 'Medicine' (which are assumed the best subjects in higher study in Nepal) in future, as such, 'Health Education' was supportive to them. On the contrary, the assumption of school authorities regarding Nepali medium students that they would unlikely study 'Science' and 'Medicine' in higher level as they were weaker in study, therefore 'Business and Account' and 'Education' suited them best. They were likely the source students of the school for higher secondary level. Such restrictive policies created injustice to those students who were interested in studying alternative subjects in

future. Therefore, policy appropriation does not always benefit the targeted groups, instead they might create and/or deepen inequalities. As such, I argue that the ethnography of policy should count "the result of policy practices"; the most important layer of the whole policy process, which is still unnoticed in the field.

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# Metaphoric conceptualization of International Criminal Court justice and peace building in Kenya

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**Abstract**: In this paper, the metaphoric conceptualization of the International Criminal Court (ICC) indictment discourse in Kenya is examined through a data-driven analysis. Much scholarly writing on the ICC intervention in Kenya has concentrated on the functionality of the Court as a transitional justice mechanism. Little has been said though about the role of language in the advancement the ICC objectives in the transitional justice debates in Kenya. This article adopts an approach that integrates linguistic analysis and social theory in understanding how the ICC is conceptualized metaphorically in the discourses of justice and reconciliation. The main aim is to provide a comprehensive analysis of how Kiswahili metaphors have been used in the general debates about the ICC in Kenya, and how issues of reconciliation and transitional justice have been addressed in such debates. Focus is put on the representation of the ICC indictment discourse in three genres of use: prayer meetings, victim narrations and campaign rallies sourced from media libraries in Kenya. Guided by the Conceptual Metaphor Theory and Critical Metaphor Theory, the major metaphoric themes discerned include the depiction of the ICC as RELIGIOUS WAR, as POLITICAL WAR, as JUSTICE, as A DEMON and as an ANIMATE BEING. By ascribing these conceptualisations to the ICC, such representations reinforce the dualism in the discourses towards justice and reconciliation. The article then examines implications of those metaphors inspired by Habermas' Communicative Action Theory and, finally, considers the role of metaphor and language in the conception and construction of peace and reconciliation in Kenya. The salient social and cultural contexts of the discourse point to a need for exploring other forms of transitional justice in ensuring sustainable peace and stability in Kenya as inspired by the Habermasean approach to rationality.

**Keywords**: Metaphor, communication, International Criminal Court, justice, reconciliation.

## 1. Introduction

Despite the general peace prevailing in Kenya, the country continues to exhibit increasing signs of state fragility on account of the 2007 post-election violence. The effects of the violence were estimated to have caused 1133 deaths, widespread destruction of property and rendered 300,000-600,000 as internally displaced persons-IDPs (Kanyinga 2011). Failure of the Kenyan government to establish a special tribunal to prosecute persons who were responsible for the crimes culminated in the intervention of the International Criminal Court (ICC). The metaphor 'don't be vague, let's go to The Hague' captured the mistrust Kenyans had for the local justice system. The entry of ICC sparked off debate on the suitability of international justice in resolving the post-election violence conflict. Much scholarly writing on the ICC intervention in Kenya has concentrated on the functionality of the Court as a transitional justice mechanism (Mamdani 2008; Sagan 2010; Jenkins 2012; Mackie 2012; Okafor & Ngwaba 2014; Mueller 2014; Gissel 2014). Little has been said though about the role of language, specifically metaphor use in the advancement of the ICC objectives in the transitional justice debates in Kenya. This article takes a radical shift and integrates linguistic analysis and social theory in understanding how ICC is conceptualized metaphorically in the discourses of justice and reconciliation. It focuses on the Kiswahili metaphors and how they shape the thoughts and reasoning towards ICC.

The research examines utterances by various players in Kenya, including politicians, victims of the 2007 post-election violence and other commentators following the indictment of Uhuru Kenyatta, William Ruto, Francis Muthaura, Joshua Sang, Henry Kosgey and Mohammed Hussein

Ali, at the ICC to face criminal charges. The suspects who were colloquially referred to as Ocampo 6 were considered to be the ones most responsible for the post-election violence.

One reason for the interest in metaphor research in ICC discourse is that metaphor originates in human creativity and reflects the ability of the human mind to perceive similarity relations and finding the similar within the dissimilar in a creative way. In other words, metaphors expand understanding by relating the unknown to the familiar. Metaphor is therefore very close to the nature of language itself both as a socially accepted system for representing the world around us and as a personal code (Charteris-Black 2004). Lakoff and Johnson's (1980) initial focus was on how talking about abstract domains is based strongly on more concrete domains of experience (e.g., MIND IS A CONTAINER). Nevertheless, the theory quickly developed into a more general approach to meaning and cognition. By learning to interact with the environment and control one's body, each human infant directly acquires meaningful experiential structures including *kinesthetic image schemas* (Fusaroli & Morgagni 2004: 2). Kinesthetic image schemas are specific, recurring action paths formed through time in people's everyday interaction with the world around them (Evans & Green 2006: 176). Charteris-Black (2004: 28) acknowledges this role by emphasizing that metaphors have the potential to construct representations of the world that impinge on human understanding of various aspects of social and political life and for their vital role in forming and influencing human beliefs, attitudes and action.

In this paper, major metaphor themes used in the ICC indictment discourse in Kenya are identified within the larger field of conflict and language. The main aim is to provide a comprehensive analysis of how Kiswahili metaphors have been used in the general debates about ICC in Kenya, and how issues of reconciliation and transitional justice have been addressed in such debates. The specific objectives are, first, to identify and analyze the conceptual metaphors that shape the thoughts and reasoning towards ICC discourse and, second, to examine how usage of Kiswahili metaphor in ICC discourse has been harnessed for either conflict escalation or conflict resolution, justice and reconciliation.

It is hoped that a study of metaphors in ICC discourse may help to reveal how social reality and knowledge is constructed by the language users. Particular metaphor usages may therefore reflect and reinforce particular ideologies and perceptions about the ICC. Metaphors provide us with a deeper understanding of the message's intent and, therefore, the speaker's intent. Metaphors used in communication provide insight into the intentions that underlie them. These creative and often poetic forms of speech have the potential to assist the listener in understanding beyond the initial words (Kaminsky 2000).

Structurally, after the brief background to the emergence and centrality of the ICC debate in Kenya in section 1, section 2 articulates the methodological and theoretical underpinnings within the general literature on metaphors. The discussion in section 3 provides an analysis of Kiswahili metaphors in order to give a concrete idea of the methodological approach adopted. The concluding remarks provide highlights on the metaphoric perceptions of ICC and a reflection on how these perceptions interact with the general discourse of justice and reconciliation in constructing a social world.

## 2. Data and methodology

The motivation for this study lies in the dualist perception of ICC in Kenya where some voices see it as a form of justice, while other voices view it as a victimization of specific individuals and/or communities. Grounded in the assumption that our access to reality is through language (Whorf 1956; Lipka 1990) and that metaphors are pervasive in life (Lakoff & Johnson 1980, 2003), the paper argues that we can make distinctions about certain issues through a study of how language is used in society. Languages capture reality in different ways (Lipka 1990), that is to say, even

though reality is 'out there', languages categorize it in different ways. This claim is traced back to Edward Sapir, a renowned anthropologist who posited that:

> Human beings do not live in the objective world alone, nor alone in the world of social activity as ordinarily understood, but are very much at the mercy of a particular language which has become the medium of expression for their society. The fact of the matter is that their 'real world' is to a large extent unconsciously built up in the language habits of the group. . . . We see and hear and otherwise experience very largely as we do because the language habits of our community predispose certain choices of interpretation (1929: 69).

Guided by some life patterns of the Kenyan community, three genres of language use categorized under prayer meetings, campaign rallies and post-election victim (PEV) testimonies were identified as mobility routes and congregating centers through which the ICC related information was disseminated. The study hence purposively and theoretically relied on the three genres of language use to represent rich instances of ICC debates as informed by the actors involved and contexts of use. The period of study fell between January 23, 2012 (the date charges against the six indictees were confirmed at the ICC) and March 3, 2013 (date of general elections in Kenya). The corpus was built from recorded and transcribed proceedings of the three genres and included 6 prayer meetings, 4 victim testimonies and 4 campaign rallies, making a total of 14 data sets. The recordings were sourced from the two main media houses in Kenya: Royal Media Services and Nation Media Group. This time-based approach of analyzing metaphor use opened the door to new theoretical and empirical advances in metaphor research.

The study integrated cognitive metaphor theory (CMT), critical metaphor analysis (CMA) and communicative action theory (CAT) in the analysis. Cognitive metaphor theory (Lakoff & Johnson 1980; Dobrovol'skij & Piirainen 2005) views metaphor not just as a matter of language, but a matter of thought as well. The theory conceives metaphor as an important tool by means of which we conceptualize reality, which ultimately has an impact on the way we act or behave. Lakoff & Johnson (1980) define metaphor as a mapping of structure from one conceptual domain, the source domain to another conceptual domain, the target domain. It should be noted that this mapping is not at all based on the similarity between the two concepts, but rather on the correlation of our experience in the two domains and our ability to structure one concept in terms of the other. CMT is not simply the study of linguistic metaphors; it aims at tackling crucial cognitive problems: for instance, how do people understand abstract domains such as morality, or politics? How are they able to understand language and each other? CMT offers a deceivingly simple answer: it is thanks to bodily experience, approximately shared across humans and metaphorically projected onto abstract domains, making them understandable (Fusaroli & Morgagni 2004: 2). Consequently, by highlighting how a large part of one's linguistic expressions and abstract conceptual domains are structured by bodily experience, CMT has strongly pushed an embodied perspective on cognition (Gibbs 2006).

However, conceptual metaphor theory has been criticized as over-emphasizing the unconscious use of metaphors and lacking empirical discourse evidence (Deignan 2010). This limitation of self-elicited data is addressed through critical metaphor analysis (Charteris-Black, 2004) which aims to identify the covert intentions (possibly unconscious) and ideologies underlying language use. The theory explains how the metaphors are identified empirically, the type of social relations that are constructed through the identified metaphors, and how the metaphors interact within the context in which they occur. Such an approach to metaphor studies leads to conclusions that take discursive factors into account and does not rely on constructed and

decontextualized examples (Gibbs 2010: 3). These two theories draw upon critical discourse analysis (van Dijk 1997; Fairclough 1995; Wodak 2005) and examine the link between metaphor, ideology and power. Their application explores what ideology lies behind the metaphoric representations employed in the discourses about the ICC, mainly focusing on whether the metaphors serve to foster or undermine peace and reconciliation among Kenyans. To define the social aspects of the study, Habermas' views on rationality are considered. The application of language in a social context is the essence of Habermas' theory of communicative action (1984). When language is analyzed and interpreted in terms of the speaker and the hearer's social environment, it is viewed as an instrument for effecting change and not just a vehicle for disclosing thought. This paper argues that through the use of language, mutual understanding about the world can be achieved. This, of course, presupposes the existence of a shared pool of background assumptions and beliefs among the participants in a discursive event. It also hinges on the claim that our access to reality is through language. Jorgensen & Phillips substantiate that,

> …with language, we create representations that are never mere reflections of a pre-existing reality but contribute to constructing reality. This though does not mean that reality itself does not exist, in fact meanings and representations are real and that physical objects also exist only that they gain meaning through discourse (Jorgensen & Phillips 2012: 9).

Our focus is on the ICC process as a narrative of unfolding events that have both social and historical norms that link with the immediate empirical reality familiar to Kenyans. To borrow Iser's argument in *The Implied Reader*, the ICC debate,

> …is looked at not only as telling a story or establishing its own pattern but also deliberately revealing the component parts of its own narrative techniques, separating the material to be presented from the forms that serve its presentation in order to provoke the reader into establishing for himself the connections between perception and thought (Iser 1974: xiv).

Social psychologists, cross-cultural researchers and specialists in organizational behavior now study how metaphor constructs social reality and determines how people orient themselves to changing situations. By documenting the metaphors people actually use, this research has shifted from a focus on static traits in average situations to dynamic orientations in a fluid and ever evolving ICC process in Kenya. We shall conclude by showing how the current debate of peace and justice is influenced by metaphors, revealing the role metaphors in language play on the particular worldview and how particular discursive events are framed. The integration of both linguistic and social theories in understanding reality could be a step in seeking alternative forms of building peace through language and generally inform on the theories of conflict.

It is hoped that a better understanding of what metaphor is and what it does in language can be achieved by analysing its role in specific corpora selected from the discourses of the ICC indictment in Kenya from a political perspective. It is argued that metaphor is a prime example of how pragmatics – context-specific linguistic choices by speakers – impinges on semantics – the linguistic system for the realization of meaning.

## 3. Literature review

Not much research has been done on Kiswahili metaphors in the ICC or in political speeches. Kiswahili scholars have however demonstrated that besides Kiswahili being the National

Language, it is the most preferred and influential trans-ethnic language in public discourse (Habwe 1999, 2010). The available research deals with the literary attributes of the Kiswahili metaphor (Sharrif 1983; Chacha 1987; Habwe 2010; Vierke 2012; Simala 2012). Their findings elucidate on the nature, role and interpretation of Kiswahili metaphors. Vierke (2012) broadly identifies three common approaches to Swahili metaphoric discourse; politeness approach, the stylistic approach and the cognitive approach. She argues that the Swahili metaphors far from being purely ornamental, are powerful figures of thought and imagination whose usage is linked to veiled speech - a politeness and face saving strategy: a strategy in managing sensitive topics, what Vierke (2012: 279) refers to as "not speaking while speaking" in which a message develops a particular force precisely because it is veiled. From the interactive point of view, metaphors are used in face-to-face interaction to lubricate the friction of contact between individuals. In the Brown-Levinson politeness model (1987), metaphor is an off-record strategy, the goal of which is to manage the most threatening speech acts and to minimize accountability of the speaker. This is consistent with Taran's (2000) claim that metaphor is a key feature of political language used to obscure and clarify meaning, to personify political forces and to convey double meanings.

Simala (2012), Shariff (1983), and Chacha (1987) all recognize the significance of culture in describing metaphors in Kiswahili language. They emphasize the fact that as a result of socialization, metaphor usage is an aspect that requires a cultural contextualization in its interpretation. Besides, they recognize the significance of Kiswahili environmental realities in interpreting metaphor and the close relationship between metaphor usage and the cultural norms that have moulded and equipped the language with rich ways of expressing thoughts and feelings on sensitive issues and subjects. In fact, culturally, metaphors are intended to conceal meaning in a sense and absolve the speaker from liability in the event of double interpretation even though contextual reference is necessary.

Orwenjo (2009) suggests that in Africa, the transmission of the overwhelming complexity of the people's day-to-day experiences is deeply rooted in the continent's rich cultural artistry. He isolates proverbs as the most widely and commonly used sayings in the continent's long standing history of oral arts. Proverbs, just like metaphors, are regarded as repositories of the people's collective social, political and cultural wisdom and as analytic tools of thought. Metaphors can be used by different people to strengthen and further their respective positions and ideologies with regard to the ICC. As observed from the cognitive point of view, meaning is identified within the mind and partially shaped by culture. This observation is a nuanced view of CMT in three different ways. First, experiential structures depend on culturally and socially embodied processes. Second, experiential structures are resources for conceptualization, locally deployed in flexible ways, with the potential of evolving over time; and last, rigorous philosophical, empirical, and experimental research are all essential in developing CMT, while more theory-driven hypothesis testing, relying on corpora and experimental settings, is strongly needed.

Closely related to this line of thought is Habwe (2010) who views metaphors through honorifics that help to define, redefine and sustain social strata that are used as a basis of expressing face-saving ideals and politeness in Kiswahili, and hence contributing to less conflict in interaction and strengthening cohesion in the society in question. He also reveals that Kiswahili honorifics often complement other politeness strategies in order to reinforce politeness values which are a major individual and social concern. Based on these properties, this paper attempts to uncover how the Kiswahili metaphors, within the ICC indictment discourse, informs the dynamics of conflict escalation and or resolution.

Research, since the 1980s, shows that the use of metaphor in framing political discussion has become a major linguistic tool for politicians (Paine 1981; Lakoff 2003; Charteris-Black 2004). Lakoff (2004: xv) emphasizes this by stating that frames are mental structures that shape

the way we see the world. Metaphors are capable of restructuring concepts and opinion (Kyratzis, 2001: 64) and hence they are used for transmitting ideology and transferring useful information about life in society. Metaphors also offer a convenient and natural way through which people communicate their beliefs, identity and ideology (Charteris-Black 2004). On the political front, the choice of metaphors used in the ICC discourse is assumed to be an indirect strategy that allowed the participants to talk about a judicial issue at the time that offered them communicative immunity. Lakoff (1987, 2003, 2005) has demonstrated the importance of metaphorical reasoning in framing political events. In his analysis of the speech by the US President George Bush in justifying the Gulf War, Lakoff (2003) outlines what he refers to as the fairy tale structure frame as the underlying conceptual system. The fairy tale structure metaphorically portrays Kuwait as a helpless victim under attack from the aggressive Iraq (Sadaam Hussein) and the US the hero who comes in to rescue. By metaphorically painting a victim, aggressor and hero rescue scenario, Bush offered a moral justification for attacking Iraq and hence seek acceptance from the American people (Lakoff 2003). It is on this basis that this article explores how such information can benefit our understanding of the ICC's intervention in Kenya after the post-election violence to offer justice to the victims. It explores the metaphoric perceptions that several voices attach to this intervention; to understand how the ICC steps in to offer judicial justice to post-election violence victims against the powerful political players who instigated the violence. The gap that the paper seeks to explore is the notion of how the failure of local (Kenyan) judicial mechanisms plays out in the ICC fairy tale structure.

Studies that have adopted a similar approach include Garcia (2009) who examined how President Jose Rodriguez Zapatero conceptualized terrorism via metaphors through the notion of fight and their conceptual implications in discourse. She revealed that fight metaphors constituted the pivotal node that functioned to promote the president's anti-terrorism political ideology. On the same principle, Moreno (2008) analyzed Hugo Chávez's choice of metaphors in his efforts to construct and legitimize his Bolivarian Revolution and reported that behind an official discourse of inclusion, Chávez's choice of metaphors contributed to the construction of a polarizing discourse of exclusion in which his political opponents were represented as enemies of the nation. This perception is characteristic of ICC justice with claims of neo-colonialism and lack of patriotism in its applicability in Kenya. Voices that support the ICC process are considered as enemies to the people of Kenya. This study therefore draws heavily on Moreno's findings in the construction of a 'them' verses 'us' narrative in the ICC discourse, exemplified in the contrasting viewpoints of the ICC's involvement in Kenya.

Scholars have generally differed in opinion regarding the performance of ICC in Kenya and the actual rationale of its involvement (Moss & O'Hare 2014; Jagero 2012; Mueller 2014; Jenkins 2012; Mackie 2012). Critical to this research is Mueller (2014), who speculates that the key strategy for the two indictees – Uhuru and Ruto to run for presidency and deputy presidency – in a way deflected the court and insulated themselves from its power once they won the elections. Unveiling their language may help to understand how the metaphors they use allow them to express their rich and more dynamic subjective experiences. This view is buttressed by Jenkins (2012) who attributes the 2007 post-election violence to bottom-up processes of identification and violence interacting with incitement from above. He argues that the discourses of belonging and exclusion engendered an understanding of ethnic others as 'immigrants' and 'guests', and these narratives of territorialized identity both reinforced elite manipulation and operated independently of it. In this context, Kenya's post-election violence can thus be understood as a bottom-up performance of narratives of ethnic territorial exclusion operating alongside more direct elite involvement, organization, and incitement. The durability of these narratives, as well as their inherent plasticity, has significant implications for the potential for further violence and the

prospects for reconciliation.

## 4. Conceptualization of the ICC

The analysis of utterances collected from the corpus reveals that most speakers heavily employ metaphoric expressions with reference to the ICC judicial process. The significance of this analysis is the understanding that conceptual metaphor themes identified in the discussion form the basis of a framework through which listeners are made to comprehend the ICC as a form of justice system. The metaphorical themes help to construct the listener's mental representations of the ICC and thus influence the way they think and feel about the victims of violence, the accused persons and the pro ICC crusaders.

Five basic metaphor themes realized in the ICC discourses include the conceptualization of the ICC as RELIGIOUS WAR, the ICC as POLITICAL WAR, the ICC as JUSTICE, the ICC as A DEMON and the ICC as an ANIMATE BEING. These themes are linguistically realized through both lexical and syntactic devices (Charteris-Black 2004: 21).

### *4.1 The ICC as RELIGIOUS WAR*

The depiction of the ICC as RELIGIOUS WAR is realized by a number of lexical and syntactic means. The ICC has been ascribed a life of its own as exemplified in the prayer rallies. The emergence of the ICC is described in analogy with religious characteristics. The four suspects indicted at the ICC sought support through political rallies that came to be known as prayer meetings in various parts of the country. The rallies would ordinarily start off as prayer meetings in which the clergy would conduct intercession prayers on behalf of the suspects. After the prayers, the suspects and other politicians would then address the people attending. Uhuru is quoted in a prayer meeting at Nakuru, saying:

1) Sisi hayo yote tumemwachia mungu baba wetu.

   'We have left all in God's - our father's - hands'[1]

The metaphor in example 1 above, *Mungu baba* 'God the Father' conceptualizes God as the ultimate judge. The context in which Uhuru utters the above is to confess his innocence and acknowledge that he has been indicted at The Hague through false testimony and witness fixing, and hence he had surrendered his fate to God. From the example, we derive in Christianity a fundamental metaphor 'God is the Father': this though could mean that human beings are literally 'the children of God', or it could also imply that the relationship between God and mankind is like that of a father to a child. The son–father relationship raises the same issue: did Jesus' claim to be the 'Son of God' imply a biological fact or did it imply that he was as a son of a father? (Charteris-Black 2004). Interpretation requires that God will take on the prototypical attributes of a father – protection from danger, provision of material needs and moral guidance. Similarly, the son takes on the prototypical attributes of dependency, seeking protection, needing material and spiritual guidance. The underlying communicative thought is that God is the ultimate judge. The metaphor constitutes the beliefs among Christians and could also be taken as simply comparative. This interpretation closely derives from Lakoff (1996) who discusses the metaphoric understanding of NATION as FAMILY and how it directly informs our political worldview. The NATION as FAMILY metaphor structures entire worldviews precisely mapping between the nation and the

[1] Our own free translation of the Kiswahili metaphor. The example and subsequent translations rendered the meaning in English though lost in the structure and original metaphoricity hence most of the translated metaphors may sound as ordinary expressions.

family.

Metaphor is very well suited to religious contexts because it is a primary means by which the unknown can be conceptualized in terms of what is already known. Since very few people would claim to have direct personal knowledge of a divine being, metaphors are a natural means for exploring the possible forms that such a divinity might take and for expressing religious experiences (Charteris-Black 2004: 174). Metaphor is, therefore, the prime means of providing spiritual explanations since they can only be expressed by referring to what is experienced in the physical world. The topics that are dealt with by religion – the origins of life, suffering, the struggle between good and evil, life and death – are also topics for which judgement and evaluation are often necessary. Metaphor creates meaning by accessing subliminal experience; in religion it has a similar role because religion considers the possibilities of a sublime world beyond this world. Table 1 below provides some examples of lexical items extracted from ICC discourses in the semantic field of religion.

Table 1:

| **Lexical item** | **Source domain** |
|---|---|
| *Mungu* 'God' | Religion |
| *Msalaba* 'cross' | Crucifix |
| *Mzigo* 'burden' | Crucifixion |
| *Omba* 'pray' | Prayer |
| *Mwenye uwezo* 'creator' | Creation |
| *Mkombozi* 'saviour' | Salvation |
| *Shetani* 'Satan' | Sin |

(Source: adopted from own research data)

The lexical items in Table 1 belong to the semantic domain of religion and they represent different attributes or concepts including prayer, persecution, creation and salvation. These lexical terms were used severally by the indictees in their utterances during prayer meetings in reference to the ICC. For instance, *Shetani* was used by Uhuru to refer to people with evil intentions who engineered their indictment at the ICC. Understanding the metaphor entails mapping terms of one conceptual domain onto the other unrelated conceptual domain. The mappings are a result of two kinds of generalizations, namely, sense relation generalization and inferential generalization. The terms *Mungu* 'God', *msalaba* 'crucifix', *mzigo* 'burden', *omba* 'pray' *mwenye uwezo* 'creator', *mkombozi* 'salvation', and shetani 'Satan' are words that originate from the semantic field of religion, but are understood as referring to aspects of the ICC. The relationship between the two domains is mediated by inferential generalization, inferring the meanings of the target domain from source domain and generalization across conceptual domains. In addition, metaphors have an evangelical role in religion because they are easier to accept than literal truths and they are open to individual interpretation. The reader or hearer finds the meaning in the metaphor. Prayer rallies therefore play quite an important role in creating meaning of the ICC and providing frameworks of evaluation.

This explains the cognitive contribution of metaphor which enables the users to conceive the worldview of the ICC as sacrifice and persecution and hence the conceptual key; the ICC IS RELIGIOUS PERSECUTION. This more or less explains why Uhuru and Ruto opted for prayer meetings to mobilize support from the general public against the ICC. The prayer meetings present a powerful tool for mobilizing spiritual and religious support. They invoke divine intervention in the conflict and thus the conceptual metaphor the ICC IS RELIGIOUS WAR, which will be won or lost on faith grounds. Lakoff contends that the metaphorical mappings preserve the cognitive

typology (that is, the image-schema structure) of the source domain in a way consistent with the inherent structure of the target domain (Lakoff 1993: 215). The indictees' voice represent 'innocent victims' suffering at the expense of other people who directly participated in the PEV or benefitted from it. The prayer discourse of the ICC achieves just that and hence considers prayer meetings as discourses of mobilization; bringing together two communities (Kikuyu and Kalenjin) through the narrative that the ICC is targeting their community (Uhuru and Ruto) unfairly. Studies on metaphors have provided insights on how metaphor in discourse arouses powerful images that shape perception, public opinion, and ultimately influence comprehension and interpretation of issues in society. The message in a metaphor has the potential to reach the audience in a more powerful and captivating manner. As Ngonyani (2006: 15) elaborately notes, "metaphors provide a conceptual framework, or prism through which information and events are viewed". By conceptualizing the ICC as RELIGIOUS WAR, God's intervention is sought through prayer. Metaphors thus help to make complex and controversial issues understandable to the public and help promote and legitimize the ideological viewpoints of particular groups (Todoli 2007: 51).

*4.2 The ICC as an ANIMATE CREATURE*

The ICC is portrayed as an animate creature through explicit linguistic choices. This is achieved through the use of lexical items and syntactic structures that ascribe the ICC a life of its own. This is demonstrated through personification in example 2 extracted from an anti-ICC campaign rally at Ihura Stadium in Muranga, and extract 3 from a campaign rally targeted at the ICC prosecutor Ocampo:

2) ICC haiwezi kutuamulia mambo yetu hapa. Tuko na uhuru wa kujichagulia hatima yetu

   'The ICC cannot decide on our affairs here. We are independent and can determine our own fate'

3) Hiyo ni korti ya wakora.

   'It is a court for thugs'.

In the above instances, the ICC is perceived as having its own internal capabilities of action: *kutuamulia* 'ability to decide', and as an entity comprising *wakora* 'thugs'. The syntactic structures used to express the animate nature of the ICC are realizable in the process that is perceived to be generated from within. Halliday (1985: 145) uses the term middle ergativity to demonstrate a sentence structure that represents a process that is brought about from inside. Ergativity therefore explains the source of the process under study. The ICC can be deduced from the examples provided within the discourse as having its own force or energy and ability to act independently towards bringing change. The key to this Habermasean notion of reaching *Verstiindigung* 'understanding' is the possibility of using reasons or grounds to gain intersubjective recognition for criticizable validity claims. This is further illustrated in extract 4, uttered by Uhuru in a prayer rally at Bomet:

4) Korti itatupilia mbali kesi inayotukabili na tutarudi nyumbani huru

   'The court will dismiss the case'.

The ICC is also ascribed animate characteristics, having life-like abilities: implying that it has the ability to perform. In describing the ICC process, some speakers use words whose meaning suggest that they are performed by a living creature, for instance *kutuamulia* 'to decide' and *itatupilia* 'to dismiss' as shown in examples 2 and 4 above. These descriptions portray the ICC in a negative sense, and hence it is personalized as an object of hate. This argument is supported by Trickova (2012: 143), who explained the personalization of natural phenomenon (disasters) as 'our mother' and therefore a view that nature as our mother is capable of inflicting punishment on the people.

Further personification of the ICC is achieved through reference of proper nouns such as The Hague and Ocampo; providing it with a unique identity. The Hague denotes the physical location of the court in the Netherlands, while Ocampo refers to the then ICC chief prosecutor. Pictures of the indictees with their supporters at The Hague reveal the reality of the ICC to Kenyans. The combative and abrasive Prosecutor pursued the indictees and even warned that he would use the Kenyan case to serve as an example to the rest of the world. Consequently, the ICC indictment discourse revealed personification examples through the depiction of nonhuman entities in terms of human goals, actions and characteristics (Lakoff & Johnson 1980). What is significant is whether the human features associated with the ICC discourse are positive or negative. When the ICC is portrayed in a negative way it creates negative feelings and therefore builds resentment and resistance towards it. Negative portrayal demonizes it and, consequently, impacts on people's attitude towards the kind of justice that can be achieved in the court. This ultimately focuses our understanding of a complex and unfamiliar aspect of reality in terms of a more concrete, clear and familiar phenomenon (Lakoff & Johnson 2003).

*4.3 The ICC as a DEMON (EVIL FORCES)*

A demon is perceived to be a large, frightening and cruel creature usually of abnormal form or structure. It is equated to Satan capable of instilling fear and anxiety. The ICC indictment discourse also employs a conceptual metaphor theme of a demon *shetani* 'evil force'. This theme is evident in the use of explicit expressions or emotional lexis and hyperbole. The persistent calls from Kenyans for indictees at the ICC to step aside from presidential campaigns drew the following response from Uhuru Kenyatta,

5) Na ndio vizuri tuambiane ukweli, Shetani ambaye hata hajui kazi hiyo tulianzisha namna gani, wanakuja wanasema sasa, sasa unajua sasa nyinyi mkienda hivyo mumejitangaza, unajua sasa wazungu hawatatupatia pesa. Sasa moto wakati uliwaka namna hiyo, na ikasemekana sasa hapana wewe unajua oh unajua sasa wewe ambia ndugu yako aondoke ka hiyo kiti wewe uchukue hiyo upatie mwingine ndio Kenya iendelee mbele…(December 18, 2012 Uhuru Kenyatta at Multi Media University)

   'Let's talk the truth. The devil who does not understand the genesis of our work now alleges that we shall not get donor aid if we contest. In the heat of things, they tried to convince me to abandon my quest so that Kenya can progress'.

The evil force '*shetani'* in 5 being alluded to in this instance is the ICC and the pressure from Western nations on the consequences Kenya stood to face if an indictee at the ICC was elected president. Furthermore, the heat generated by the ICC is discernible in the metaphor of fire. These were the forces that were to determine the political destiny of Kenya. The ICC is seen as a cruel obstacle or hindrance to political leadership and not a form of justice to the perpetuators of the 2007/2008 post-election violence. The demon or evil forces metaphor draws upon themes from mythology and has the main effect of demonising the ICC. The significance of this metaphor is to

paint the ICC negatively. The following extract 6 from a campaign rally similarly portrays the ICC as a court not capable of dispensing credible justice to the victims.

6) Hii ni mahakama bandia

'The ICC is a pedestrian court-unauthentic'

'Bandia' is a derogatory term used to refer to an imitation or sham. Such images evoke fear and generate a negative attitude and even hostility toward the ICC. Such attitudes do not allow people to cope with the ICC in a rational way and hinder communicative action. This finding is strongly articulated by Ho (2016: 295) who examined metaphors used in the news reports on the global financial crisis of 2008, with a particular focus on the two negative emotions of fear and anxiety. She discusses how these metaphors described the various stages and intensities of negative emotions, and noted that they were tailored to increase negative feelings in the readers, which in turn increased the news value of the articles in the newspapers.

*4.4 The ICC as JUSTICE*

An opinion poll conducted by Ipsos Synovate in 2013 showed that support for the ICC cases had gone up to 51 percent. Of those who supported the ICC process, 40 percent said they did so because it was the best way for the victims of the post-election violence to achieve justice. Another 24 percent said they did not trust Kenyan courts, and another 23 percent said the ICC process would most likely end the culture of impunity in Kenya. The remainder supported the ICC process because they believed it would prevent future violence, among other reasons. This support was evident among the internally displaced persons' (IDPs) testimonies during their meetings with Fatou Bensouda, the ICC Prosecutor in Kenya. The IDPs expressed confidence in the ICC and saw it as the only trusted form of justice. The following excerpt was from an IDP in Eldoret,

7) Kwa vile umetoka katika mahakama ya kitaifa, na sisi kama waathiriwa wa mahali hapa, tuna imani sana na wewe. Ni kwa sababu tunajua kwamba wewe tayari umeona na utaweza kutusikiliza kama waathiriwa…

'Coming from the International Court, we as victims from this area have confidence in you. You have seen and listened to us victims…'

In the extract, the victim through reification (Charteris-Black 2004: 21) – referring to something that is abstract, using a word or phrase that, in other contexts, refers to something that is concrete, is able to articulate the aspirations of the victims. The ICC which is abstract is concretized through the physical presence of the court prosecutor.

Another victim at Naivasha narrated the following:

8) …tutamwambia tanataka tutimiziwe haki yetu, tulipwe ridhaa na tupewe makao. Hiyo kesi ikiwa mahakamani, tunaona haki ikitendeka

'…we are seeking justice. We want reparation. With the case in court (ICC) we are assured of justice'.

The key word 'haki' (justice) is a metaphor which stands for the confidence victims of the post-election violence had in the court. This interpretation is grounded in the earlier call by politicians: "don't be vague, let's go to The Hague". This call had demonstrated the mistrust and lack of

confidence Kenyans had for the local judicial system. Most of the victims in the IDP camps therefore expressed confidence in the court and anticipated justice. The ICC represents justice that cannot be dispensed in the local courts.

*4.5 The ICC as POLITICAL WAR*

The other metaphoric theme that is used in the conceptualization of the ICC is its representation as a political war or contest between competing political interests in Kenya. The discourses are characterised by comparisons to war, like situations where combatants are fighting to defeat their opponents. The major function of such representations is to compare the ICC to war or a battlefront that people are more familiar with. Other than considering the ICC as the application of international law aimed at justice, ending impunity and holding top leaders to accountability, the discourses portray the ICC as having a desired goal to hurt the suspects. It is represented as a hostile enemy to be fought at all costs. This could have informed the formation of the Jubilee Alliance between Uhuru and Ruto; previously in opposing political camps. The ICC as POLITICS creates animosity against the ICC and draws a sharp division among people supporting the ICC and those against it. Voices against the ICC were mobilized under the metaphoric expression *tuko pamoja* 'we are together' while voices in support of the ICC were branded *wale wengine* 'others'. Such situations prevent people from establishing a harmonic approach to resolving a conflict. It widens the differences and creates a THEM versus US scenario that prevents a rational approach to bring about understanding.

9) *Hiyo ilikuwa ni miereka ya kisiasa* (Extract from a political campaign rally)

'It was a political wrestling match'.

Extract 9 reveals that the focus in campaign rallies was more on the competitive aspects of an election rather than on political content. Politics is expressed in terms of a game; who is winning and who is losing. A wrestling match is a display of strength or might. The ICC presented a critical moment in the suspects' social and political life. Pressure had been piled on the indictees not to contest the 2007 presidential elections. The ICC became the political tool to stop the indictees from contesting an election. In the presidential debate, Uhuru Kenyatta in answer to a question of how he would govern the country and, at the same time, attend to the ICC referred to it as a personal challenge. He was setting ground for a political battle. Portrayal of the ICC as a CONTEST makes it more comprehensible, since fighting is found everywhere in the animal kingdom particularly among human animals (Lakoff and Johnson 1980: 61). Metaphors are no longer just tools for rhetoric appeal and ornamentation in speech or text. The significance of metaphors in discourse is that they arouse powerful images that shape perception, public opinion and ultimately influence comprehension of things in society (Lakoff 1993; Gibbs 1994; Kóvecses 2002, 2005; Gill & Whedbee 1997).

## 5. Conceptual themes in conflict

From the foregoing discussion, it is clear that the five major metaphoric themes associated with the ICC - as RELIGIOUS WAR, as POLITICAL WAR, as JUSTICE, as a DEMON and as an ANIMATE BEING - offer conflicting conceptualizations of the ICC in providing a coherent world view or framework for understanding language and its impact on conflict situations. These themes demonstrate bipolarizing tendencies in ICC discourse. Bipolarizing is a term that is used to portray two extreme positions or standpoints which are completely different from each other. It is realized in the encoded concepts of wale *wengine* 'others' and *tuko pamoja* 'in solidarity/we are together'.

The discourses of belonging and exclusion typified in *wale wengine* 'others' engender an understanding of ethnic identity. The metaphoric expression *tuko pamoja* 'in solidarity' is understood in the source domain as Balkanizing or mobilizing ethnic UNITY against the ICC in support of Uhuru and Ruto. Habermas (1984) argues that language both as an instrument for effecting change and a vehicle for disclosing thought must be analysed and interpreted in terms of the speaker and the hearer's social environment. A common assumption is that: to communicate is to perform an act, such as stating facts, making requests, making promises, or issuing orders (Janson, Woo & Smith 1993). The statement, t*uko pamoja*, 'in solidarity' commits the speaker to a future course of action, which in turn affects the hearer. Therefore such an utterance communicates a message, possesses a performative function and hence affects the hearer in a particular way. Speech acts are performed to make factual statements, to request someone to do something, to make promises and commitments, to effect change, and to express a personal feeling. The metaphors *tuko pamoja* 'in solidarity' and *wale wengine* 'others' were a commitment against the ICC.

In order to understand an utterance in the paradigm case of a speech act oriented towards reaching understanding, the interpreter has to be familiar with the conditions of its validity; he has to know under which conditions the validity claim linked with it is acceptable or would have to be acknowledged by a hearer (McCarthy 1978: xiv-xv). The interpreter obtains this knowledge from the context of the observed communication or from comparable contexts. Thus, the interpreter cannot become clear about the semantic content of the expression *tuko pamoja* 'in solidarity' independently of the action contexts in which participants react to the expression with a yes or no or an abstention. Communicative action requires an interpretation that is rational in approach, which expands the truth-conditional approach to semantics into a general theory of the internal relationships between meaning and validity. This involves shifting the level of analysis from semantics to pragmatics, extending the concept of validity to include types of claims other than truth, identifying the validity conditions for the different types of claims, and establishing that, in these other cases as well, the meaning of an utterance is inherently connected with the conditions for redeeming the validity claims raised by it. An interrogation of the validity claims in the conceptualizing of the ICC in terms of RELIGION, POLITICS or DEMON within the Kenyan environment could also offer conflict resolution alternatives.

The negative attributes ascribed to the ICC – the ICC as A DEMON and the ICC as AN ANIMATE BEING rouses fearful emotions rather than reason. The ICC is constructed as punitive and cruel, building fear into people. This argument supports the view of Oster (2010: 752) that fear is the most frequently found metaphor among other negative emotions. Scherer (1997) further observes that fear is an emotion that is unexpected, unpleasant, externally caused and uncontrollable which instead controls a person. A sharp boundary is drawn between voices that support the ICC and those against it in the context of victimhood. Who are the real victims of the ICC process? Are they the post-election violence victims or the indictees at the ICC? The ICC conceived in terms of RELIGION *msalaba* 'cross' and *mzigo* 'burden' does neither envisage true justice nor reconciliation. Alternatively, the ICC is seen as more dividing, exclusive and alienating. This view of metaphor is said to shape human experience and when particular metaphors become the dominant way of talking about a particular aspect of reality within a particular discourse, they may be extremely difficult to perceive and challenge, since they come to represent the common sense or natural view of things (Semino 2008: 33).

After the post-elections violence of 2007 in Kenya, the debate that emerged regarded the implications of transitional justice for Kenya's liberalizing prospects. The Kenya National Dialogue and Reconciliation report (2011) documents, among other things, efforts undertaken by the government towards justice to include the Report of the Commission of Inquiry into Post-

Election Violence, popularly known as the Waki commission (2008) and The Truth Justice and Reconciliation Commission (TJRC). The question of punishment or impunity or whether there is an obligation to punish in a democratic transition is debatable. Teitel (2000) suggests that, despite the moral argument for punishment in the abstract, various alternatives to punishment could express the normative message of political transformation and the rule of law with the aim of furthering democracy. On the one hand, the ICC as an international justice option faces several challenges that may hinder its efficacy as options for bringing justice to PEV survivors (Sagan, 2010). Among them are low levels of state cooperation and questions of ICC Statute threshold requirements. On the other hand, local justice options like the Special Tribunal and private prosecutions could be burdened by a restrictive legal framework as well as the risk of political interference. Okafor & Ngwaba (2014) rightly observe that in many parts of Africa, domestic institutions are unable to function in a way that could justly prevent or resolve many of the conflicts that give rise to transitional justice challenges. They argue that impunity runs deep in many places and judiciaries are often corrupt and beholden to the executive branch of government. They suggest that the ICC should allow much more conceptual space for negotiated peace deals, such as the Nigeria-brokered agreement for Liberia or the UN-brokered agreement that ended violence through the formation of the coalition government in Kenya (Okafor & Ngwaba 2014: 107). Such an arrangement could be far much more responsive to the more pressing needs of ordinary people than is the prosecution of a few people that may prolong conflict and even lead to greater loss of life.

Teitel (2000: 7) advocates for transitions that involve a paradigm shift in the conception of justice by exploring the ways in which society should respond to evil rule through an understanding of what is fair and just. She proposes that the rule of law in periods of political change should be looked at in its various forms: punishment, historical inquiry, reparations, purges and constitutional making. Among these alternatives to punishment is Habermas' approach of Communicative action, which implies that individuals focus primarily on reaching understanding or consensus. Communicative action differs from instrumental and strategic action because objectives are not imposed but, rather, they are based on mutual acceptance. Reaching understanding takes priority over rational efficiency and efficacy. Successful communicative action implies veracity as the primary validity claim. Because the goal is reaching understanding, communicative action calls for candor, truthfulness, and sincerity.

The ICC has arguably played quite a significant role in transition justice in Africa with some positive consequences, such as putting to trial very powerful persons who might have otherwise enjoyed impunity, serving as an alternative to domestic legal systems and serving as a possible deterrent. However, the negative effects, like its inability to bring to justice international crimes outside of Africa, choking out other alternative forms of justice, reduced confidence levels and entrenching domestic repression or conflict all suggest a re-evaluation and reconceptualization of the ICC in relation to transition justice processes. The collapse of the Kenyan cases at the ICC suggests that reliance on ICC justice is unpredictable. Maybe a refocused approach that includes understanding the conceptual underpinnings to conflicts and talking with an aim of reaching consensus could be the way to permanent peace in Kenya.

## 6. Conclusion

It has been demonstrated that the major metaphoric themes associated with the ICC offer conflicting conceptualizations of the ICC in providing a coherent world view or framework for understanding language and its impact on conflict situations - specifically in offering justice and genuine reconciliation. Though the ICC is an international judicial system of justice, the above mentioned themes suggest a conflicting view in which the ICC is portrayed both as an enemy to

the people of Kenya and as a saviour to the real violence victims in providing justice and retribution.

Metaphors can therefore be explained by considering the interdependency of their semantic, pragmatic and cognitive dimensions. The integrated theoretical approach has offered an opportunity to explore metaphor in these three dimensions. The cognitive approach guides in the understanding and interpretation of the metaphor as part of human thought, while the critical metaphor theory employs pragmatic analysis to interpret the context in which the metaphor occurs. Insights from Habermas' theoretical system reveal the possibility of reason, emancipation, and rational-critical communication latent in modern institutions and in the human capacity to deliberate and pursue rational interests. An understanding of the rationalities in the Kiswahili metaphors employed in the ICC discourse from the three perspectives could be a starting point for seeking peace and reconciliation.

Such an analysis has revealed the gateway through which persuasive and emotive ways of thinking about the world are moulded by language use. Metaphor is therefore active in both the development of a conceptual framework for representing new ideas and in providing new words to fill lexical gaps. It fulfils the basic need of people to make sense of events in the world. It has been demonstrated that the ICC is readily understood when it is related to familiar aspects within the Kenyan environment. When the ICC is viewed within the prism of the political landscape of Kenya, it becomes easy to interpret the various meanings attached to it.

The metaphoric themes do provide alternative viewpoints of the constructed picture of the ICC unfolding events, which become natural or ideological to the people of Kenya. These themes have been shown to generate emotional responses which become hard-line stances or ideologies. As these ideologies develop, then communication strains further and common understanding becomes difficult. In pursuing communicative action, the success orientation is replaced by a desire to understand a communicating partner. The meanings and realities in the metaphors in the prism of communicative action imply that individuals focus primarily on reaching understanding or consensus, which defines mutual expectations about how the actors in a given situation should behave in terms of communication. Accordingly, the experiential bases of Kiswahili conceptual metaphors as they are deployed and stabilized in language in the ICC discourse can be said to be deeply shaped by interpersonal social and cultural dynamics within the Kenyan society.

It has emerged that metaphor is at the root of essential concepts such as that of emotion, human relations and wants and needs. Resolving disputes may sometimes best be done by identifying the kinds of metaphors around which a dispute revolves and simply helping disputants understand the differences. Because metaphor is so influential in creating subjective realities and what they mean to us, considered use of metaphor can take dispute resolution beyond the question of who is going to get what. It offers particular help when we are hoping not just to encourage compromise or impose settlement, but to remedy underlying issues and resolve matters at a depth that brings more real satisfaction and everlasting peace. In the Habermian discursive action, by engaging in discourse, organizations can ultimately be impelled towards greater democracy and emancipation.

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# 'We shall secede…' - narratives of marginalisation in post war participatory recovery of Acholi, northern Uganda

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**Abstract**: Set in a remote part of Acholi, on the northern side of Murchison Falls National Park, northern Uganda, this paper focuses on the efforts of the local community in Pabit Parish as they rebuild their agricultural livelihoods in the aftermath of the 20-year civil war. Their struggle to recover, however, hung in the balance as problem animals started to destroy their crops. Their recovery became even more uncertain when their efforts to dialogue with the government about the unfair wildlife policy remained unheeded. Meanwhile, the Acholi Culture and Tourism Centre project set up by Purongo Sub County Local Government to supplement the people's agricultural livelihoods was marred in conflicts that threatened its very existence. What had started as a post war participatory development thus turned out to be an arena of conflict.Using ethnographic methods of data collection integrated within a case study, this study focuses on the tourism centre project. Premised on principles of participation, the project had been considered instrumental, not only in the protection of wildlife in Murchison Falls Park which would attract more tourists, and thus more revenue to the community from commercial tourism, but also through promoting agricultural livelihoods, the mainstay of the local economy. However, the reluctance of wildlife officials to engage communities in policy discussions, and internal weaknesses in the governance structural systems, combine to frustrate efforts in the local community to recover their livelihoods for a better standard of living.

**Keywords**: Agricultural livelihoods, post war recovery, marginalisation, participation, wildlife policy.

## 1. Introduction[1]

At the time the ceasefire agreement between rebels of the Lords' Resistance Army (LRA) and the government of Uganda was signed in 2006, the number of people that had been forced into Internally Displaced People's (IDP) camps across the northern region had risen to more than 1.8 million, about 90% of the country's population (Mabikke 2011: 3; Internal Displacement Monitoring Centre and Norwegian Refugee Council 2009: 4), up from 1.3 million in 2005 (Boas and Hatloy 2005: 1). Although all their homesteads had been reclaimed by bush, their houses destroyed, and the majority of them had lost their livelihood assets, especially livestock (Boas and Hatloy 2005: 1, Weeks 2002: 32-35, Gersony 1997: 81, Gelsdorf, Maxwell and Mazurana 2012: 2), in 2008, all IDP camps were decommissioned by the State and IDPs told to 'return to where the war found you' (Whyte, Babiiha, Mukyala, and Meinert 2012: 3). With the economy of the region in ruins, poverty was widespread, yet houses needed to be repaired or rebuilt, homesteads re-established and fields prepared for cultivation (Obika, Otto-Adel, Babiiha and Whyte, forthcoming) as part of re-establishing household food and livelihood security. By the time I started conducting this study in 2009, WFP and other relief agencies had already stopped distributing relief food and other basic necessities to those who still remained in the numerous IDP camps across the region, citing lack of resources (UN-RSG of IDPs 29 July, 2009); yet even for those that had gone back to the villages the situation was not any better. Basic services such as education, health, and clean water were yet to be restored to these villages, and where they were already being provided they were quite inadequate, resulting in some categories of community members remaining in the camps (Whyte et al 2012: 2-4, IDMC and NRC 2009: 4-7).

Rebel leader Joseph Kony's reluctance to sign the comprehensive peace agreement scared local communities into thinking that the relative peace experienced in the region during the peace

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talks in Juba, South Sudan, in 2006, was temporary. Nongovernmental organisations (NGOs) were also reluctant to embark on serious reconstruction projects. It was not surprising, therefore, that post-war development agencies that had been expected to take over from - and to plug the vacuum left by - departing humanitarian NGOs took time to come to the rescue of IDPs trying to go back home. In its August 2009 Report on northern Uganda, the Internal Displacement Monitoring Centre (IDMC) highlights the poor international response to the Consolidated Appeal for Uganda when it showed that, by July 2009 only 45% of the requested funding had been secured, with three sectors: education, mine action, and shelter having received nothing at all. Health had gotten only 11% (IDMC and NRC 2009: 7). Yet, in spite of the situation outlined above, and in complete disregard of the 'durable solutions' (IDP Policy 2004), government officials almost forced IDPs to leave the camps (Interview with a UN OCHA official in Gulu town 25 September 2009). Durable solutions emphasise that displaced persons have the right to make a free and informed choice between returning to their original homes, integrating themselves in areas of displacement, or resettling elsewhere in the country.

However, as peace continued to be consolidated, post-war development assistance and foreign direct investment into the area increased. In addition to government programmes, the area also benefitted from donor funding through the state or NGO projects, as well as private sector investments. Key among the government initiatives was the Peace, Recovery, and Development Plan (PRDP) which was launched in October 2007. As the post conflict development framework for the region, the PRDP incorporated programmes and projects such as the Northern Uganda Social Action Fund (NUSAF) and the Northern Uganda Agricultural Livelihoods Recovery Programme, which were aimed at reintegrating the region into the national economy after twenty years of war. Nevertheless, in spite of the recovery framework and the numerous projects - and in spite of the steady progress towards recovery (UNDP 2015: 3) - the Acholi, as a community which had been at the epicentre of the LRA war, continued to wallow in poverty and to cry out against what they described as marginalisation. The Uganda National Bureau of Statistics (2010) and the IMF (2010: 15-16 and 87-90) also show that the northern region still possesses the highest indicators of poverty in the country. For example, the Human Development Index for northern Uganda improved from 0.402 in 2005/06 to 0.431 in 2012/13, but it remains the lowest against the nation's 0.463 (UNDP 2015: 5). It took Norbert Mao, a leading national politician from the region, to formally amplify their outcry when he warned the government to stop treating the northern region like second class citizens, or else the region would secede from Uganda. 'We are either full citizens, equal to all others, or non-citizens', he warned in a press conference as he talked of forming the Nile State (Charles Odongtho, URN 25 August 2006; Sunday Monitor, 21 February 2010; New Vision, 3 May 2009).

In the case of Pabit, one of the parishes in Purongo Sub County that lies along the northern boundary of Murchison Falls National Park (MFNP) in Nwoya district, the majority of people did not go back to their villages until it had become certain that LRA rebels had relocated to Central Africa Republic and were not likely to come back in the short run (Cf. Obika, Otto, Babiiha and Whyte, forthcoming). For such communities, it was not only LRA rebels that they had to worry about. Wild animals were equally as big a threat, both to their lives and their agricultural livelihoods. Elephants had killed two people and injured eleven when they invaded gardens in the areas neighbouring the park in Nwoya district in September and October that year (IRIN News, 7 December 2010). After a lot of community mobilisation and advocacy by local political leaders and civil society, the Uganda Wildlife Authority (UWA) with support from CARE International finally managed to dig a 36 km trench to stop the elephants from crossing into the villages (URN 5 September 2014).

Fig. 1: Trench to separate wild animals from the community.

(Source: Ministry of Tourism and Antiquities, 2012 Annual Performance Report.)

Park authorities also continued to fund local projects using the Tourism Revenue Sharing Fund (TRSF) disbursed annually to local governments for the benefit of local communities neighbouring national parks, as a means of involving them in wildlife protection (GOU 2014: 15).

In addition to the TRSF (made up of 20% of the gate collections), local communities living adjacent to national parks also benefitted from other government and NGO projects worth billions of dollars, as well as direct private sector investments in highly mechanised commercial agriculture, commercial tourism, and sport hunting. But the outcry of poverty and marginalisation had not subsided.

## 2. Purpose of the study

In this study, I discuss and try to understand the basis of the outcry of marginalisation in Pabit, given that the over-arching post war recovery programme set by the government is, in principle, participatory and was intended to reduce the socio-economic gap existing between the war-affected northern region and the rest of the country (GoU 2007: iii). Although Arnstein (1969), Chambers (1994) or Hilhorst et al. (2010) do not explicitly use the term *marginalisation*, their explanation of *participation* - whose main principle is to involve the target community in matters that affect their wellbeing - implies that people should be empowered to participate fully in all decisions and planned activities so that they can no longer feel like outsiders. In this regard, the persisting outcry of marginalisation was a reflection of the failure of the recovery framework to fulfil the fundamental principle of participation.

## 3. Setting the Culture and Tourism Centre Project

When Purongo started receiving the TRSF money directly for the first time in 2012 following the commissioning of Nwoya district, the sub county council decided to use it on a goats multiplication

project instead of social infrastructure, as had been the practice under the Amuru district administration. However, the goats that could be procured with the funds allocated to the sub county were so few that only a very small number of people could be served. The individualisation of communal grazing lands after the war meant that breeding the goats could not be done as a communal project. Hence, the goats had to be given out to individual households. But bureaucratic bottlenecks in the procurement processes also delayed the delivery of the goats to the beneficiary households. By the time they were finally delivered, it was the Christmas season. So, many families slaughtered them for Christmas festivities. In the end, the anticipated multiplication never happened.

Later, when the sub county council evaluated the project, they found that the key objective of restocking livestock at household level could not be achieved under the goats project. They thus decided to set up a committee to explore other options. The outcome was the Acholi Culture and Tourism Project.

At the time I went to Purongo in 2013, the committee's recommendation to set up a culture and tourism centre project had already been adopted by the sub county council. Working very closely with the Community Warden of the park, members of the council had already completed a study tour of the Queen Elizabeth National Park in western Uganda. The councillors wanted to learn first-hand how local communities around the Queen Elizabeth National Park utilised their share of the TRSF. On their return, they resolved to establish a culture and tourism centre project similar to what they had seen during their tour. An interim project committee was set up, five acres of land were bought in Lagaji village, Pabit Parish, for the proposed project, and two grass-thatched huts were quickly constructed on the project site so that the project could start as soon as possible. It was projected that it would showcase the Acholi culture to the outside world, to promote wildlife protection and commercial tourism, while at the same time diversifying local livelihoods and improving household incomes.

On the advice of the Community Warden, the council agreed to set up an advisory team composed of experts from Gulu University, the MFNP, and the Purongo Sub County Local Government (SCLG). It was thus that I entered the field as a member of this team: as one of two academics from Gulu University. Together with two other members from MFNP and three from Purongo SCLG, we constituted the advisory board that worked very closely with the new project committee.

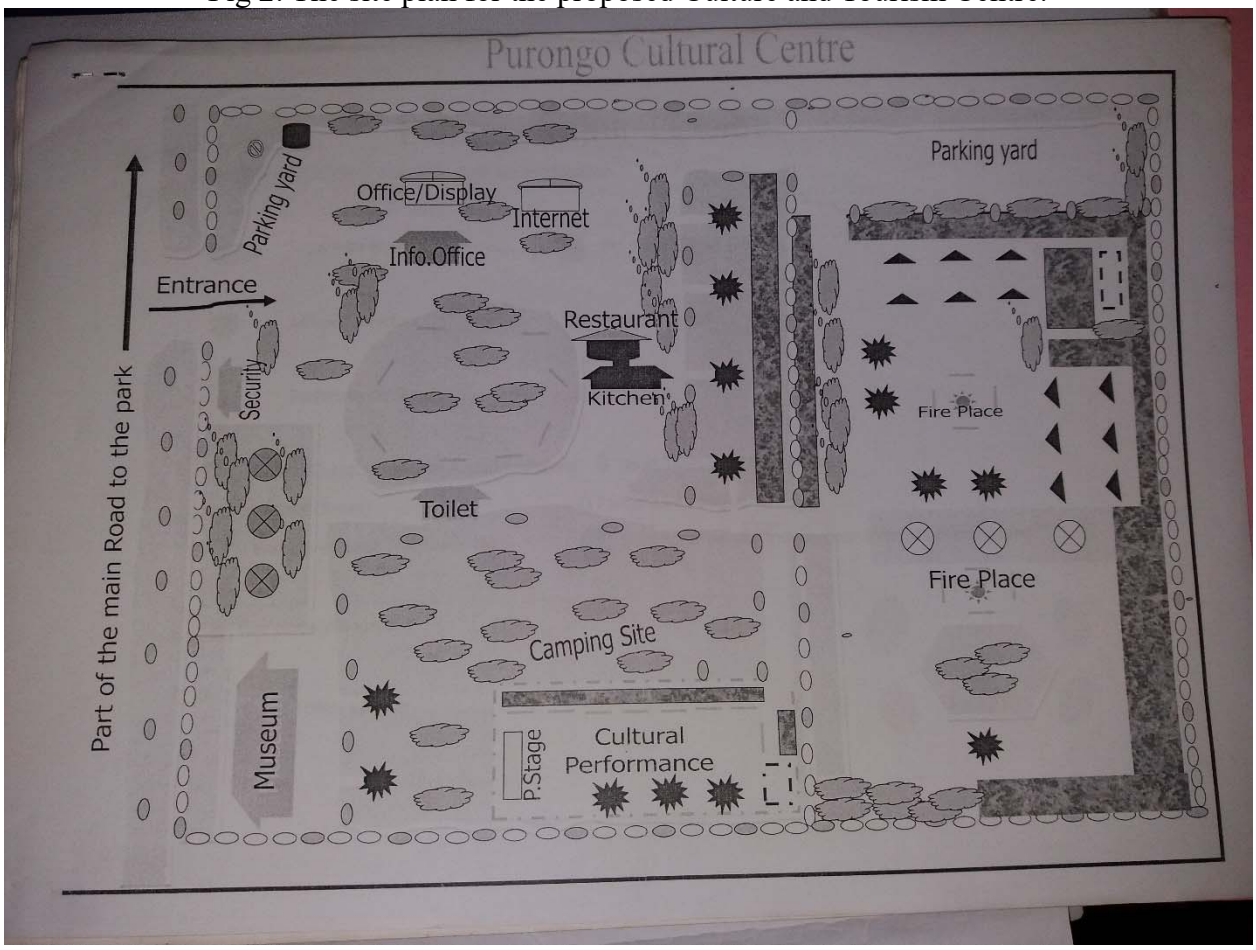
Our first task was to visit the site to evaluate its suitability for and readiness to start operations before the end of the year, which was only three months away. The second was to meet local communities living adjacent to the park to share with them the need for and relevance of the proposed culture and tourism centre project. The logic behind the meetings with the communities was to involve them in wildlife protection through the tourism centre project, so they would stop perceiving themselves merely as passive recipients of TRSF money. As members of the advisory team, we had to think of the best way the project could achieve this objective.

First and foremost, the profitability and self-sustainability of the project needed to be ensured. However, at the same time, the cultural and economic interests of the local communities had to be kept in mind (Hill 2000: 113-115). In view of the above considerations, after analysing a number of options, we decided that a Community Based Organisation (CBO) would be the best alternative. So, when we finally went out for community meetings, our focus was to share these views and recommendations with them in a participatory manner. Thus, what came out of the community meetings were common resolutions (on the project) (Cf. Chambers 1993; Freire 1972). Whenever anyone in the community meeting made a proposal, its validity was analysed independently of his/her social status with the view of reaching a consensus, without regard to positions of power and authority (Sullivan 2012). By the end of the community meetings, we had

managed to reach a consensus on the validity and viability of the culture and tourism centre project in each of the five parishes.

In practical terms, community approval of the project meant that each parish had decided to forfeit its share of the money from the TRSF so it could be spent by the project committee at sub county level. Each parish was to nominate two people that were to constitute the pioneer project committee. Once in place, the project committee was expected to write the constitution, register the project as a CBO, and then set up a number of sub committees to help it in the operations and management of the project. Among other things, the sub committees were to engage local communities in contributing artefacts for sale to tourists, trophies for the museum, cultural performances for foreign tourists, and food supplies for the restaurant. A sketch of the site plan for the project had already been drawn by a volunteer as indicated in Figure 2 below.

Fig 2: The site plan for the proposed Culture and Tourism Centre.




The motivation for the project was to provide a multiplier effect both in the short and long term, not only in the promotion of cultural tourism, but also in wildlife protection, commercial tourism, as well as agricultural livelihoods. The importance of tourism is underlined by the fact that, in addition to the above benefits, it contributes more than US $75 million in direct jobs worldwide (UNWTO 2012: 2).

In Uganda, the great potential of tourism to grow the economy is witnessed in the sector's position among the nation's top investment priorities since the 2014/15 financial year (Uganda National Budget Brief 2014). This implies that the tourism project in Purongo Sub County would not only benefit the local community, but also the tourism sector and the national economy as a

whole. However, in spite of the impressive contribution of tourism to the gross national income, local communities in Pabit Parish - where the project is located - continued to wallow in poverty as a result of the heavy losses they suffered from animal raids on their agricultural livelihoods.

## 4. Methodology and data collection

Between 2013 and 2016, I continued to visit Pabit Parish and Purongo Sub County in general. Each time I visited the area, I would stay for at least one week - during which I would interact with members of the community and also participate in different activities related to the project, while at the same time collecting data in the process. The primary data I collected was in the form of minutes of meetings, interviews of key informants, and focus group discussions. I also made personal observation of various activities and events (Mugenda and Mugenda 2005; Mikkelsen 2005). In total, I interviewed five key informants who included the Sub County Chief, the Community Development Officer (CDO), the Community Warden, the *Rwot* of Pabit Parish, and the Production Committee Chairperson of Purongo SCLG. I also conducted two focus group discussions with two farmer groups in the sub county, and participated in five community meetings in the five parishes of the sub county when we went out to sensitise the communities about the project. Later, I also took part in twelve meetings of the Project Committee, while the project launch in April, 2015 also provided an opportunity to gather more data. Government and NGO Reports, and other forms of documentation also provided some additional or complementary data. The main ones included the NUSAF Reports (2002, 2009), the PRDP Report (2007), and the National Development Plan Report (2010).

As a participant in meetings, I was able to take part in the discussions, while at the same time I observed the nature and conduct of members during such sessions, including the general atmosphere in which such meetings were conducted. The main advantage of being a participant observer in this study was that it gave me access to the internal *goings on* which I would not otherwise have been able to know if I had remained on the outside. Although as a technical advisor I was not fully involved in the community, it nevertheless gave me the feel of what community members went through in certain circumstances as they expressed their hopes and fears, their aspirations and the challenges they faced. In the workings of the project committee, I felt first-hand the frustrations of the core members as they tried their best to carry out their mandate when they had been denied resources by the SCLG officials. Often times I used the interviews and focus group discussions for triangulation purposes to corroborate data I had received, read, or observed earlier and vice versa. I recorded my field notes in notebooks while still in the field, and typed them out on my computer immediately afterwards while the memory was still fresh (Sanjek 1990). Where it was difficult to write my field notes while still in the field, I used a digital sound recorder to record the voices of respondents, and transcribed the information afterword. But I always made it a point to ask for permission before clicking the record button, whenever I found recording of a respondent's voice necessary.

## 5. Theoretical underpinnings

In this section, attention is focused on the reforms that swept across Africa in the 1980s and 1990s (Bollig 2016: 172) in the field of wildlife conservation. The reforms that introduced the TRSFs were not only aimed at addressing the threat posed by increasing competition between humans and wildlife for space and resources (Lamarque F., J. Anderson, R. Fergusson, M. Lagrange, Y. Osei-Owusu, and L. Bakker (2009)), but they also aimed to address concerns about extreme poverty in local communities living adjacent to such resources (Bollig 2016: 773-775); thence, the call for attention for the mitigation of the costs and losses suffered by local communities. The call for reforms was strengthened by the new theoretical perception in the development discourse, which

sought to put target communities at the centre of the development agenda rather than leave them as passive recipients of its outcomes (Chambers and Conway 1991; Burkey 1993; Chambers 1994: 1445-1446). The participatory approach (to rural development), as it was popularly known at the time, called for target communities to be genuinely involved in decision making as a key prerequisite to meaningful social transformation, rather than the term being used merely as a buzz word for populist propaganda (Olivier de Sardan 2005; Cornwall and Karen 2005).

In the context of wildlife conservation and its policy, the affected local communities should have been involved at every stage of the policy formulation for them not to feel marginalised, as is the case here. But, as it stands, although the revenue shared out to the local communities living adjacent to national parks has been fronted globally as a key instrument for managing protected areas (Tumusiime and Vedeld 2012: 18-19; Hill 2000: 311-313), *Rwot* Otto - the traditional clan chief in Pabit - says "it is nowhere comparable to the losses caused by problem animals in the livelihoods and wellbeing of the affected individuals". From this testimony, it is clear that the argument advanced by proponents of revenue sharing strategy, i.e. that the "sharing of tourism revenues with local people … secures [their] allegiance", does not hold. As Hill (2004: 281-283) argues, the absence of local participation (in policy formulation) has not only led to a lack of locally acceptable ways of effectively reducing the human-wildlife conflict (and its consequent poverty), but it has also contributed to feelings of being marginalised among local peasants. Hill (2000: 311-313) thus posits that local people must be involved so their needs and views are taken into account when discussing conservation incentives, damage compensation, hunting alternatives, and co-management. None of this can be effectively accomplished without genuine participation in policy discussions.

With an acceptance of participation in the mainstream as the development paradigm in the 1980s (Cornwall 2000: 5), one expected a change in the management of natural resources, including national game parks and wildlife. It should be noted that since the expansion of MFNP into Acholi, on the northern side of River Nile in 1926, it had become illegal for local communities to hunt on the demarcated land. And, as was the case elsewhere in British colonial history, from the 1920s onward, "game management was usurped completely by the state, rendering any use of the resource by local peoples illegal" (Bollig and Olwage 2016 quoted in Bollig 2016: 773). Even traditional authorities who otherwise enjoyed special privileges under colonial rule were no longer allowed to hunt (Cf. Bollig 2016: 773-774). In Uganda, the situation was not any different. For example, even when the 2002 Wildlife Policy claims to involve local communities in the management of wildlife, the practice of exclusion adopted from colonial masters has been maintained.

## 6. Data presentation and analysis

### *6.1 Power and conflicts within the project*

With the challenging task of operationalising the culture and tourism centre project hanging over their heads, the project committee members wasted no time. They held their first meeting within two weeks of their appointment, in which they made a work plan that was to guide their activities. However, their enthusiasm was soon curtailed when they realised they could not implement the work plan. The sub county authorities who controlled the TRSF money which was supposed to facilitate their activities claimed there was no money for the committee. To their dismay, the committee members soon realised that a power struggle had erupted between them and the SCLG officials. Sub county councillors looked at the project as their brainchild and wanted to have the upper hand, while the project committee considered itself the legitimate organ mandated to plan for and implement the project. In the end, when the two failed to reach a compromise, the project could not take off. It simply became a white elephant.

It all started when the newly appointed committee rejected the proposal of the sub county executive to include retired civil servants and selected elders on the project committee. The sub county chair had invited five elders to attend the first committee session at which the executive council of the project committee was to be elected and the work plan drafted. But by a vote of eight to two, the elected committee members rejected the idea. They saw this as political interference into the affairs of the committee. During the meeting, a member emphasised that "UWA guidelines do not mention elders as a special category to be represented on Parish Development Committees (PDC) or Parish Procurement Committees (PPC) at the grassroots" (Meeting, September 2013). (The PDC and PPC were grassroots committees mandated by the UWA to implement community projects involving revenue sharing funds donated by the UWA to the communities. But in Purongo Sub County, the community had accepted the transfer of that mandate to the culture and tourism project committee until the project took off). Thus, the project committee had the mandate of the grassroots communities on the matter. Hence, when the matter was put to vote, members overwhelmingly rejected the representation of elders on the project committee. It was quite embarrassing to the sub county executives who had invited the elders. So, in retaliation, they decided not to sponsor any project committee activity financially, thereby sabotaging implementation of the work plan. Subsequently, because of lack of facilitation, lack of quorum, tardiness for project committee meetings became quite persistent. In the end, half of the committee members stopped coming for meetings altogether because, even when they sacrificed their personal resources to meet their transport costs, their lunch expenses were not refunded. I remember that, whenever meetings were scheduled, we would sometimes start in the afternoon instead of the morning. At other times, meetings were simply rescheduled to take place the following day because quorum had not been realised. By the time one of the members on the advisory team sacrificed her own resources to register the project at the district headquarters two years later (Meeting, April 2015), only five out of the ten members were still active. But, all along, the sub county executive committee had continued to make decisions and to spend money meant for the project.

Even as the project was being One of such decisions was to construct two semi-permanent structures on the project site without involving members of the project committee. When a member on the advisory team asked why this had been done, Council representatives on the advisory board told him that the law did not allow non-councillors to attend meetings of the organs of local governments. So, decisions about the project continued to be made without involving project committee members. Yet, according to its mandate, it was the project committee that ought to have made all such decisions. Another major resolution made in the absence of the relevant committee was about commissioning the project.

A grand ceremony was organised in April 2015, at which the Acholi Paramount Chief, *Rwot* Acana II, was the chief guest. As a member of the advisory board, I was one of those invited. At the ceremony, the five members of the project committee who attended had been relegated to the minor roles of constructing the shelter, organising seats for the invited guests, organising traditional dance groups, etc. But the programme for the ceremony and the budget remained firmly in the hands of the political councillors (Meeting, April 2015). In a brief meeting we held after the ceremony with the five committee members present, it became clear that, although the project committee members had been involved in the ceremony, they were not in control. commissioned, none of the planned activities such as setting up sub committees, or collecting artefacts and trophies were being considered. We learnt later that the councillors had a parallel view on how the project should be managed. Instead of the participatory approach which the project committee had planned for, the sub county councils wanted to issue a management contract to a foreign investor. But with very little formal communication between the sub county council and the project

committee, all this was heard in the context of 'rumours'.

On their part, park officials had looked at the project as a good mechanism through which to engage with the local community in wildlife conservation (Interview, April 2016). The different sections of the project would need a regular and constant flow of tourists, just like the park. Hence, the community would have to work closely with park officials to ensure effective measures of protecting wildlife from poachers and other dangers.

For park officials, the survival of more wildlife would mean more tourists, more revenue to the park, and consequently, more revenue sharing funds to the communities. For the community tourism project, on the other hand, more tourists would mean more customers to the project, and consequently, more demand for items from the community, hence more income directly into the project and into the community. At the same time, the community would acquire better skills to supply quality food items, cultural performances, crafts, and artefacts, thereby diversifying their livelihoods (FGD September 2013). In a nutshell, therefore, the power struggle between Purongo Sub County Local Government and the project committee was a serious impediment to the recovery of livelihoods in the community and a powerful tool in the promotion of marginalisation.

### *6.2 The people's narratives*

Both the key informants' interviews and focus group discussions I held in Pabit Parish highlighted the marginalisation of the Acholi as a real concern. However, whereas the peasant farmers explained it basically in terms of their crop losses which had been ignored by the government, the key informants had a broader perspective which included other factors outside the problem animals and the tourism sector. *Rwot* Otto, the area clan chief, quickly brought out four key complaints that he said made the Acholi feel more marginalised than any other community in Uganda. These included: the government's refusal to compensate for the damages caused by wildlife; memories of Acholi cattle stolen by 'men in uniform' during the LRA war (cf. Weeks 2002; Gelsdorf et al. 2012; Gersony 1997), the corruption and mismanagement of donor funds for post conflict recovery of northern Uganda in the Office of the Prime Minister (OPM), and land grabbing in Acholi land, part of which was linked to the state (cf. Atkinson and Owor 2013; Mabikke 2011). However, in this paper, I limit myself to the first issue – problem animals and the government's refusal to compensate individuals who lose their agricultural livelihoods to animal raids.

The *Rwot* of Pabit says he is convinced that a comprehensive dialogue with the government on these matters is the only way to make his people feel they belong. But he observes that, in his parish and the entire sub county, as it were, the participation arena between the UWA and managers of the tourism sector generally on the one hand, and the local community living adjacent to the park on the other, remains quite narrow (Interview, September 2013, April 2015). My observation was that, whatever channels of communication existed, they were top-down. I witnessed this in the attitude of some park officers and National Forest Authority officials in April 2016, at a workshop on the rights of indigenous people living in or close to protected areas. It took time for the officers to reconcile what, to them, was a contradiction. According to one of the District Forest Officers from Eastern Uganda (Interview, April 2016), their training in wildlife conservation had only prepared them to defend the rights of flora and fauna in protected areas. Local communities had none. Based on the way the park and forestry officers articulated their position at the conference as custodians of the law on wildlife in Uganda, it was quite clear that *community participation*, as existed in the 2002 Wildlife Policy, was only a buzzword.

The view of the sub county Production Committee chair on the situation was that the recovery of agricultural livelihoods of entire communities living adjacent to the national park was at stake, with negative implications for poverty eradication, and something needed to be done - urgently (Interview, April 2015). The Acholi Culture and Tourism Centre project initiated in 2013

by the SCLG, which the councillors had envisaged as a forum for dialogue on issues of mutual interest between the community and the park, had not taken off as expected, due to internal conflicts. In the meantime, post war vulnerability and poverty linked to the problem animals of the MFNP remained unresolved.

Although there were obviously a number of other challenges that affected the agricultural livelihoods of peasants in Pabit Parish, 'the elephant' was considered to be the major one. When at some point I asked members in the two focus groups that I conducted to rank the major impediments to agriculture, problem animals were ranked higher than erratic rains and drought conditions (FGD, June 2014). Yet, these two were also a big threat to agro-production in the area according to the Sub County CDO (Interview, June 2014). Others were lack of input, lack of modern farming skills, an unpredictable market, and the fluctuating prices of agricultural produce, among others (FGD, June 2014). An elder in Pabit agreed with the group's ranking on the issue of the elephant when I presented it to him a few days later (Interview, June 2014). He narrated to me how, in the long rains of 2015, he had cultivated 5 acres of rice from which he had expected a substantial amount of income; only to be frustrated by elephants which ate it all up. In the end, he was barely able to cover his production costs. With a lot of bitterness, he explained:

> When elephants come at night, we phone them [meaning, park warders] to come to our rescue but they don't respond. When you are lucky and they answer the phone, they tell you they don't have transport. … But even when they say they are coming, they take so long that by the time they arrive, the animals will have done so much damage and probably moved on. You know how an elephant does not move alone and you know how big they can be. When they descend on your gardens, my dear, you don't want to witness it! So, I am just there. I don't even know what to do next.

He said he could not understand why the government refused to listen to its own citizens' outcry, but instead showed more concern for the welfare of wild animals. An adult elephant can consume as much as 500 kg of foliage in a day (IRIN News, 7 October 2010).

A deeper analysis of the contradiction between theory and practice of the participatory paradigm shows that affected communities are often left on the fringes when major decisions are taken, yet such decisions have profound effects on their lives. In Uganda, for example, the decision to offer 20% of park gate collections to local communities in form of TRSFs was delivered from the top. So were the guidelines on how the funds were to be managed (TRSF Guidelines 2010). The elder concurred with *Rwot* Otto that the costs and losses incurred by individual members of local communities far outweighed the value of the TRSF. Like the local peasants affected by the problem, the *Rwot* could not understand government's refusal to have a dialogue on its Wildlife Policy, which made it criminal for people to access the park, yet refused to compensate the losses they incur when problem animals from the park invaded their space. The solution to the crisis, he advised, was to review the whole wildlife policy with wider participation, including the local communities neighbouring the parks whose livelihoods were directly affected by problem animals (cf. Hill 2000; Chambers 1994). Such a gesture would not only enhance their belonging as citizens, but also strengthen their capabilities to handle similar challenges in the future.

Another elder from a neighbouring village had similar testimony. His concern, which has been echoed everywhere in the Acholi sub region, was on education. "With these types of losses, it is now very difficult to keep our children in school. And I am afraid, unless something is done, very soon it will also be difficult to feed them", he lamented. The high number of school-age children loitering at the Purongo Trading Centre proved his point. The Local Council chairperson confirmed (Interview, April 2015) that the crime rate at the centre had gone up due to youth

unemployment, as many of them have dropped out of school.

## 7. Discussion of findings

Just like the outcry about marginalisation did not go away in spite of the heavy sums invested in post war participatory projects, so the culture and tourism project failed to take off, in spite of the guaranteed finances from the TRSF. My interpretation was that, in both cases, the issue was an inappropriate mode, or lack of genuine participation (Cf. Olivier de Sardan 2005; Arntein 1969). Therefore, although the 1995 National Constitution of Uganda states under National Objectives and Directive Principles of State Policy X (n.p.) that "the state shall take all the necessary steps to involve the people in the formulation and implementation of development plans and programmes that affect them" (GOU 1995, n.p.), reality demonstrates otherwise. I argue in this paper that an absence of participation in the wildlife policy has not only prolonged the returning IDPs' attempts to re-establish their livelihoods as they grapple with problem animals, it has also left local communities feeling marginalised (Hill 2004).

Anthropologists (Olivier de Sardan 2005; Long 1993; Pottier 1999) argue that rural communities are an aggregation of differences in many things, including gender, age, and ethnicity, as well as education, poverty, and wealth, among other things; hence, they cannot be assumed to participate on the same terms. But development projects continue to treat them as if they were a community of equals. In his critique of the PRA method of participation, for example, Mosse (2001) argues that agencies implementing rural projects for the poor often conceal the priorities of the power elites or those of 'outsiders' but presenting them as the 'local knowledge' whereas they are not. This implies that the disaggregated views of the local communities are disregarded and instead, only those of the power elites are presented as the common position of the local community. In the final analysis, local priorities end up not being addressed.

Thus, in the end, it is the power elites (both within and without) that often benefit rather than the target community itself. However, whereas Chambers (1993, 1994) is aware of these differences and acknowledges the possibility of elite capture, he nevertheless strongly advocates for participation. Like Freire (1972), he stresses that, with a little effort, members of the local community can be empowered to become conscious of their potential (*conscientised*) so that they can gain confidence and be able to articulate their concerns and to dialogue with those responsible for the management of society. Having worked practically with rural communities, both Chambers and Freire hold strongly that facilitators and development professionals only need to change their attitudes towards peasant communities to witness how much both can learn from each other (Chambers 1994; Freire 1972).

Another seeming contradiction is the logic of the TRSF. Introduced in Uganda in 1996, the fund was aimed at involving local communities living adjacent to game parks in the management of wildlife conservation (Tumusiime and Vedeld 2012). But, the guidelines issued by the UWA in 2010 only mention participation in relation to the use of the fund. It says that local communities are expected to participate fully in decisions on how the funds released to them are to be utilised. There is no mention of any upward link between the communities and the UWA, which in effect means there was no meaningful participation insofar as the management of wildlife is concerned. Both the interviews and group discussions brought this out quite clearly. Local communities in Pabit Parish said they were yet to see local engagement in the management of wildlife (Community meeting, September 2013). They only testified on the damage being inflicted by wildlife on their efforts to recover their livelihoods after the long war, and the mitigation measures recommended by park authorities, which they said had so far proved ineffective. Be that as it may, the contradiction between the theory behind revenue sharing and the painful reality when problem animals raid peasants' gardens in Pabit is irreconcilable under the current policy. *Rwot* Otto says

he has tried

> … as much as possible to call for a participatory approach on the issue of compensation but park officials only point at the wildlife policy, which they insist does not allow them to pay compensation. This is obviously an unfair policy and it should be changed. I have even gone to the politicians to seek audience with the president on the matter, but so far, I have not succeeded … (Interview, April 2016).

In discussions held with park officials on the sidelines of a seminar on the rights of local communities in protected areas held in Purongo in April 2016, the officials concurred with the local community view that the TRSF was inadequate. One of them put it this way:

> We are aware that the 20% income from the gate collections which is shared out to the communities by the park is not enough to compensate for the losses incurred by individuals whose crops are destroyed by problem animals or those who are killed or injured by wildlife (Interview, 2016).

But they quickly absolved themselves, saying there was nothing they could do about it since the law does not allow victims of animal raids to be compensated.

Linked to the problem of animal raids is the issue of mitigation measures. Peasant farmers in Pabit pointed out that all measures suggested or actually carried out by park authorities, such as digging the trench, growing chilli peppers, burning elephant dung at night, beating pans and plastic jerry cans to make frightening noises when they hear the animals approaching, and forming scouting groups that would warn park warders when elephants came, had all been tried, but so far no sustainable positive results had been registered. Crop raids by problem animals have continued. At some point, a farmers group in Lagaji showed me elephant tracks quite close to their young chilli garden. Yet red chilli pepper was supposed to ensure that elephants do not come near the gardens. However, the consolation is that, since elephants do not eat chilli pepper, farmers can at least hope to harvest the whole crop and thereby be assured of some income for the family, while at the same time it protects the other crops from the elephant (Interview, August 2016). The magnitude of the problem of elephants is best highlighted by the Food and Agriculture Organisation of the United Nations. It puts the annual cost of elephant raids on crops per individual farmer in Africa at between US $60 in Uganda and $510 in Cameroon (IRIN News, 7 October 2010). The report indicates that an adult elephant can consume as much as 500 kg of foliage in a day, which shows the extent to which peasant farmers in Pabit are affected as they try to re-establish their livelihoods.

Although I did not ask specifically about it, the poor status of the chilli gardens that I visited appeared to portray the peasants' poor attitude to the new crop. In three out of the four group gardens that I visited the germination rate was rather poor, but the farmers had not covered the gaps with more seedlings at the appropriate time. So, as the chilli plants started maturing, the numerous gaping spaces on the half acre gardens gave the impression of an activity that was not taken seriously. The challenge is that, except for cotton, most peasants seem to want to stick to the food crops which they are used to, that serve them both as food and cash crop (Interview, August 2016). These include rice, sesame, ground nuts, maize, and sorghum, which have all become important market crops. Indeed, some of the groups I visited appeared not to give much attention to chilli red pepper. For example, some of them had not even started harvesting the chilli, yet it was already ripening in the gardens. Being their first time to grow the crop, however, the officers from the Gulu Agricultural Development Company that was promoting the new crop continued to

encourage and guide farmers on how to maximise their gains from the crop. There is hope that - with other players such as advocacy organisations that promote dialogue to cater for the interests of local communities, and commercial private companies promoting non-traditional cash crops such as chilli red pepper - in the long run, local communities will gain agency and cease to feel marginalised.

## 8. Conclusions

As a narrative of the poor local community in Pabit Parish, this paper aimed at presenting their anger and frustrations as they try to reconstruct their livelihoods after the long LRA war. And as already pointed out above, it is also a narrative of the revenue sharing fund as is manifest in the culture and tourism centre project against the backdrop of the 'unfair' wildlife policy brought to life through the perennial crop losses and human injuries (Hill 2004) of the local Pabit community.

In theory, the project was a good opportunity to involve the local community in the promotion and management of wildlife conservation. The fact that the project would need a continuous flow of tourists, most of whom would be primarily visiting the park, meant that the community would actively participate in efforts to ensure the safety of wildlife and to attract more tourists. Thus, the conflict that erupted between the sub county LG and project committee which delayed the project's ability to take off not only affected the recovery of the community's agricultural livelihoods, but also prolonged their sense of being marginalised. Hopes for community empowerment through livelihood skills and capabilities, and the cultural awakening that were to be gained through the project have also been frustrated. Instead, there is continued wastage, as the buildings on which so many resources were spent remain in disuse, and the project which held so much promise for the recovery of people's livelihoods degenerated into an arena for conflicts rather than community transformation. However, with other players such as advocacy organisations joining the field, and the promotion of non-traditional cash crops by the Acholi Agriculture Company and other investors, there is hope that, in the long run, local communities will gain agency and thus be able to influence matters in their favour and thereby feel part of the mainstream.

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# Gender, land rights and fragility in Northern Uganda: the case of Amuru District

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**Abstract**: Armed conflicts globally create social and economic shifts that affect women's and men's claims to land. Jacobs (2012) explains that land is crucial to the livelihoods and security of many rural women. Asiimwe (2001) and Tripp (1997) note that land rights in most parts of Africa are passed on from the male lineage and women who have lost their lineage ties through widowhood, divorce, not having sons, and separation become vulnerable and may be excluded. . This paper discusses struggles over access, control and ownership rights in relation to land among women and men in Amuru district Uganda. This article is a result of a qualitative study that conducted 10 focus group discussions with 40 women and 40 women in Pabbo, Amuru and Lamogi sub counties of Amuru Sub County and 4 focus group discussions with Area Land Committee members in the above sub counties. My findings indicate that ethnic based land tensions fostered insecurity and instability in the Amuru as people could not walk around freely, access their gardens, were displaced and this in turn affected their ability to make a living through accessing the land. I also found that many women had relational access to land through their marriage and relationship with male kin and this seemed to give them fragile land rights. Men on the other hand had firm control over land and made final decisions relating to sales and land use.

**Keywords**: Gender, land rights, livelihoods, fragility, Uganda.

## 1. Introduction

Northern Uganda experienced a two-decade long conflict in which an unprecedented number of girls and boys, women and men were abducted and disappeared. Millions were displaced both internally and others became urban displaced persons and others refugees. Omona& Aduo (2013) and Amone (2015) note that assets, livelihoods, community, oral history, morality, spirituality, reciprocity, human capital were lost as a result. Mazurana and Proctor (2013), Meintjes, Pillay and Turshen (2002), Greenberg& Zuckerman (2009) make clear that armed conflicts shift demographics with more female than male population leading to more female headed households. They further explain that there is also the destruction of family assets, planting of land mines on productive land as well as the breakdown of safety nets for vulnerable persons due to many years of displacement and weakening of kinship ties further accelerating feminized vulnerability. Cornhiel (2005: 1) notes that female-headed households are on the increase because of civil wars and violent conflict, migration, disease and epidemics, and male parental abandonment.

As I began to write this paper, a wave of violent evictions was taking place in Apaa parish in Pabbo sub-county, at the height of a planting season and it is almost certain that the families affected would turn out to be food insecure. The National Media Group NTV Uganda reported ethnically -based land clashes between the Acholi and Madi in June 2017 in Apaa Amuru district which included threats of forceful surveying of land by government in the name of "development" this made land rights fragile.

Most armed conflicts depict women as passive victims; Annan, Blattman, Mazurana and Carlton (2011) demystify the image of male fighter they note that although the iconic image of the combatant at war was a young man with an automatic weapon and women are typically depicted as victims; women and girls have fought or provided military support in most conflicts.

Women are active agents during war, after war and greatly shape the reconstruction agenda one of which is land reform. This article discusses struggles over access, control and ownership rights in relation to land among women and men in Amuru district Uganda in a post-conflict

context.

Pankhurst remarks that during war, women tend to bear a much greater burden than men for taking care of survivors, as well as children. They also carry the main burden for ensuring food provision, while keeping social and political activities going when men are fighting away from their homes. Pankhurst (2003: 159) argues that the shift of social responsibilities from men to women is common, despite the many different contexts in which conflicts occur, from remote rural villages, to big cities where all kinds of resourceful innovations are developed by women to ensure that families have enough to eat and are otherwise well taken care of. Ahikire, Madanda and Ampaire (2012), Anderson (2009: 65) and Kindi (2010: 16-20) argue in the case of northern Uganda that household provisioning has shifted to women during the post-conflict period and for the urgency of secure land rights for women. Sørensen (1998:26) in addition argues that the economic reconstruction of a country emerging from war is crucial and shapes women's post-war livelihoods. She further notes that while national authorities and external financial institutions play a crucial role in the recovery of economies shattered by war; post war economic life is vibrant with individual men and women who develop individual and collective strategies to survive.

Given women's increased burdens of household provisioning, how does the insecurity of land tenure coupled by the apparent land grabs prevalent in Amuru impact on their livelihoods. Okoth Ogenda (2002) argues that if powerful actors can construct land as an under-used commodity then it provides justification for governments, investors, foreign corporations, and development banks to argue for its "redistribution", acquisition, or investment. The commoditization of land and perception of its abundance in Amuru has heightened interest in land in the district compounding on the already existing tensions.

## 2. Basic theoretical tenets

The Uganda Land Policy reinforces that land is a vital resource that defines the livelihoods, identity and relationship with ancestors of people. Agriculture is the backbone of Uganda's economy and accounts for 37% of its Gross Domestic Product. Amanda, Manuel and Blackden (2005) explain that almost 70% of the Ugandan labor was employed in agriculture related activities by 2003 and that had not changed much for over a decade. They explain that women provide the bulk of this labor but lack control over land. Yngstrom (2000: 26) notes in general that African women gained most of their access to land through marriage as wives; they acquired both the right and the obligation to cultivate land as a result of marriage. They may also be expected to fulfill certain other labor obligations, commonly existing in food provisioning. Custom and culture of a community in relation to land tenure are very strong factor that weakens or strengthens people's land claims. This research is underpinned by customary laws, norms and values towards land distribution. Chanock (1991) sees custom as a weapon in the battle against the economic independence of dependants; these include rights claimed by elders over the labor of the young and by men over that of women. Chanock quotes the colonialist Lugard's description of land use.

> In the earliest stage the land and its produce is shared by the community as a whole; later the produce is the property of the family or individuals by whose toil it is won, and the control of the land is vested in the head of the family. When the tribal stage is reached, the control passes to the chief, who allots unoccupied lands at will, but is not justified in dispossessing any family or person who is using the land (F.D. 1922: 280-1 in Chanock 1991: 69).

In this excerpt, the land was vested in the head of the family and at the tribal level to the clan head that were all male. Women were invisible in land administration and governance right from pre-

colonial times.

Parwez (2011), in the case of India, also noted that in most of the patriarchal and patrilineal tribal group's inheritance and succession rules followed the male line. Women married or unmarried did not have the right to inherit clan property. Gender inequalities were very prevalent in Amuru district where this research was carried out. It was evident that in the favoritism of boys over girls in education, women lack voice over assets and reproductive rights, invisibility of women in leadership at community level, therefore making women's land rights farfetched and fragile. Land rights are supposed to be enjoyed within the framework of the broader bundle of human rights. These structural inequalities were usually rubber stamped by custom which was used to justify why men needed to make major decision pertaining to land. Grabe,Grose and Dutt (2015) explain that women are rarely consulted about decisions that related to disposing off or selling land, transferring land and distributing land. Any attempts by women to raise their voices could result into gender based violence and fragile familial relationships.

## 3. How women access land in Uganda

Tripp (2004) identified five strategies that women used to strategically claim their land rights in Uganda; these include women's purchase of land, obtaining titles to land, taking claims to courts, organized collective protest around legislation and daily acts of resistance that include stripping that has been recently seen in the Amuru land grabs. These strategies have been used with certain levels of success and failures in certain parts of the country and not others.

Adoko, Akin and Knight (2011: 3) note that in most of rural Uganda one way women access land is through marriage. A woman's marital status is very important in determining how she will be affected by land registration; widows are particularly vulnerable because land is generally registered in the husband's name and upon death of their husband they are not considered heirs. In Uganda, there are gender inequalities in land acquisition and ownership; women are likely to be left destitute even within a joint ownership of land in the case of divorce or separation, as culture perceives that the land is the husbands. Gray and Kevane (1999) explain women's vulnerability in Africa from the standpoint that women's rights to land are associated with their position to men as mothers, wives, sisters and daughters and as such, men use their position of dominance to expropriate women's rights to land. In addition women's independent rights to land through the land market policy of willing buyer or willing seller are not entertained as women are expected to be under the man "who has paid bride wealth for her, and considers her his property" (FGD, Pabbo).

Asiimwe (2001: 174) argues about the obscurity of women's land rights in Uganda and highlights that though statutory law does not bar women from owning property, the reality within which they live effectively denies them this right. She realizes that there are many socio-cultural practices that discriminate against women, discouraging women from owning land or sanctioning them for it. She cites the paying of bride wealth and polygamy as some of the practices that reduce women's security on land thus denying women their right to land. She further argues that payment of bride wealth works to deny women their land claims; a woman may be viewed as the husband's property, nullifying any claims she might have to land and transferring her property rights to her husband. My study substantiates this claim and found that men had strong sentiments about unmarried women whose bride wealth had not been paid making claims and decisions about land. The Acholi custom viewed unmarried women as visitors who could not lay claims on land even if they had born children in that family.

Adoko and Levine (2005: 10) while examining land rights in Apac district in northern Uganda, noted that the main difficulty relating to customary rights was the erosion of the authority of customary elders, and the ability of individuals to by-pass the checks and balances in the system.

They noted that land had become a marketable commodity with a cash value in its own right, rather than a family heritage whose value came from the rights to use it. They further argue that a woman's vulnerability stemmed from the idea that under customary law, the woman did not own land in her own right. A woman's claim to land still relied on her parents until she married, thereupon her husband, and if he died, on her children. This meant that she was always dependent.

### *3.1 Gender and land rights in post conflict Northern Uganda*

Women in Acholi traditionally have had some limited rights over accessing land and controlling certain pieces of land designated for subsistence; clans protected vulnerable women. However, the post-war period has seen a more commercialized attitude towards land and an upscale in land grabbing. The social and cultural institutions that protected women in cases of land grabbing are defunct, leaving women especially without a male head particularly vulnerable. These cultural institutions include Rwot–Okoro which was the female authority in charge of land boundaries and conflicts. In the post-conflict period, women are more organized in microfinance and village saving groups locally referred to as "boli-cup" for economic organizing and even if I did not explore the role of these groups in securing women's land rights these groups are powerful enough in their own right to achieve this.

Land conflicts in Acholi Sub-region have intensified during the post-conflict phase, as other assets like cattle and livestock disappeared with the war. United Nations Peace Building Program Study (2011: 25-56) on land conflict resolution in Acholi, claims that customary law also grants women significant land rights, and that approximately one third of the members of traditional court committees across the region were reportedly women. In addition, a vast majority of traditional leaders interviewed in that study suggested women had a role in the mediation process relating to land disputes. Hopwood (2016) in addition argues that customary tenure land holding system in Acholi gave women strong land claims, and that women's land rights were more favorable under it. I am reserved about these claims because my findings revealed that different categories of women, that is: married, unmarried, single mothers, elderly, disabled had different privileges and challenges in asserting their land claims. Women were positioned differently in relation to land based on how custom valued that position; therefore it is too early to conclude that women are better off under customary tenure until a more longitudinal and in-depth study is carried out in the district.

Verma (2014: 53-54) highlights land grabs as a growing phenomenon that is impacting on land rights in East and Southern Africa. She argues that as powerful global forces and elite actors were increasingly engaged in land grabs, social justice, gender equity, environmental sustainability, and customary institutions were pushed to the periphery. As a result, women and men are dispossessed of their land, livelihoods, and access to critical natural resources, thus experiencing acute hardship, loss of livelihoods, gender insecurity in tenure, and landlessness. NTV (2017) reported land grabbing in Amuru district where soldiers were deployed to guard the 10,000-hectare land in Lakang supposed to be taken over by Madvani Group of Companies. In that broadcast, the Lands Minister Betty Amongi was accused by Acholi Members of parliament as spear heading the land grabs in the district and she in turn accused the Members of Parliament of making deals with the company. Amidst this controversy and blame game thousands of families have already been displaced.

## 4. The study area

Amuru district is one of the recently created districts in west Acholi in northern Uganda. It was curved out of Gulu district and had remained reliant on Gulu for a number of services that included: the judiciary: police, teachers and others but currently infrastructure and many services are now

functional. The district has had many land related conflict: these conflicts have included acquisition of large tracks of land for development, and land grabs as a case in point being the Madhvani group of companies. Rugadya & Kamusiime (2010) note in the case of Amuru that there is the unresolved issue of the East Madi Game Reserve and the migratory route for elephants including that of the black gold that is believed to lie in the plains of Amuru. *The Sunday Monitor* (11/6/2017) clarifies that as of June 2017 there have been violent clashes in Apaa in Pabbo Sub County that are believed to be fueled by politics that will deepen ethnic tensions between the Acholi and Madi. In most of these clashes, women and children are the most affected.

### *4.1 Methods and data*

This research was carried out in Amuru district northern Uganda in May 2017. It mainly employed qualitative research paradigms that used in-depth interviews, key informant interviews and focus group discussions to understand the discourse. Three sub counties were purposively chosen in the district based on their characteristics of violent land conflicts, cross-district conflicts, rampant and massive land sales and displacement resulting from inter-clan conflicts.

These were Pabbo, Amuru and Lamogi sub counties. In all the sub counties, I engaged with 40 Area Land Committee members (30 male, 10 female) to provide me with the nature, trends and dynamics of land conflicts. In addition, I held focus group discussion with 40 men and 40 women in separate groups in each of the parishes mentioned above. Borrowing from feminist ethics, I had separate groups for men and women; this was critical given the gender and power imbalances in those communities that would render women voiceless and men positioning themselves as spokespersons.

### *4.2 Why land conflicts are on the upscale among families in Amuru District*

Each sub county chosen had specific dynamics in relation to land conflicts, Amuru Sub County had lots of rampant land sales with one land being sold to multiple owners, Pabbo Sub County was characterized by intense inter-clan land conflicts where clans displaced other clans and took over their gardens. Lamogi Sub County had low intensity but had many cases of widows fighting more pronouncedly for their rights. These different dynamics will be explicated below.

#### 4.2.1 Land sales

There are massive land sales generally in Amuru district. This was more prevalent in Amuru sub county but, however, is a wide spread problem in the whole of the Acholi region. Many youths especially were reportedly selling away large tracks of land for little money just to be able to buy motorcycles for business. The conflicts start as they sell land without the consent of the parents or family and to multiple buyers. It was reported that in many instances the same piece of land could be sold to as many as three people. This has created fragile land rights for the persons the land is sold to, and yet ironically the local council represented by one and two chairpersons would all be present at those land sales and sign off as witnesses to collect "their percentage". This shows the level of corruption of some of the local leaders who do not care how many people have bought the same piece of land but instead how much they can collect from each sale. Many men were also selling off land without the consent of their wives and many women said that if they asked the men would retort "I just brought you to my home therefore you have no rights to ask about the land, you are like property and can be taken back. You have no voice over this land" (Focus Group Discussion, Women Apaa).

This is similar to the case in Sierra Leone where Millar (2015: 425-453) found that women were not informed about land lease agreements because they were just married into those communities and had no rights or decision making power. Therefore, it is almost conclusive that

in most parts of rural Africa men are supposed to decide for women in relation to land because they have no voice within the marriage.

4.2.2 Poverty

Poverty was one of the factors contributing to fragile land rights and heated tensions over land. Key informant interviews and focus group discussions with the Area Land Committees (ALCs) revealed that people were desperate and looked at land as the only resource left for sale and this had brought about heated tensions and instabilities with close families and clans. They attributed poverty to one of the main reasons people kept selling away land cheaply and would end up becoming squatters on their own land in the future. Poverty in families is attributed to alcoholism among men who sell off household agricultural produce for a cheap drink and the population boom. "Many men you see here end up selling off food stuff stealth fully to aid their alcoholism. At the end families end up poor and food insecure and in the vicious cycle of poverty" (FGD, Men Guru-Guru Lamogi Sub county).

Families were having more children than they could maintain, on average in most sub counties a woman had between 6-8 children. This is above the country fertility rate that is at 5.4 and is largely attributed to the fact that women did not have a voice over their reproductive rights (UBOS: 2017).

One man said, "For me I cannot allow my wife to use family planning, other women secretly use family planning without their husband's consent, this shows disrespect and can cause violence in the family" (FGD, Men Ober Abic Amuru Sub county). This increases on women's care roles and burdens in the home.

Fojong et al. (2016: 584) explain that not being able to own land has a negative effect on food production. It implies that families can only cultivate certain types of crops leading to a drop in yields and revenue; therefore poverty creates more poverty.

4.2.3 Illiteracy

Illiteracy impacts on secure tenure of land as will be explained. It became apparent during the study that many people who were selling off their land could not read or write contracts pertaining to that sale. A case in point was a man who had leased off land to another more elite man to use it to cut trees for his charcoal, the elite and more powerful man used a lawyer to convert the agreement to a land sale instead of a lease. Illiteracy is worse among women than men and this is attributed to the gender stereotypes associated with education of girls. "Parents still value boy's education more than girl's education, when girls are in primary six they are already encouraged to get married and yet they are under age between 15-17 years" (FGD, Men Amuru Sub county). This has affected women's leadership in most sub counties, as women who do not meet the academic threshold are not confident to stand as leaders and depend on the good will of their husbands. "Many people lack legal literacy, they do not understand their rights in relation to land are misinformed and can be easily manipulated or exploited" (FGD, Area Land Committee).

*4.3 Gender specific challenges*

This section provides detailed explanation on the gender and land rights questions. It examines how land rights are coined and constructed around gender. It explains the factors that give women and men weaker or stronger land claims to land and how gender is constructed in relation to land claims.

4.3.1 Culture and land

The Acholi land tenure system is based on custom; that implies that land distribution is centered

on the clan head and family head, who is the man. Culture has been used as an excuse to deny women rights to control and transfer land that is enshrined in the constitution , national gender policy and Uganda Land Policy ( ULP) that provide for the clause that women and men shall enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination (Uganda Land Policy: 23).

Women are traditionally given an "okang" that is a garden allocated to a woman for mainly subsistence production and the right to use that land. The rest of the family land will be under the control of the family head namely the man. In almost all the meetings, both women and men agreed that the family head who was the man had the rights to distribute, transfer and sell off land, but women could also be consulted in matters concerning land sales but not make major decisions. In all my focus group discussions, it was firmly established that land was never transferred to girls, the phrase 'anyira obedo pot obiya' literally translated 'girls are like flowers that will be plucked and taken' was used rhetorically. "As fathers we cannot transfer land to our daughters because they will be married off and go to their homes, then who will take care of the land. That is why we give the land to boys because they stay with us and are more permanent" (FGD, Men Guru-Guru Lamogi Sub County). It means that girls would eventually be married off and relocate, shifting loyalties and therefore would not qualify to control family land. A girl's share is seen as being in her husband's home where her loyalty now lies.

This kind of thinking has created problems for women who return from failed marriages to seek refuge in their natal homes. They are considered burdens, given the fact that land is relatively scarce and should they return with male children the situation is worse as these would be ostracized in the future. These nephews by Acholi culture are expected to get land from their 'fathers' who may be unwilling to provide them land given the sour relationship with the wife and possible remarriage in some instances.

### 4.3.2 Marriage

In the study, it was clearly articulated and loudly amplified that unmarried women had no voice in land matters. Marriage, which meant bride wealth being paid to a woman's family, was the main ingredient to any woman having a voice over land. "I had problems with my husband and came back home, my brothers gave me a small portion of land to farm but clearly told me this was temporary as they expected me to reconcile with my husband and return where my share of land was'' (In-depth Interview, Pabbo). Marriage formalized a woman's position in the family and provided her with some form of authenticity in a homestead. Since married women become full members of a clan. Logically, it takes on that unmarried women are temporary residents and invisible in decision making spheres. Even though marriage legitimized a woman's position, marriage still relegated a woman to be under her husband's authority when it comes to decision making over land which in my view is the essence of land rights. A married woman in Acholi is still unable to make independent decisions pertaining to land sales, transfer and use putting her in a precarious situation.

### 4.3.3 Number of male children

Land rights for women are secured by producing male children within a marriage. Female children are still largely considered inconsequential in relation to land as will be explained. Girls are unimportant in securing family land according to my respondents because "they will go away to another family and cannot defend the land when under threat, boys stay and keep the land. Girls are usually more uneducated than boys and may not document the land, are weak and emotional and can be swayed and cannot make firm decision about land" (FGD, Men, Teddi Amuru Sub county). Male children are more cherished, valued and expected than female ones. A woman's

failure to bear sons can cost her severely; she can lose her marriage and be replaced quickly with a potential son bearer. One woman commented on this, "My husband brought another woman because I have 5 girls and that new woman is given better treatment by both my husband and his family because she has a son. She has more authority than me over land matters and my husband has asked me to leave if I feel uncomfortable".

4.3.4 Polygamy

Polygamy is a socially accepted practice in the Acholi community of northern Uganda and many ethnic groups across Uganda. In the Acholi context, a man can bring in a new wife on the grounds of bearing only female children, laziness, sexual dissatisfaction, witchcraft and persistent illness. However, polygamy results into a family having too many children and it strains the land especially as women fight to keep the land for their sons. "Land conflicts are worse in polygamous families, where each woman wants more land for her children and should they mostly have boys the situation is worse because boys stay in the home unlike girls. Each woman would want to secure a lion's share for her son'' (In-depth interview, Lamogi Sub county). Polygamous families are competitive in nature; a woman with adult sons will have a lion's share of the land while a woman with a son or only daughters may find it difficult to defend her need for more land.

## 5. Land and livelihoods

Cornhiel (2005) reiterates that women in post conflict situations are either at the mercy and benevolence of their fathers, brothers or other male relatives or risk eviction and homelessness. Eviction of widows, for example, is rampant in northern Uganda; on a positive note, women are demanding their land rights. Women are deprived of sustenance and means of livelihood as a result. By and large, women in Uganda are unable to transfer or own land but can use land for a limited duration. Women's lack of access to and control over productive resources such as land is directly related to women's poverty worldwide. This is heightened in post conflict situations were land tenure systems are fractured and where land reform processes give more power to men.

In Amuru, it was clearly argued that a lack of rights to use land could result in a woman or man's food insecurity, given that land is the main factor of production. "If you do not have land, where do you grow your food to eat? All of us here are farmers none of us have office jobs; therefore we need to have land to eat, pay school fees and to have money to go to hospital. Without land one can go hungry and become destitute" (FGD, Men Pabbo Sub County). Woman and men without land can end up with no food for their family, are unable to pay school fees, meet their health care needs and even the need for shelter.

Whitehead and Tsikata (2003: 97-98) note that land claims are socially embedded because decision-making processes cannot be unraveled from local power relations and because the later favor men, not women. In essence, land tenure is a social system that favors men at the expense of women. This is an assertion I support given my research findings; the customary tenure system in Acholi has given more power to men at the expense of women's land rights. In many instances, it was cited that young men could threaten and evict widows from their land, and in many cases the widow was left at the mercy of the clan. Women also complained that during times of harvesting their husbands would want to control the proceeds from their gardens and yet they would not have a say over the husband's garden in which they also contributed labor. Men could also remove the senior wife's garden and give it to a younger wife who produced sons if the senior wife only bore girls. All this is embedded in gender imbalances supported by culture.

Moagi (2008) argues that when access to land is denied or restricted, women may find themselves struggling alone with fewer resources and less support from their husbands; the burden on women increases without the control of resources shifting to them. In addition, many rural

women are often poor and illiterate to deal with the bureaucratic procedures that are necessary to gain access to title deeds or fight for their land rights in court.

Agarwal (1994: 1459) argues for independent land rights for women so that they can be secure in times of marital breakup, so that women can flee violent marriages and start out from somewhere; wives may have different land use priorities from husbands which they would be in a better position to act upon with independent rights and would be in a better position to control the produce.

## 6. Conclusion

The findings from my study support the findings of other scholars like Fonjong (2013) who argues that landlessness can result in food insecurity; Mbilinyi (2017: 4) who also found that there were gender differences in access to and control over land in Tanzania. This contradicts the findings of Hopwood (2015) who argues that customary tenure protects women's rights, however my findings suggest Acholi custom marginalize unmarried women and women returning from failed marriages.

In conclusion, political conflicts which are prolonged, like in the case of northern Uganda, alter social settings including land tenure. The peace process that ensues may not focus on gender equitable land distribution as a priority but on infrastructural development, thus losing out on the core discussion. Fragile land rights for both men especially nephews and women who return from failed marriages, unmarried women, married women with daughters only, women in polygamous households are a reality and affects gendered livelihoods.

Valayudhan (2012) remonstrates that land is a particularly critical resource for women when the household breaks down in cases of male migration, war, abandonment, violence, divorce, polygamous relationships, illness or death. Secure property rights can also help women avoid or mitigate the impacts of violence, in particular, domestic violence.

Land rights are critical for women escaping gender-based violence in all its forms and from remaining destitute when marriage breaks down. Polygamy remains a big barrier in ascertaining women's land rights as the already cramped land is continuously competed for by both wives and male children. Therefore, the Succession Amendment Bill of 2011 in Uganda needs to critically address succession of property within polygamous families, the focus is on widows and widowers sharing equally, widows within polygamous contexts seem to have been neglected.

In addition, politicization of land in Amuru is creating a lot of tensions and uncertainties in the communities. *NTV* 9pm news on 3/8/2017 showed the Minister of Lands Betty Amongi explaining how members of parliament were being hypocritical; by sending controversial messages about Madvani and Government in the recent bid to survey land in Lakang Amuru district. In defense members of parliament said they were with the people and lands would not be surveyed forcefully but in consultation with the communities. As a result, the ordinary woman or man's land rights will be affected by these political maneuvers. Ministry of Lands, members of parliament and local communities need to succinctly enter into dialogue to prevent the consequences of repeated violence and displacements that are creating fragility.

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# *Ghardhandha*: a neglected political discourse

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**Abstract:** In Nepal, women's political representation became an immense human-rights based discourse in the aftermath of the Maoist insurgency (1996-2006). Although the importance of women's representation in mainstream politics was better realized after the Interim Constitution of 2007 mandated a 33% gender quota law in all public spheres, a lasting change in gender equality seemed quite distant. This article focuses on the practice of Ghardhandha, which is a deep-rooted, but fundamentally complicated power structure that not only constrains women's other progress but also impacts on intersectional gender balance in the long term. This study is based on the fieldwork of Longho Kahli village and Pokhara Lekhnath Metropolitan City during the political upheaval in the years 2013-2015. The present study questions the controversial boundaries between contemporary representative politics and the tradition of Ghardhandha, a substantive political process in which I found a socio-political reality of segregated power relations in everyday livelihoods compared to state affairs. I explore this basic asymmetry from the perspective of the interlocutors through in-depth interviews and participant observation, which are the major focus for analysis and discussion.

**Keywords:** Nepal, *Ghardhandha,* women, gender equality, samajik vs. *rajnitik*, politics.

## 1. Introduction

The purpose of this article is to explore women's intertwined socio-political relationships and their oscillating identity in contemporary shifting politics from a pre-conflict to a post-conflict period in Nepal. By the term *oscillating,* I mean women's changing roles and responsibilities in the informal political process, which has been influenced by the dichotomy of culture and rituals (henceforth referred to as Ghardhandha) and social practices. So far, this has been represented as an unrecognized and unimportant phenomenon in formal politics while, at the same time, being considered a fundamental basis of family and household relationship.

The concept of *Ghardhandha* in terms of ethnographic knowledge is a synchronized term with two basic motivations –'*Ghar/Grihastha*' and '*Dhandha*'. *Ghar* generally refers to husband's house where a woman comes after marriage, possibly to spend all her life. Females are generally understood by birth as service providers to others' households. Women's identity and status vary according to time and situation, but they seem detrimental to their household norms depending on caste, religion, ethnicity, and so on. In the *Tamu* community, women's status is synonymously used as *Gharko Ama* (housemother) after marriage, and *chhori manchhe,* which literally means a female person, before marriage at the natal home. *Ghar*/Grihastha is thus affiliated to marital relationship, which - if someone denies accepting a role and a responsibility - would mean that she/he has not completed the ritual and social norms.

Despite a 33% gender policy amendment in legislation to end all forms of long-standing gender, sex and social inequality, gender bias is still a common practice and seems almost unnoticed in everyday life. For instance, a woman would not deserve to be a household head while her husband is alive, but there is a common understanding that they are part of each other. However, except for a few instances, patriarchal practice, which gives preference to sons, is an important custom, and hence it is one of the most expected domestic norms to give birth to a son to maintain next of family kin. Similarly, *dhandha* literally refers to household works done by women but is rather indicative of maintaining a myriad of household family relationships and responsibilities including economic maintenance of family and house. It is a mode of respect and care to the elders and juniors by relation and is an important motivation to maintain good family relationships throughout the family. A girl is well trained in possible duties regarding all the

household works for a successful future marital life. However, a girl or a woman - until her marriage - is not always weak in informal power relations at her natal home, because she deserves respect and household power and authority as *chelibeti,* literally meaning daughter as a guest by ritual norm. Hence, husband's sisters and his elder brother's children also need to be cared for by the newcomer bride of that family. One of the ostensible realities of *Ghardhandha* is that next of the kin goes to the son, but at the same time household power and authority to handle daily performance in the locus of *Ghar* usually belongs to the mother or a woman. Moreover, a reason given behind respect, authority and power to a girl child entails that she should know all family secrets, such as roots of family linage, method of worshipping ancestors, whom to respect and care, the mode of language use, what to offer family members, guests and neighbours (meals, snacks, tea, cigarettes or local liquor) and ways to save expenditure. These are the notable skills, just like her mother did, which is an obscure and complex reality in most Nepalese families in the perspective of *Samajik* and cultural notions.

The notion Samajik from ethnographic knowledge is that every day is supposed to be caring and nurturing with a high sense of humour and humanity, and if it is lacking or if someone tries to neglect it, the family harmony might be loose or imbalanced and family conflicts can emerge. Similarly, the reason behind conflict in the family has often been generalized to power conflicts between mother-in-law and daughter-in-law, which seems a superficial assumption without analysing the complicated informal power hierarchy in the family. The reason behind such conflict is not only mothers-in-law and daughters-in-law but that in the power hierarchy even a son is also lower in the family hierarchy than his mother and father while they are still alive. In addition, a mother in most instances plays a catalyst role to manage the meagre family resources for maintaining good family relationships according to rituals and family norms. A mother is always higher in authority and power than her son, due to the mode of respect, which according to Samajik code is called *mannuparne*.

In many instances people also use the notion *Samajik* to mean providing basic goods and services to the groups and community people in an equal manner by *mannuparne* and *jajmani* (caste hierarchy) mode of notion rather than by the notion of *Rajnitik.* The notion of Rajnitik (meaning politics) for ethnographic knowledge is conflict creator among the individuals and groups of hamlets and to the whole community. Thus, relatives in most households prefer the notion of Samajik that is closer to influencing daily activities and more important to the *Ghardhandha* than *Rajnitik*.

Arranged marriage is mostly preferred to get a well-trained bride for a man and his family to perform all such aforementioned activities in the locus of *Ghardhandha* or else *Ghar* remains unsuccessful and inauspicious. Besides giving birth and caring for the children to maintain the patriline, a woman should be a good service provider to her husband's consanguine relatives and all elders, youngsters and especially husband's parents in their old age. For a peasant family, it seems important to have a pair of animals for manure and meat, and hence collecting food and fodders for them from the nearest forest and fields are the very basic components of *Ghardhandha*. Similarly, collecting dry leaves for animal's bed and dry woods for fuel to cook meals, collecting wild vegetables and fruits in different seasons, and purchasing daily needs from the nearest market, and more especially engaging in growing vegetables and crops, processing them and preserving after threshing and cleaning is a well-known *Dhandha* in the premises of *Ghar* that requires a lot of time, skill and dedication both physically and mentally. Even so, in most instances it is always women in the Nepalese kitchen, who cook and serve food, clean and wash dishes and clothes. In addition, weaving handmade local goods and materials, such as *Bhangra* (native cloth used for holding things at the back, especially to hold sickle and other material while collecting fodder and fuel in the jungle), weaving sitting mats of rice stalls and maize husk (*gundri* and *chakati)*, making

local wine or liquor (rakshi) and looking after children and aging people (for instance, in-laws and relatives) at home are other most important *Ghardhandha* activities. These sorts of time and energy consuming activities that render little or no value in a contemporary capitalist market economy are practised in both villages and towns. This further hinders women in being part of other formal basic life requirements such as education, health and so. As we all generalize women's lack of position in public sectors to be a result of a lack of good education, finance, etc., many studies suggest that there are other essential responsible factors, which are different from one country to another all over the globe.

In the case of Nepal, the notion of *Ghardhandha* is still a least acknowledged practice yet a very fundamental phenomenon by which everyone is affected on a daily basis. As a result, human rights, patriotism, citizenship rights, property rights and power redistribution in the political arena are still a matter of stern grievance. Hence, this paper claims that the notion *Ghardhandha* should not be overlooked and should rather be taken as an important aspect of life, which should be properly communicated in its depth; otherwise women's substantive representation in politics through a feminist gender frame will not move in the right direction. *Ghardhandha* is a phenomenon that has hardly been discussed in public fora, and even if someone tries to uncover it, one can easily be distorted by being told that it is a family matter or a social ritual and a part of culture. However, on hindsight, *Ghardhandha* bears a common sharing norm, not only among women but also men in my settings. Thus, clearly the structure of *Ghardhandha* is a fundamental system for every household to enhance everyday life style and is physically, mentally and emotionally demanding beyond the universal gender and sex equality of the existing formal political system. It is for this reason I argue that without looking at such social complex and asymmetries, the question about gender equality, social justice, equal opportunity, and fair democratization via formal policy would only be a mere part and parcel of a formal representative politics rather than having substantive impact on gender power relationships. In such a context, a number of questions can easily be raised against equality policy bills and its implications. One particular question would be the equality among women of multiple identities and status asking: 'Can women representatives address all women's interest while they hold political office?' And the other general question would be: 'Can women do politics without any earlier experiences since they are good only for housework? And 'is there no meeting point between the formal gender theory and an informal practice such as ghardhandha?' These sorts of questions directly point to not only gender and sex but rather toward a complicated behavioural practice motivated either by traditional gender structure or imposed by modern gender equality or a mixture of both. Hence, without examining the complicated relationship of Ghardhandha practice, the notion gender and sex equality in isolation remains further fragmented and ambiguous since the nature of equality bills mandated by state policy is itself bounded by fragmentation and ambivalences (Rai 2008). Lober (1994; 2000) and Childs (2006) also rightly claim that the formal gender equality regime did not have an effect in the substantive representation of women since gender divisions still deeply bifurcate in the structure of society.

As mentioned above, an important aspect of Ghardhanda is the notion of '*Samajik*' which literally means to be social. This is very much indicative of innate human needs and a number of relational variables according to its social codes. On the one hand, people seem proactive to maintain everyday household matters in place, whereas on the other hand, they want to have a territorial or state solidarity and unity to show power. This sometimes creates conflicts in a kind of contradictory informal phenomenon. One example of how they show unity, solidarity and brotherhood is a term that refers to the user group of the same water source termed as '*yeutai dharako pani khane manche*' (persons or user groups who use common source of drinking water in a certain area). It is indicative of living in the same physical locus or territory within social

consensus where customs, identity, behaviour and problems are shared. This is one of the crucial bases for showing unity. These sorts of practices could be observed directly during the general and local elections where even sex and gender norms seemed obscure as these cultural aspects found more importance than sex, gender, individuals, or groups.

The Constituent Assembly election held in 2008 and 2013 elected 33% and 29% women candidates respectively as members of parliament. It showed an evidence of policy implementation in representative politics in the political history of Nepal. Women from all backgrounds, including Dalits and ethnic groups, were also represented through this gender policy. More importantly, women also earned their participation in local elections held in 2017 with a mandated number after a long stalemate, due to political transition. Selection of candidates was recommended by local unit/organization of each party, which was later sanctioned or decided by their central committees. However, before election, during election and after election in most instances, most people used their social code while selecting the candidates as "*Yeutai dharako pani khane manchhe*", which was indicative of the significance of territorial or local relationship bound by social and cultural solidarity, where even renowned politicians who came from other villages/ towns or districts failed to win the election. This may be explained mostly with reference to people's beliefs in their own communal candidacy rather than in newcomers migrated from other parts or districts to hold political positions. This was repeated even in the federal and parliamentary elections held in December 2017 in my study area. In such a case people would not care whether they were male or female or whether they were from their own caste or ethnic groups. The main criterion for candidacy was to ensure that the candidate belonged to the same district or local area.

The practice of *Ghar and Ghardhandha* seems to exist at party or political office in diverse forms. These structures also seem connected beyond formal political norms in an innate humanitarian everyday locus or *Ghar*. The aforementioned social code, as well as gender quota policy, appears to be an abstract and controversial notion which carries no boundaries, but at the same time there seems to be a lot of boundaries. While the territorial notion becomes a norm, gender or sexual politics seems obscure as a result of which most of the interlocutors themselves had preferred to be categorized '*Samajik*' instead of *Rajnity*, explaining that their daily work was '*sitting at home and doing nothing but never having free time*' when asked about their profession. Likewise, their response to the long insurgency and post conflict situation not only carries partition, conflicts and quarrel but also several intertwined relations that have been practised as seen in a number of complexities. It has also been observed that while political consciousness is heightened, social consciousness decreases. As a result, a social symmetry as such is entailed in a distinctive notion between knowledge and motivational factors. Nonetheless, *Ghardhandha* throughout the process of ethnographic knowledge explores opaque and contradictory aspects within family, kin and group of caste and ethnicity according to social hierarchy, where social hierarchy itself diverges in a number of codes practiced in a distinctive way followed by "dos and don'ts" leading to controversy within and outside the family. For instance, power hierarchy within male versus male, female versus male and female versus female is not only determined by family relations, but also by intra-caste and ethnicity. A more surprising fact is that the notion of unity and solidarity in relation to brotherhood and sisterhood is beyond family, sex, and gender practice as mentioned above, but this is rather detrimental in regards to *Mannuparne* (mode of respect according to hierarchy among social and family relations) and *Jajmani* (hierarchy among caste according to religious ideology and practice). *Mannuparne* and *jajmani* practice in terms of caste and individual ethnicity might have been transferred from generation to generation to establish solidarity and unity within family and towards other social realms. Hence, conflicts can be seen in the practice of territorial brotherhood and sisterhood (Gray 1995; Cameron 1998; Bennett 2002). In this sense, the common notion of *Samajik* coded as "*yeutai dharako panikhane manche*" is not

only indicative of family activities but also represents an important territorial notion for brotherhood and sisterhood, which for a long time have been attributed to unseen/abstract relationships in everyday practice, which was reflected during the time of elections and electoral processes, especially in selecting the political candidates.

More than 90 percent of women's main occupation seems to be *Ghardhandha,* which is recognized as an important activity to maintain household economy but not in any way considered important in many formal aspects. Most of the women have designated their occupation as '*Ghar ma basne*' literally meaning: sitting at home but indicative to not only physical body but also their part of traditional economic practice where even many males are involved in shared household activities. Many of my elder male interlocutors in *Longho Kahli* said that formal education was not that easy to access due to household activities since their source of income was only agriculture in their farm. As one of my interlocutor said:

> I was the middle child of our parents. At that time, farm work was everyone's part of life [...] It was only me as a middle child to give hand for my parents since no one was at home to look after our younger sister. So my further education was not possible after primary school. Moreover, everyone's preference was household work rather than children's education. Those who had chance for school education was just by incidence rather than self-awareness, like in my elder brother's case who is now doing a job as an overseer while I am sitting at home.

In the case of Pokhara Lekhnath city, a few males these days dare to explore Ghardhandha, especially if their wives are involved in wage market or other jobs. Cooking for family, taking care of infants and babies such as changing nappies and feeding them, taking care of old parents, washing clothes, cleaning dishes and utensils, sweeping, mopping and coating floors with cow dong and mud in the case of village, weaving mats and traditional clothes like Bhangra (a handmade local sack) and kambal (a handmade woolen rug) are normally not males' jobs within household norms. This sort of practice tells them to refuse Ghardhandha and seek other occupations, which is not an easy option. As a result, daughters and sisters are knowingly and unknowingly taught and socialized to share Ghardhandha from the early childhood and more importantly getting them married accordingly as soon as possible. This is a kind of labour exchange, on the one hand, and to maintain rituals and cultural beliefs of custom, on the other. Yet, they are not considered economically active and instead seen as dependent population, which is a biased or false definition of the labour they do at home (Acharya 1994; Acharya 2012; Bennett 1981). Research concerning women has found that women have been traditionally dominant both in family and field; however, this presents a distorted picture of occupational segregation (Padia 2011).

The current political changes in the country encourages women to be organized in different types of political roles such as *Ama* Samuha (mothers groups) to perform saving and credit for individuals and groups, for wild life and soil conservation, building and maintenance of village roads, schools and temples for their community, following the norms of Samajik. More importantly, these days women are also involved in formal politics through quota systems both in national and local level politics. Yet female politicians who have the experience of taking part in politics are not in good positions to handle their career, due to their traditional role and responsibility at home and society. Neither the policy-makers nor the pre-eminent groups of theorists, who favour universal equal rights and justice, have been aware of the number of other important social and cultural aspects that have emerged through the context of social and cultural

history in the daily lives of women. Moreover, women's position or identity is defined through a number of invisible political processes among which the performance of *Ghardhandha* is the most important, however in an oscillating manner, which this paper aims to explore.

## 2. Methodology

The present article is based on field data carried out in *Longho-Kahli* village and Pokhara Lekhnath Metropolitan City between 2013 and 2015. During this period, Nepal was undergoing a political upheaval as a result of its long post-conflict transition. It was also a period when the country had failed to promulgate its new constitution from the first Constituent Assembly (CA) after four years of exercise (2008 -2012) and had to ultimately go for the second CA election in 2013. Hence, this article is not free from the aspects that are the outcome of the political upheavals during the course of my research. In the course of interactions with female interlocutors of both the settings, '*Ghardhandha*' turned out to be a prominent concept, thus giving rise to one of the important analytical findings in my thesis, from which this paper emerged. In the process, the ethnography of Longho-*Kahli* village became the focus of my study after having done some in-depth interviews and participatory observation with women politicians who were affiliated to both old and emerging major political parties namely, Nepal Communist Party United Marxist-Leninist (CPNUML), Nepal Communist Party United Marxist Leninist Maoist (UCPN-M), Nepali Congress (NC) and Federal Socialist Party in Pokhara.

During my field visits, I observed that most villagers' main occupation was subsistence agriculture. Some of them are practicing traditional animal husbandry (yak, sheep and buffaloes) on the base of Mordi Himal where they also collect the famous herb *Yarsagumba* (ophiocordyceps sunensis) in season. This is a new cash earning method with almost equal involvement of both men and women. The village is widely diverse regarding caste and ethnicity and famous for home-stay and tea garden by its *Tamu* community.

After conducting some meetings and in-depth interviews, my research thirst oriented me to explore the feelings of "the basic groups of householders" in their village of *Longho Kahli* where most of the men and women represented social ritual norms and values. However, they also seemed bound with the modern economic world market as established by the World Trade Organization (WTO). My interlocutors had commonly categorized their everyday labour production as "Just sitting at home and doing nothing and never having any free time". This compelled me to think and study their shared inferiority complex over such significant tasks, rather than focusing on the literal meanings.

Both primary data and published sources have been used while preparing this study. The theme of the paper is structured in the framework of interlocutors' idioms and phrases observed in the fieldwork. In doing so, I visited most of the party headquarters in Pokhara Lekhnath Metropolitan City to observe how political parties conducted their activities and whether parties seemed gender friendly as mandated by the state policy, following the promulgation of the Interim Constitution of 2007. Similarly, I was also curious to observe how Village Development Committees (VDC) and government offices conducted programs for people living in the villages and cities in the post-conflict transition of Nepal. For the in-depth study, I visited most wards of Longho Kahli village. I also participated in some of the events conducted by national and international agencies during my fieldwork. Hence, the data in my study are collected through my personal network, field ethnography and public networks like party offices, District Development offices, municipality offices and VDCs offices. I recorded all interviews in a recorder for later analysis and discussion. I used an interview guideline for the conversations during the session.

Initially, ten preliminary interviews were taken for analysis and discussion from the existing major political parties of Nepal where four female interviewees from CPN-UML, four CPN-

Maoists and two from NC were interviewed from February to March 2013. During the course of interviews held just before the second CA election, a number of new parties emerged, demanding caste and ethnic inclusion in mainstream politics. This situation led me to including one of them, namely the Federal Socialist Party led by Ashok Rai, who was a former member of parliament from CPN (UML). Until then, most of my interviewees were general, executive members and members of parliament, belonging to major political parties in municipalities and districts. After interviewing the female politicians, I interviewed some government and non-government officials and common people, both men and women. The questions for the interviews were based on the interlocutors' past and present life style, current positions, their families, their future plans and their political and social involvement. Their facial expressions, body language tone and emotions were observed during and even after the interviews. Most of the interviews were done in local Nepali language, but in the Tamu villages I used both Tamu and Nepali language. After going through transcribed versions several times and observing the findings in the data process, I found five themes among which '*Ghardhandha*' was one of the fundamental themes that I chose for further discussion and analysis.

## 3. Context and theoretical framework

Until 1990, there was only a 5 percent state mandated policy to involve women in the House of Parliament of Nepal (Acharya 1994). However, political participation of women could be seen via two-dimensional frameworks: in mass movements during the times of crisis and other sustained political activities in different political histories. However, research reports showed women's political involvement as sporadic and not sustainable when it comes to holding major positions. Hisila Yami, a renowned female politician, notes that political consciousness against pervasive vulnerability and marginalized position in power relations in the central system was encouraged once again after the CPN-Maoists involved women in armed combat during the insurgency period. This was aimed at ending all kinds of discriminatory practices and to show a new tendency in the political history of Nepal (Yami 2007). She further notes that an influence of global imperialism in the name of a rights-based approach culminated in Nepalese politics taking on various forms such as decentralization, and the trickle-down development approach, in order to distribute power and resources. However, still the progress of women and their involvement in various sectors was very limited. The state power holders and policy makers along with constitutional monarchy had ignored the issues, such as identity of women as full citizens, caste and ethnicity, language, gender, class, regional and religious diversity, which had forced the Maoists to go into conflict against the elite ruling parties of the time (1996-2006) demanding a new constitution for the establishment of peoples' 'sovereignty', 'democracy', 'rights' and 'social justice' through the logos of New Nepal (Yami 2007).

In the first reinstated parliament (2007), the Interim Constitution of Nepal officially transformed the country from Multiparty Constitutional Monarchy to Federal Democratic Republic. In fact, the Maoist initial strategic plan was to destabilize all the existing old political residues of the time. However, in spite of earlier strategies, the Maoists accepted a multiparty parliamentary system with federal states by restructuring the Constitution as a new authorized agency. Apparently, this led to the same old fashion of occupying a seat or "*Kurchi*" a satirical local term for power/authority rather than serving the people's basic needs to transform their daily lives. Arturo Escobar (1952) explored the real situation of how theorists and political discourses provide opposite positions in their strategy and failure of development. Similar confusions and experiences have been encountered in Nepali politics and political situation as noted in the following quote by Escobar:

> The fact that most people's conditions not only did not improve but deteriorated with the passing of time did not seem to bother most experts. Reality, in sum, had been colonized by the development discourse, and those who were dissatisfied with the state of affairs had to struggle for bits and pieces of freedom within in it, in the hope that in the process a different reality could be constructed (Escobar 1952: 5).

Indeed, implementation of theory in Nepali society is still in the hands of a male authority and ontology in the same old-fashioned manner, whether it is at home or in the state mechanism. Thus, this paper seeks for a new epistemology and ontology according to its context refusing to take for granted the concept limiting women to household work and depriving them of participation in other professional areas including formal politics and political decision-making processes. Cross cultural anthropologists as well as feminists have argued a complex intertwinement of sex, gender, caste and class. More importantly, regarding political decision-making, anthropologists seem very conscious about social abstraction that constitutes a number of 'parts' to be made 'whole' where every part is an important aspect of a whole. Their views on representational norms seem far different to that of formal state policy norms. Thus, the number of codes and sub codes reside and resemble the number of variables to form a 'whole'. Since then informal and formal relations are always a part of the final outcome of any consequences, especially in the phase of women's transgression which has always been feminist battle ground (Rai 2008; Federici 2012; Padia 2011). In this light, a major research question to be explored is: What are the hindrances or barriers that hold back women from politics and political decision making if the country is heading towards a gender equality regime through a 33% quota?

## 4. Analysis and discussion

The notion of *Ghardhanda* and its relational structure discussed in this paper are illustrative of the complicated gender egalitarian theory in view of contemporary representative quota politics. Though gender quota policy itself emerged through feminist thought to break the gender stereotype considering the growth in the number of women in political positions, yet politics is male-dominated both in number and influential political positions all over the world.

However, from 2008 and onwards, Nepali women have been entering higher political positions, most notably because we now have a female head of state, a female speaker of the parliament, a female chief justice and so on, but their presence at the top has not been able to bring constructive changes in the lives of common people, who are performing *Ghardhandha* in their own traditionally stipulated manners. Hence, disagreements arise especially when the elected party or candidates would not reflect on people's everyday needs through their electoral representation, which indicates that political representation at the top through existing formal state electoral norms (institutional practice) does not necessarily have empirical consequences. Electoral practice is still gender biased and the quota system is only a way to meet the number requirement, rather than understanding the complicated informal structural relations that need redefining and restructuring for achieving a society based on equality. To be able to carry out a proper analysis and draw a conclusion, one should consider various motivational factors that influence Ghardhandha which is strictly divided between male and female responsibilities. It indicates thus that politics is not straightforward and transparent.

To examine the complicated layers of *Ghardhandha* one needs to understand how people communicate the subject of context and relate it to their own situation. The locus *Ghardhandha* comprises a number of political constituents which seem beyond current practice of politics. The past experience of earlier generations has been continued in the present and will continue to carry a number of questions for the next generation.

Ghardhandha as a genealogical institution thus seems not free from political constituents and power relationships. For instance, marriage is a most essential part of *Ghar* that explicitly defines and infiltrates the personal by social norms, but because it should be registered according to state legislation, it also belongs to the political sphere. In a similar vein, *Ghardhandha* carries the political sphere of power where duties and rights, advantages and disadvantages are distributed among the household members. In this sense, the modern feminist slogan 'the personal is political' seems true. The slogan carries a critique of the traditional liberal separation between political or public sphere - that is, government and politics - and the personal or private sphere - that is family and personal relationships (Chambers 2012). Likewise, modern politics is an exercise of power. This is seen virtually everywhere as an aspect of human behaviour and activities (Dahl & Stinebrickner 2003). In so doing I will discuss some of the cases briefly to challenge feminist thoughts of egalitarian gender theory and analyse why contemporary representative politics are deficient in a number of ways in particular situations.

*Ghardhandha* performed by women seems crucial in terms of uplifting the household economic status through subsistence agriculture or given limited resources. Most of the village households at Longh Kahli and other parts of country are being evaluated according to how properly they have performed *Ghardhandha* and, thereby, also *Ghar*. Basically, they do not look at the sources of income, whether it be from the labour market abroad, agricultural production or so. More importantly, one should have followed strict household informal or traditional economic rules as these dispositions are viable for reproducing other goods and services today and in future, but due to failure to capture its reproductive social relation in the contemporary formal political and economic arena, women's rigorous informal dedication especially at home and field seems unnoticed. Nepal is an agricultural country and about 70 % of its people are engaging in subsistence agriculture. Of these, about 80% are women with poor economic status (Ghimiry Niraula 2014). The status of women in my setting is also more or less the same, though, these days, people are also engaging in foreign remittance, government service, small tea and grocery shops and home-stay-business. As Silvia Federici (2012) claims, Marx and his followers seem blind in class struggle since the housework labour power of women has never been included as reproductive work in the process of capitalist economy. Hence the impact seen in the *Samajik* notion, which I call an embodied class, is seemingly bound up between the contemporary monetary system influenced by western norms and strong social practice characterized and defined as Ghar*dhandha.* To many women this connotes something unworthy, but inevitable as indicated by one interviewee: 'sitting at home but never having free time'. Though the country has already embraced a 33% gender equality policy in all public sectors, the tendency still seems persistent since only few middle class and privileged families are able to influence the formal power sectors. On the other hand, their private behaviour seems strongly governed by customary laws that they belong to and hence they behave accordingly in a disproportionate manner while making everyday decisions. Everyday decisions are still being made in the context of '*Samajik*' and informal *Rajnitik* terrain of everyday politics guided by social and cultural customs where *Ghar* is considered the most fundamental grounding. In this sense, *Ghar* represents the conceptual basis for informal politics and appears to be a local sovereign parallel structural body, equal to national state government, which further extends to the larger part of the national arena. This was evident not only in the two historic Constituent Assembly elections held in 2008 and 2013 but also paradoxically in the first part of the local election recently conducted in May 2017 after twenty years of stalemate.

Most interlocutors' general understanding in regard to politics was out of their daily domestic and social observations, which they colloquially termed '*Kurchi*' (also used to indicate dissatisfaction towards politicians). Most of the villagers repeatedly said: "whoever has gone

'*kurchi*' has done nothing except fighting to hold it for high position for their own and the party's sake rather than to fulfil people's daily needs". Their daily affiliations to household activities that call for the existence of reproductive power relations in various social domains to which my interlocutors called '*Ghardhandha*' seem to be a rather neglected political discourse. The present practice of *Ghardhanda* in *Longho Kahli* village and Pokhara thus includes the past knowledge of practices within changing notion of the present, and yet continued by the process of accumulated old practice onwards to the future.

The term 'Ghardhandha' used repeatedly by interlocutors during the conversations confirmed that their body and mind seem already prepared for this practice to be continued for many generations to come. However, at the same time, the earlier practice of shifting to the lower fertile land for subsistence farming or the earlier tradition of maintaining *Ghardhandha* to fulfill the family's basic goals and maintain social household status within hamlets and village territory also seems to be slowly changing.

Except for a few middle class female politicians, most of my interlocutors experienced that they were never free from '*Ghardhandha*'. Instead, they had to undertake a bigger burden after adding politics into their lives. Many female politicians have emotional memories of how they had to leave their young children alone at home to serve their party in various ways. In many cases, they were accused and were even held under police custody on charge of doing anti-government activities during Panchayat regime and political insurgencies. Kamala aged 48 could not hold back her tears as she said:

> While I was in police custody during Panchayat regime my three young children were at home all by themselves and my youngest one was only one and a half years old who required daily breast feeding. My husband was in Kathmandu in his own driving profession ... but these days no one cares about our contributions and sufferings.

Like in Kamala's story, when such a dedicated service as loyal activists came to an end and when they returned back to normal life, their family and house works were acknowledged much and they were once again back to their *Ghardhanda,* while their male colleagues became leaders and position holders. There are many such females who served in regional and national politics whose careers got lost in the process.

Durga B.K. and Krishna Pariyar, who were both former members of the Constituent Assembly from 2008 to 2012, made a similar statement about their poor economic status, but a very different marital relationship experience: "[...] daily life is so hard these days without any stable income. I spent all my energy and time for the party since my childhood and had only basic formal education [...]". Durga B.K. was on maternity with a baby boy who was just born during her election campaign in 2008. Her husband is also a fulltime political cadre in the same party. So, she would not have any objection from her husband and her natal family to be involved in party politics. However, in the case of Krishna Pariyar, who has four children that are all grownups, she now fails to have good relationships with her husband and being separated with her four children, having shelter in her natal home. Such is the plight of a female politicians and an indication of how a woman has ultimately to come back to *Ghardhanda.*

Whereas the concern about *Ghardhandha* would never become a similar case for a male member in the political arena, be it in the party or at home, as it constitutes a different kind of authority and power asymmetry. Power sharing norms seem controversial, not only between husband and wife but also among consanguine relations within families, which sometimes creates conflict and unification but is distorted in the notion of 'Ghargrihastha' and '*Samajik*', a partial and relational process of power sharing (Gray 1995).

Thus, clearly domestic practice is a fundamental basis for both male and female from where social and political asymmetries occur through everyday practice and reproduce general forms of implicit and explicit discrepancies that have dynamic and relational consequences. In the essence of such political practices regarding caste, ethnicity, class, gender and universal human rights, there is a deficit, or in some senses mutual controversy, since women's role in *Ghardhandha* appears to be an inextricable part that I observed and have reflected on in this ethnography.

Nepal has changed drastically in its political system especially after the Maoist insurgency (1996-2006). Policy of gender inclusion from international interventions via NGOs and INGOs were in the ideal of capitalist neoliberal strategy in the guise of women development, poverty alleviation, human rights, inclusion of marginalized groups in mainstream politics, but the position of commoners in the villages and even in the urban areas still seems miserable in the current economic frame. Most of the young women seem frustrated with their daily lives. New and old generations are involved in traditional and modern practices and are trying their best to adapt to new lifestyle forms to perform *Ghardhanda.* The present practice of *Ghardhanda* in *Longho* village and Pokhara thus includes the past knowledge of practice within the changing notion of present and future continued by a process of accumulated old practice. It follows that males need economic earnings to support their so-called dependent family members who have shifted to the fertile lowlands for subsistence farming and small business. Most of the villagers' primary goal of migration is to search for the best economic opportunities in the national and international labour market. Very often the female migrants then go to Pokhara and its peripheries for better schooling of their children while also taking care of all housework such as caring for children and senior citizens, doing subsistence farming and taking care of pets and cattle, in the absence or presence of a male partner. To maintain *Ghardhandha,* early marriage of a girl child is still an ongoing practice in *Longho Kahli*, although it is an illegal practice since the Nepali Constitution has made the eligible marriage age to be 20 for both boys and girls.

Seeking modern occupations for livelihood seems common in the young generation. However, with only a few exceptions, there is still a strong traditional belief that compels many to have no choice other than being '*GharkoAama*'. Traditional roles and responsibility regarding division of labour are strictly gendered and predominantly conceived as being domestic. In some instances, it is also observed that family members are encouraging their daughters/ sisters to receive higher education so that their daughters/ sisters may not have to stick to '*GharkoAama*' (housewife/mother) like their wives and mothers.

## 5. Samajik vs. Rajnitik: an opponent reality

In many instances, *Ghardhandha* is a term interchangeably used to symbolize women's household works in the notion of *Samajik* for female gender. It is also s*amajik* to perform early childhood marriage to enhance reproductive role and perform *Ghardhandha.* Thus, it is a socially and culturally valid practice communicated as such within household members regarding both gender, kinships, neighbours, villagers and larger society as a whole, which is embodied in a disproportional manner in practice and seems to be an embodied constraint both in mind and body (Jacobson 2011). This sort of embodied phenomenon can also limit women from other basic formal foundations of life processes such as education, business, health, employment and so forth (Acharya 2014). The majority of people believe in the term '*Samajik*' for representing social unity or solidarity, whereas '*Rajniti*' seems a matter of conflict and destructive to social harmony. Thus in many local instances conflict can be seen if a person does not follow '*Samajik*' norms which means that one should first and foremost be loyal to structural family relations and other relational aspects such as groups within hamlets and villages. Secondly, electoral-based partition politics, which they term *Rajniti,* seems to fulfill socio-political formalities governed by the state, whereas

women's labour as *ghardhandha* represents an ongoing ritual in everyday practice.

Despite the intentions of the national Constitution in terms of gender rights, one can easily observe how far it has been implemented in daily practice. During the Interim Constitution drafting process, no women were included. It was only after a revolt by a group of women activists that four women were finally included in the committee. However, the paradox and rhetoric of politics also could be seen in the behaviour of the leaders as they followed the same tradition of preaching in one way and acting in the other way. As most of the common people in my settings stated:

> All leaders say that they will address our 'sorrows and pain' that we have been going through since long but nothing really happens to ease the pain. Their false statements always fill our ears during election campaigns while they step our doors but after winning the election and getting the kurchi, they become deaf and dumb to our problems.

These sorts of statements indicate that although the structure of the electoral process is supposed to be live up to democratic norms, social justice and peace, in reality it is just a buffet for arming personal wealth and power for politicians. Moreover, democratic norms and values seem contradictory and unlikely to produce substantive change in ordinary people's everyday lives. This might indicate that changes made on the top level do not necessarily reflect or address the bottom reality.

## 6. Conclusion

Despite a 33% quota provision for women in policy making in all sectors, true transformation of everyday life still seems remote in practice. Unless males and females are treated equally in all informal practical aspects, the representation of women in the public arenas would be just a token rather than a real progressive act. There should be high attention on the very first socialization process of both gender and in handing the skills of *Ghardhanda* in a balanced way to end gender discrimination. Representation in the public sector for both men and women will be difficult unless intertwined relationships alongside *Ghardhandha* and nuances of everyday practice are given genuine consideration in the current economic and political framework. In some sense both males and females seem subversive, due to cultural and contemporary capital market policy; at the same time patriarchal mind sets are far from meeting formal equality requirements because of its never ending partiality. This sort of practice definitely leads to a new global demand from the next generation 'to cultivate a new habit' for practical purposes. In this sense, feminist claims about multiple gender politics seem to require further analysis, seeing that conceptual differences in changing political notions remain divided. Hence, women's formal political representation from local to national politics would not reveal its landscape if its social dynamics in relation to everyday practical battles are neglected in the process of analysis. The data from my field and the related literature show that politics is not straightforward worldwide. Yet, the nature of oppression, historical mutilation, and process of constructing knowledge systems has been very different in the third world (Padiya 2011; Channa 2013).The relationship between, sex, gender and substantive representation of women remains complicated (Childs 2006).

In this sense, politics is an exercise of power influence which has been structured paradoxically and ambiguously (cf. Gotfredsen 2013). Representation of politics - not only state-imposed formal politics but also women's experiences of daily life within and between the membership of '*Ghar*' and '*dhandha*' ( i.e. both male and female) – thus all have reproductive relations via uncertain and regular activities, such as communication and network, knowledge from neighbourhoods, kinships, personal and public relations, engaging in meetings and seminars and

so. All of these activities could not just be politics, but in some sense beyond politics whereas decision-making relies on all kinds of processes in given situations within '*Samajik* and *Rajnitik*'. As Chandrakala Padia, Subhadra Mitra Channa and many others have encountered in the roots and lines of differences or in the favor of third world's diversity where they claim sexuality should not only be defined through 'gender'. A predominant assumption of liberal or neoliberal feminist worldview would not be found solely in my text nor can be applied to the women of South Asia (Channa, 2013). Their happy survival depends on leading a collective and interdependent life at all levels (Padia, 2011).

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# The Road to Rolpa: constructing the Sahid Marg and the dynamics of state legitimacy during the armed conflict in Nepal

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**Abstract**: Using the road construction case, Road to Rolpa, as a basis for our study, we explore to what extent service delivery by non-state organisations might have affected state legitimacy in a period of violent conflict in Nepal. During the armed conflict, the government withdrew development activities and cut the budget from many of the Maoist-controlled areas, particularly from areas where the insurgents were governing parallel to the state. In this critical situation, and at the peak of the conflict (2002-2006), the Maoists initiated the construction of the Sahid Marg to win the hearts and minds of the people while also aiming at undermining the ruling power. This study portrays that it was more important for people that services were actually delivered than who delivered them and how they were delivered, even under very deprived conditions. People granted the Maoists a certain degree of legitimacy, mostly in terms of what they obtained. Simultaneously the legitimacy of the government as basic service provider was historically weak, but it was strengthened by the oppressive working procedures of the Maoists. This article argues that gaining legitimacy in one form by the Maoists can result in the gain of legitimacy in another form by the state.

**Keywords**: Service delivery, governance, legitimacy, Maoist, Nepal.

## 1. Introduction

During periods with protracted conflicts within a country, people construct multiple structures of authority and regulation. Resistance strategies against the state may focus on the lack of state investment in infrastructure, marginalization or exclusion, and partly build on these grievances. Investment in parallel service delivery by a competitor then symbolizes the failure of the state and presents the competing party as 'the better alternative' (Haar and Heijke 2013). Empirical studies of how governance works in spaces marked by conflict, and how local people cope with and respond to, such conditions is still limited.

Citizens expect that the state provides a range of services, particularly law and order, drinking water, electricity, roads, social security, welfare redistributions, and market regulations. Success in service delivery is the key indicator of the state's degree of success in pushing social transformation (Riaz and Basu 2010). Hence, service delivery initiatives are crucial aspects of post-conflict reconstruction and stabilization and can offer an important contribution to state-society relations (ADB, DFID and ILO 2009). In fragile situations, where the state lacks the willingness, capacity or opportunity to ensure service delivery, non-state actors may develop alternative arrangements around services – with or without government cooperation. The effects of such initiatives on the degree of the state's legitimacy have so far been largely unexplored.

The case study road to Rolpa addresses these issues exploring the question: To what extent service delivery by non-state organisations might have affected Nepalese state legitimacy in a period of protracted conflict in Nepal? The actual case was Sahid Marg (Martyr's Road) road in the Rolpa district that the Maoists constructed with participation from local people and local organisations. The large number of labourers was unique in comparison to other road construction projects in Nepal. The research team chose to study this road partly because national and international media described it as an example of successful alternative service delivery. In the

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development sector, concerns were raised about the decrease of state legitimacy if services are provided by non-state organisations. The research team wanted to understand how the process of constructing the road influenced people's perception of the Nepalese state's legitimacy.

The article first defines legitimacy and describes the methods used. Then we present the social and political context in which the road construction took place. Finally, the findings are presented and analysed from various legitimacy perspectives.

## 2. Legitimacy of state and non-state institutions

Our core concept in the theoretical framework is legitimacy. We define legitimacy as the normative belief of a political community that a rule or institution should be obeyed. Legitimacy is the acceptance of a governing regime as correct and appropriate (Papagianni 2008) and 'right' when assessed from a public perspective (Noor et al. 2010). In the context of this research we followed the Organisation for Economic Cooperation and Development (OECD 2008) in distinguishing five forms of legitimacy (Stel et al. 2012).

- General (related to support for the state and non-state institutions as a whole, and willingness to participate in activities and projects organized by the institutions.)
- embedded (related to prior state formation or other historical dynamics)
- process (related to the way in which the organisation operates, its governance procedures)
- performance (related to what the organisation produces/yields)
- international (related to international standards and contexts)

Legitimacy and authority are, especially in conflict and post-conflict situations, constantly shaped, contested and dispersed among a large variety of societal actors, and, in many situations, the state does not have a privileged monopolistic position. It has to share authority, legitimacy and capacity with other institutions (Noor et al. 2010). Legitimacy is thus socially negotiated and expectations are changed based on social, political and economic contexts.

## 3. Methodology

The main focus of this research was on the road construction period during the time of Maoist conflict from 2002/03-2006[2]. Field visits were conducted to interview key informants of various political parties, teachers, civil society members and the staff of Sahid Marg Road in Liwang, at the district headquarters, and through informal interactions of people along the road. Some of the interviews were done in Kathmandu as some of the people from higher institutional echelons resided in the capital. Informal interviews were held with people who lived close to the road corridor and, therefore, witnessed the process closely, and with people who were working on the road between 2002 and 2006.

After the initial exploration in Kathmandu, the field research was carried out along the major section of the road in 2011. A list with key stakeholders was prepared in advance to talking to key persons at both policy and operational levels. In total, 29 key informants from target groups that were identified for the study were consulted in the Rolpa District and in Kathmandu. The researchers talked to more than 50 local people, some individually and some in groups, while walking on the road, drinking tea in local shops and in the evening while staying in local hotels, to understand their perceptions regarding the initiation of the Maoist road project, their participation during the construction phase, and the legitimacy of the state.

By visiting local social gatherings and engaging with people at road restaurants and tea shops

[2] Initially this research was part of an international comparative project: 'Knowledge Network for Peace, Security and Development' created under the Schokland Akkoorden.

a snowball tool was used to find those respondents who could reflect on their participation and on the construction of the road. The respondents were grouped into: people who participated in the construction of the road, beneficiaries, contractors, state actors, and civil society (political leaders, journalists, NGO staff). The interviews were conducted by a senior and a junior researcher, one male and one female who, because of their background and their training in anthropology and sociology, would have access to various age groups, men, women, and to different casts.

## 4. The social and political context

### *4.1 Conflicts and service delivery in Nepal*

For centuries, Nepal was a unitary, autocratic and centralised state. These state characteristics created fertile ground for political revolt and agitation in Nepal (Einsiedel et al. 2012). Recent Nepali history has thus seen several revolts or periods of agitation (e.g. 1951, 1971, 1980, 1990, 1996 and 2006) of which the aim was to change unequal social-political power relations in the country. The violent conflict waged by the Community Party of Nepal (Maoist) was one of them. The Maoist insurgency in Nepal began in 1996. By 2003, it engulfed whole Nepal, seriously disrupting all aspects of everyday life and resulting in the death of thousands. The Maoists followed many of the original guidelines and the concepts of the Chinese revolutionary Mao Tse-tung. The Maoist military forces and the state military forces had been at each other's gullet across the country. A large number of innocent civilians were severely injured, displaced or disappeared (Mishra 2004). Human rights violations included the killing of many 'enemies of the revolution', mainly in the rural areas. The government was forced to withdraw from many of the Maoist-controlled areas, particularly from the many areas where the movement started and where the insurgents were governing parallel to the state. In addition, since July 2002, the locally elected representatives were absent and had been replaced by appointed civil servants whose performance was considered to be unsatisfactory. The Maoists filled this void and engaged in service delivery, particularly infrastructure (ADB 2007). Their strategy was to legitimize their governance to the people, as well as to the international community. At the same time this implementation of Maoist ideology aimed to de-legitimize the function of the state. Rolpa, the district where we conducted research, was one of the birthplaces of the Maoist movement. The destruction of the local government and line agency offices, telecommunications towers and other infrastructure by the insurgents along with the security threats to government employees resulted in a decrease in the provision of local services in rural areas (LFP 2010; ADB 2010).

The Maoists also tried to 'win the people' to support their philosophy. On 4 February 1996, they submitted a 40-point demand to the Prime Minister of Sher Bahadur Deuba of the Nepali Congress Government with the ultimatum that a 'people's war' would be waged if the government did not respond to the demands within 15 days. The Prime Minister left on an official visit to India without responding to the demands (International Crisis Group 2007; Einsiedel et al. 2012). They put forward 40 political demands centring on the abolition of the monarchy, introducing a new 'people's government' and focusing on social justice. These demands aimed at empowering women, Dalits, and minorities. It also aimed at counteracting corruption, injustice, social inequality and foreign domination. The Maoists started a violent conflict on 13 February 1996, two days before the deadline attacking police posts in Rolpa and Rukum districts.

During the early phase, the government acknowledged the Maoist insurgency as a security problem to be addressed by the police. In other words, there was not a high level conflict from the beginning. In the early years, the Maoists gained significant support throughout the country, and they established '*Janasarkar'* (people's government) in several districts. In many districts where they had strongholds, the Maoists claimed a 'multi-party people's democracy'. They evolved into a big force especially in the hills which they call their 'base areas' for a worldwide Maoist

revolution.

Conflict dynamics changed when the Maoists withdrew from the first negotiation with the Government in November 2001. The Government declared a state of emergency for the entire country, and the king authorized the army to fight the Maoists. Moreover, after 11 September 2001, the Maoists were declared as terrorists. As part of the international anti-terror campaign, the United States and the British Government began to support the Nepali government with military aid.

These geo-political interventions created a context in which security played a major role, meaning that military intervention was a prerequisite for development to happen. The international community assisted the Government of Nepal with military power to secure development. The idea behind these interventions was based on a logic that a perceived and real threat from terrorist organizations leads to destabilized states, leading to more poverty and in turn to more destabilization or terrorism. This idea of a linear relation between poverty and terrorism can and should be scrutinized. The Sahid Marg in Rolpa had many layers, both figuratively and literally. It was seen on the one hand that the Maoists, a 'terrorist organization', created legitimacy with the international community and the local people for its actions by focusing on service delivery, whilst on the other they undermined the legitimacy of the state as a basic service provider.

A decade of Maoist revolution hampered development, but at the same time contributed to a significantly increased level of political awareness among people, particularly among the poor. Sharma and Donini (2010) argue that this historical change came as a result also of development work done by civil society organizations, coinciding with the expansion of formal and non-formal education. It was apparent that, due to the Maoists, there was an increase in awareness of women's civil rights, of socially and economically disadvantaged groups and of class, and of caste-based discrimination. The conflict ended in April 2006, after which the country remained in a transition process towards social and economic development.

### *4.2 The Rolpa District*

Rolpa ranks as one of the least developed districts on the socio-economic and infrastructure development index. The district is known to suffer from chronic food deficit, which has been recognized as one of the triggers for internal and seasonal migrations. Rolpa is predominantly a rural area characterized by rugged highlands (altitude ranging from 701 meter to 3639 meter) with limited infrastructure development. The district is situated between other districts with no direct connection to the East-West Highway, the main highway in Nepal. Liwang, the district headquarter, is linked to the East-West highway via a feeder road passing through Dang and Pyuthan.

Rolpa has often been identified as the cradle for the communist movement and the Maoist revolution. Unsuccessful development endeavours, corruption and bad governance, large economic and regional inequalities and poverty, have been identified as the prime reasons for conflicts in Nepal, but the cause of this particular conflict was essentially political and ideological (Mishra 2004; Thapa and Sijapati 2003; Basnett 2009). Sharma and Donini (2010) claim that there was a widespread feeling of discontent and injustice among the local people. People felt that the state had neglected them and their community.

During the conflict period the Maoists engaged in building infrastructure like roads and bridges. Many roads were built in the hill areas, although many of them were never completed, and are still not in a vehicle pliable condition. Lawoti (2010) describes these activities undertaken by the Maoists as an attempt to win support in the villages by providing 'public goods'. He stresses that even though the Maoists mostly used mandatory labour for construction projects, the people were not totally against such development initiatives (Lawoti 2010). Further, unpaid labour for

developing local infrastructure [development] was not a new phenomenon in the district. It could be stated that this existing tradition supported the increased Maoist legitimacy.

*4.3 The Martyr's Road in Rolpa*

Sahid Marga was one of the development endeavours of the Maoists. The name 'Sahid Marga', a literal translation of 'Martyr's Road', was given by the Maoists in honour of those who were killed in the revolutionary war. The construction of road by the state was stopped as the intensity of conflict increased, and was continued by the rebel groups during the later stages of the Maoist insurgency in Nepal (around 2002/03). This road corridor, which lies in the mid-western development region of Nepal, passes through three districts in the Rapti zone - Dang, Rolpa and Rukum. The road is approximately 180 km long. The road was considered to have strategic importance as it served a large number of people in the Rapti Zone, particularly the western belt of the Rolpa District and the southern region of Rukum.

The idea of developing this particular road was first conceived in the mid-1980s but under a different name: *Dang-Holeri-Chunabang Sadak*. The alignment followed was an old salt trading route, a trail used by the local people from the region to procure salt from newly emerging towns in the south. Later, according to a respondent who had also taken the responsibility of Pardhan Pancha[3] during the Panchayat period, this road was initiated in order to improve the access to the region. Before 1990, with the start of democracy in the country, all the activities were operating under the then ruling system 'Panchayat System'. Some of the work was done through contractors, though machines were still not used. In order to complete the road construction as planned, the leaders had to mobilize local workers. Thus with labour contribution from the local people they were able to build a road up to Holeri and made the road pliable at least for the tractors.

With the advent of democracy in 1990, the Department of Roads (DoR), Dang Division, took over the responsibility of completing the road construction from Ghorahi of Dang to Chunbang, Rukum (DoR 2010). The DoR, according to their policy, implemented the plan through contractors. They improved the Ghorahi-Holeri section and by 1995, a public bus service was started. Similarly, within the next few years the road was made pliable up to Nuwagaon (Rolpa), about 46 km from Ghorahi, Dang. According to the local people, the public bus first reached Nuwagaon in 2001.

The Maoist party started the "People's war" in 1996 from their heartland – Rolpa and Rukum. The road work was still being implemented by the government through contractors, though work progress, according to the people, was slow, especially after the Maoist revolution started. In 1999, DoR stopped its entire construction work in the area due to increased Maoist activity. Moreover, the government opted for a strategy to cease allocation of the development budget in Maoist dominated areas, including Rolpa. In 2002/03 the Maoists started their construction of the Ghorahi-Holeri-Chunbang road under a different name: the "Martyr's road" (Sahid Marga), in honor of all those who had died for the People's War. The final destination of the road was also changed from Chunbang in Rukum to Thabang in Rolpa, their stronghold for decades[4].

According to a member from the Maoist Central Committee[5], the road construction started from Nuwagaon till Thabang with a vision of completing the entire road length in a period of five years. People from the Rapti zone and other neighbouring districts contributed with labour. It was

[3] Pradhan pancha, the chief of the Village Panchayat, was an executive body of the Village Assembly and the local political unit of the Panchayat System. The members of the Village Panchayat were elected directly and entrusted with the responsibility of carrying out development activities.

[4] Considered a revolutionary capital for the Maoist regime, a historical place for the Maoist Movement in Nepal.

[5] Personal communication with a member of the Maoist Central Committee.

claimed by the Maoists that every single day, around 8000 people were working on the entire road length. A few months after the Maoists began the road construction, the road was vehicle pliable up to Tila, Rolpa which is 56 km from the district headquarter of Dang, and sections of the road to Thabang were cleared except for difficult sections.

After the insurgency, a new and elected government took charge over the road construction project; the road alignment was listed in the Government of Nepal Redbooks[6]. The Sahid Marga Road project was launched in 2008 as a project separately looked after by the Central Office of DoR. Since 2008 the DoR regularly allocated money for the Sahid Marga construction. The work was implemented through the contractors according to the Public Work Directives (MoPPW 2002). Similarly, improvement work was done along the pliable section of the road corridor.

## 5. Findings and discussion

Field investigation suggests that the road construction was a strategy of the Maoists to gain legitimacy. Road building is one of the main symbols for development. Though a direct relation between roads and development is not straightforward, it remains a strong and powerful paradigm in development thinking (Wilson 2004). The construction of the road with the people's participation was an attempt by the Maoists to develop the region, which was suffering from neglect from the state and poor governance. The road was built with mandatory 15-day contributions of labour or an equivalent in cash from each household in Rolpa and its neighbouring districts. By the end of the third year, in 2005, the Maoist had worked on 93 km of road and cleared almost half of the road length. Local people mentioned this as a big achievement.

People's general perception regarding the road construction project varied, depending upon the extent and nature of their involvement and understanding of the Maoist's strategy during the conflict period. It was seen as development work, an initiative for service provision, but the approach practiced during the period seems to have a significant impact on people's lives and perceptions. As part of an agenda of rivalry with the state or as an act to gain legitimacy, the implementation process was viewed with different perspectives by the local people and political leaders, even long after the war was over. The location of the road users and the extent to which the road was being used or seen as beneficial, seems to have had a significant impact on people's perception. The initial section of the road (about 30 km) had been functioning since the mid-1990s, but people living in other surrounding areas did not find the road construction by the Maoists beneficial for them, but as an act of coercion upon the people. Informants living towards the end of the road, though still not approving the forced labour, appreciated the Maoist road construction, stating that development would have been delayed if they had not done so. People seemed to have increased their self-confidence as a result of such collective initiative.

Our analysis shows that parallel service provisions by the rebel groups were assumed to have challenged the state's legitimacy, but the accounts given by the people, indicates that this was not necessarily the case. The degree of legitimacy gained by the state or the rebel group depended upon the implementation approach; people expressed disapproval of the forced labour contribution under critical and dangerous circumstances. Historically, people experienced road construction by the government before as well as after the conflict, which strengthened the idea that the state institutions were responsible for service provision and which gave people a reference for comparison.

### *5.1 General legitimacy*

The Maoists were fairly successful at mobilising the frustrated and socio-economically deprived population against the government and the multi-party political system, attracting them to their

[6] Government publication of annual consolidated plan and budget details for each fiscal year.

slogan of uprooting the 'feudal' political system. They used ethnic and social class politics to get support from local people. They highlighted the weaknesses of the state governance system, poverty, discrimination, injustice and exclusion. In addition, women were motivated to support the Maoist's campaigns of gender equality and women's progress.

The Maoist movement and the eventual takeover of the road construction by the state influenced the state's general legitimacy. The Maoists' strategy of using mandatory labour led to them losing legitimacy. A quote from a local teacher shows that people seem to support the idea of road development conceived by the Maoist, but the circumstances were judged negatively:

> What Maoists did was a development effort but done in wrong way, but still fruits of the hard labour has been good. But people cannot always contribute labour. It is the government that should take the responsibility.

People felt that the provision of road services should be the state's responsibility. However, they preferred that the roadwork or provision of service delivery would be done through the user groups or the local people themselves rather than through external contractors. Perhaps people had been sensitized more to this argument because of their heavy involvement and responsibility in the Maoist campaign. Moreover they were willing to work on the state led development work as they believed a sense of ownership prevailed within the local people and that it would lead to a better performance. People explicitly expressed their emotional connection to the road and their commitment:

> It was just like the pain felt during the birth of child but eventually you cannot help but love the baby. That's exactly how we feel. Thinking of it now makes us sad "*dukha*" but we think of it as our own and now we love it dearly. If nobody looks after it we must.

However, there was also a serious concern that "the state doesn't trust people" (Interview with a local road user in Rolpa, June 2011). It appears that people felt that the government was implementing work through contractors rather than using local people because the government felt that the road users committee did not have the capability to handle the work. The government also feared that the budget and the work could be manipulated at the local level. In contrast, people mentioned that the state had its own implementation strategies, which were not satisfactory. A majority of the respondents insisted that the state should lead the service provision. The researchers felt that the people were talking out of desperation and frustration from years of suffering from the conflict, so this could mean that there was a positive perception of the state, which previously had not always been seen as a good service provider.

The findings suggest that general legitimacy had, to some extent, been given by the people, and mainly by the users. There seemed to be a strong perception that service delivery should be the state's responsibility, whether at the local, the regional or the national level. This could be due to the increased level of consciousness among people of the state's responsibility, and also to their experience of working under critical situations during the conflict period. The fact that they were forced to participate in activities organized by the Maoists seems to have had a positive effect on the degree of legitimacy granted to the state. Another important observation was that legitimacy was attributed to the state also because of peoples' experience with state institutions and activities. The tangible outputs from earlier state interventions, such as road construction, seemed to have positively influenced people's perception of the state.

The following quotes are local people's interpretations of the Maoists seeking to gain

legitimacy as developers (instead of destroyers) and as leaders, by having full control of the region and by gaining acceptance from the people.

> The Sahid Marga was a central level plan. We believe it was started out as a threat/challenge to the Government. (A local from Tribeni, Rolpa who worked on the road)

> People understood the Maoists as the destroyers. Thus it was an attempt to prove that the Maoists also construct. And also to gain Maoists' legitimacy. (An NGO staff member who was working on human rights during the conflict period)

> It was to prove that the Maoists are not against development work. (A local with political affiliation to Nepali Congress)

> The main objective of the Maoists was to show that the rebel group has full control over the region. (Currently employee of government of Nepal, during the conflict period actively involved as a journalist)

> It is an attempt by the Maoists to gain acceptance from the people and to portray it as their creative work. (A human rights activist)

It can be said that people in Rolpa granted the Nepalese government general state legitimacy. The (limited) state provision of basic services in this area, nor the output of the Maoist road construction project, decreased the perception of general state legitimacy significantly. In terms of the process, people preferred the state as a provider of services because of the control and safety issues.

*5.2 Embedded legitimacy*

The state at all levels was recognized by the respondents as the most suitable authority to take responsibility for service provision. Those in leadership positions insisted that every activity should be coordinated with the local government authorities. The researchers think that this was influenced by the lack of options to choose service providers.

People's trust in the government of Nepal was limited. Most of the people felt that the government authorities did not operate in accordance with the law. People hinted at the exploitation of resources, pointing implicitly at government officials who, they believed, were misusing resources. An NGO representative, a human rights activist and a community member, mentioned that the policies, rules and regulations made by the government were in order, but that the implementation of these policies were absent. The people believed that there was a high tendency of the state activities to divert away from law and order, and this indicated a "crisis of trust" between the state actors and the people.

The Maoists used the mistrust of people towards the government and implemented campaigns to empower people politically. The dysfunctionality of service provision by the government in remote areas in the past, combined with a marginalised position of many people, created fertile ground for the Maoist movement. Belonging to excluded minority groups, discriminated cast groups, experiencing gender inequity and social injustice fuelled the de-legitimisation of the state and created space for interventions by the Maoists.

People of Rolpa District had modest expectations from the state. At the time of our research, they had experienced almost four years of service provision from the government since the peace

agreements and the progress had not exceeded their expectation. People, having experienced years of DoR projects and implementation processes, were most doubtful about the deliveries of the contractors and, thus, of the DoR. What stands out was the fact that people were not forced to work and that some people were getting employment, and that this generated a positive attitude towards the state. In addition, people said that even though the progress was slow, there was a clear progress. The people implied that the government authorities at least were capable of delivering services to some extent.

Embedded legitimacy had been affected by the conduct of the state bodies in the process of service provision. The state bodies were perceived to bypass rules and regulations, leading to a prevailing low degree of trust and a most significant impact on the embedded legitimacy. People knew about the historical dynamics prevailing within the state institution, and this seems to have undermined the embedded legitimacy of the state.

*5.3 Process legitimacy*

Process legitimacy is basically concerned with the process itself and how the service is being delivered. During the conflict period, the state did not have a strong role in organizing service deliveries. It was asserted by the Maoist leaders that the state did not support the idea of a road construction during the insurgency, mainly because the state identified the movement as a threat. However, people believed that although there was no cooperation between the actors, the state did not interfere in the road campaign, having in mind the security of the people. People, it seems, had neither a positive nor a negative perception of the role of government authorities during the Maoist road construction campaign.

In this case study, it was observed that people viewed the Maoist campaign somewhat positively, but the working modality was not viewed positively. A study conducted around 2007-2009 showed that although people did not always agree with Maoists' tactics, they appeared to be popular and were accepted as a strong political force by most people (Sharma and Donini 2010). Today, people think that the implementation of the roadwork by the state would have been impossible particularly in such a short period. People are amazed with the achievement and maintain that the state would not be able perform similarly due to a lack of resources and a slow and lengthy implementation process. However, people did not and still do not agree with the strategy as practiced by the Maoists in implementation. Besides the coercion, the use of 'staged participation' and consultations by the Maoists with the communities significantly delegitimized their system and governance.

In terms of the process, people were more satisfied with DoR's work compared with Maoist arrangement. The fact that people were not forced to work was the major determinant for people's perception of the arrangement. People have been known to have contributed labour during the Panchayat period and long before that. Unpaid labour participation was not new, but the involuntary and unsafe situation during the conflict period influenced people's perceptions. In addition, people were aware of ongoing "institutionalized corruption" (interview with a local in Rolpa, June 2011) practiced by members of the Maoist party in the DoR's Sahid Marga project. People in Rolpa were disturbed by the fact that the Maoists were one of the major actors misusing the Sahid Marga Road project and that very little had been done to create more transparency. The DoR made an effort to reduce the influence of Maoists in the tender processes by introducing e-bidding in 2010. According to the project manager, it had been effective. However, these coercive and exploitative actions continued to put the Maoists in a negative light.

However, there were also interpretations of the Maoist road construction project that showed how the legitimacy of the Maoists was undermined by the process. Process legitimacy ensures that people are content with the process, the manner in which the project was conducted. In this case,

the forced labour and the security threats that the people faced undermined the development attempts of the Maoists.

> Road construction was not a new activity. People were used as human shield. (A local with political affiliation to CPN- UML).

During the three years construction period a large part of the population from the Rolpa district and its surrounding districts contributed labour. It was a dangerous time causing fear among people. The respondents who were involved in the construction work mentioned that they were overwhelmed by fear of death from the clashes between the government security forces and the Maoists and also of potential accidents during road construction. Some of their reactions show this fear.

> We were in constant fear of our life, would we live or not? (A local from Sakhi VDC).

> Though we were scared eventually we did it thinking that it is for our own benefit. (A local teacher from Ota VDC).

> The situation then was serious but the people kept working considering it a development work. (A local from Kureli VDC).

> Initially we were scared of the security situation but once everyone started going and working on the road, once the public started working then we were comfortable. (A local from Ranksi VDC).

According to the Maoists, people were requested to voluntarily contribute 15 days of labour[7] for each household for road construction. However, people stressed that labour contribution was not voluntary, they were forced to contribute despite the fact that some people were not in the capacity to do so, economically. The District Technical Officer, a local official, stated:

> Every household had to work for a total of 15 days including travel time. People from far districts came to work on the road. And some households had to work more than once on the road. The locals including the government officials were also challenged by the Maoists.

At that time, according to discussions with local people, they were given very little choice. They said, "One member from each household would have to work on the road or join the Maoist party and support its rebel activities or pay the amount asked for". It was also mentioned that the Maoists had made provisions for tools and medicine, but food had to be arranged for by people themselves.

During the time of conflict, several interaction programs for the road construction were held where people were given a chance to speak. These participatory appraisal attempts were organized by the party leaders. The villagers used to complain about the (in)voluntary labour contribution that they were supposed to deliver for the road construction, but that the Maoists often turned a deaf ear towards public concern. Meanwhile they would give speeches about their efforts to develop and try to convince people to work in their campaign. These 'consulting' interaction programs were rather seen as a campaign that provided a stage for the Maoists.

[7] 15 days of labour contribution includes travel time and days spent working on the road. If the people have to travel far their travel days would count as working days.

It may be argued that the process decreased Maoist legitimacy. Therefore state legitimacy remained in place.

*5.4 Performance legitimacy*

As the 'people's war' progressed, the Maoists became the de facto rulers of most of Nepal. They inactivated most of the state's mechanisms and formed parallel 'people's governments' from central to region, district, village and ward level (International Crisis Group 2007). The Maoists were viewed as committed and determined.

The relevant government authorities were not perceived as providing satisfying services. The people had reservations concerning the quality of the services provided by the state authorities, and the reliability or timeliness of the service provisions. Observations and perceptions of misuse of resources and extra-legal activities by government officials have been detrimental to the legitimacy of the relevant state institutions. The quality of the roads (the quality of materials, responsive and timely work) is thought to be suffering from this behaviour. People were outspoken about the performance of those who had been awarded contracts. People regarded DoR as being responsible for the underperformance of the contractors; it was revealed that many of the contractors had abandoned the work, thus delaying the progress.

However, compared with the Maoists, the state authorities were believed to have better resources than the Maoists in terms of funding and human resources and that they were capable to deliver and maintain a minimum standard, albeit the process was considered lengthy.

The use of improved technology contributed somewhat to state legitimacy as it was clearly visible to the public. After the DoR took over, it started with improvement work, like improving bends, replacing retaining structures, and building drainage structures of the already pliable road. Unlike during the conflict, when there was minimal or no use of machines and building materials, DoR had replaced existing dry and temporary walls with more robust structures like gabion walls and cement machinery walls.

According to the Maoists, the People's Liberation Army provided security to the people working on the entire length of the road. For this particular movement, a budget of ten million was allocated by the party (interview with a Maoist informant in Rolpa on June 2011) in its initial year. Although the source for this funding was not mentioned by the informant, it is believed that the Maoists collected money through forced donations, bank looting and taxation (Hachhethu 2008). The money was mostly spent on providing medical services and tools for constructing the road. The Maoists made groups of local people of manageable sizes, and these groups maintained a mess for their group throughout their stay for road construction. The construction work was carried out throughout the year except for the rainy season. Difficult sections of the alignment were taken over by the Maoist army (for example when dynamite was needed).

The Maoists were known to have utilized skilled labour forces from the region. A Maoist informant revealed that they did not have engineers or highly skilled people but they made use of semi-skilled people like those who had several years of experience working on road construction in India. These skills contributed to the quality of the road.

A former Nepalese staff member of an international non-governmental organization (INGO) stated that they provided technical assistance for alignment survey of the road constructed by the Maoist though it was done in a covert manner[8]. During informal conversations, it was said that there were rumours that the Maoists had been able to receive technical assistance from an INGO,

[8] During the validation workshop, this former INGO worker said that the INGO for which he was working was the only agency that was allowed to enter the conflict affected areas of these districts. As they had the policy to engage with local people and provide on a needs basis, he appointed several workers for the road construction to support the local people from the area.

but the Maoists did not reveal this. One informant mentioned that the Maoists captured an overseer (technical personnel) of this INGO and had him survey the road alignment. From these multiple perspectives, it may be deduced that the Maoists were able to utilize skilled people and institutional resources.

The road was considered to be strategically important, providing a north-south connection, but it has mainly been used by the local people living along the road to travel south to much more accessible and richer towns. The road corridor has recently been linked to the district headquarter of Rolpa, but people along the road still prefer to travel on foot to the district headquarters through shorter trails (and without paying bus fares). For most people in the northern and western part of Rolpa it is inconvenient to use the Sahid Marga to go to the district headquarters. However, traveling to a town in the south of Rolpa has become easier. Markets have developed along the road corridor and besides the public buses, tractors, trucks and jeeps carrying consumer goods are using the road. People along the road corridor – particularly those at the far end – feel that their access to consumer goods has increased.

In conclusion, performance legitimacy was granted to the Maoists, although temporarily. The final product, the road, was considered positive, the quality was found to be in order, and people experienced benefits from using the road. After the Maoist leadership, the DoR took over and then the performance legitimacy was granted the Government of Nepal. Especially the technological performance of DoR was appreciated as big machinery showed that the state was present and working on the road. Also, the visual effect of a smooth tarmac road, in contrast to a more basic outlook would have made a difference.

### *5.5 International legitimacy*

Some international actors were supporting the Maoists. The Revolutionary International Movement (RIM) supported the Maoists' 'ideological revolution' in Nepal. Ideological similarities between the Maoists and the RIM were the main factor for support. When the Maoists started 'people's war' in February 1996, the RIM issued a press statement entitled "From the Andes to the Himalaya, People's war is the only way to liberation" and praised the start of violent conflict in Nepal (International Crisis Group 2007).

Rolpa is recognized as a district with very little intervention from international organizations and this seems to have contributed to the absence of international legitimacy. The researchers understood that there was no donor involvement in the construction of Sahid Marga during the Maoist conception as well as after the state took over. The DoR has said that a small loan from Japan was diverted to the project. Nonetheless, whatever the source of funding, it seems that people were sceptical of the lawful use of the resources for road construction.

In the study area, most of the people were not aware of international quality standards for roads, or of the road standards of the DoR. However, people judged that the Roadwork of DoR had better standards than the Maoists had managed to produce.

People did not expect international support. This could be due to years of neglect by the international development community, similar to the GoN. The international presence from volunteers and journalists in the Maoist road construction had little effect on people's expectations. The fact that there was some involvement from the international community did not change people's perception that the ruling party remained weak in their ability to mobilize resources for Western Nepal.

The Maoists engaged in road construction with clear motives and strategies, although their initiatives were characterized by informal arrangements. According to a district level Maoist leader, the development movement was planned and envisioned by central level leaders to improve people's support of and compliance with the Maoists. The Maoists involved various actors in their

attempt to gain legitimacy. Participation by people was sought by demanding labour contributions. NGO involvement was also observed, although it was done in a covert manner and not through officially represented channels. An INGO representative, who was interviewed in Kathmandu in June 2011, confirmed that they provided technical assistance in the initial phase of the road construction. Likewise, involvement of other actors, journalists and international volunteers was observed, but they seem to have had an indirect role in the Maoist movement. A member of the Central Committee of Maoist Leaders referred to the Maoist strategy to gain legitimacy:

> We were labelled as terrorists. We wanted to show who the Maoists are, what are they doing and to show that we are in favour of people, not against them. We could prove this through the road project. Without the help form GTZ, we might not have been able to construct the road.

The Maoists claimed that international actors participated in their 'development work'. It was stated during an interview with a Maoist leader that people from European countries and Pakistan had come in groups to participate in the road construction activity as an act of political affiliation. Though it is not clear what the stakes of those participants were, it has been observed from their journals that they were mostly left-wing supporters.

Other relevant actors were the international journalists as part of civil society institutions. Journalists from the USA, from Europe, from India and Bangladesh probably participated for ideological reasons. The Maoists controlled access to their base areas, and invited journalists and integrated them in the process in order to influence them positively of the legitimacy of the process.

The main actors were the Maoists and the communities. In addition, other societal and international actors were present, but the extent of their involvement is little compared to the people's participation from Rolpa. State actors and private actors were found to have little or no participation at all. The state actors are believed to have been against the Maoist movement, and every effort was directed towards disruption. Involvement from private sector was not visible. This could be due to the construction approach practiced by the Maoists which did not require purchasing of material (everything was used locally, requested or donated upon demand). The Maoists did not disclose how materials, for instance explosives for blasting, were procured.

International legitimacy was not strongly attributed to the Maoists. Although there was international support and visibility, the Maoists could not capitalize on it. The legitimacy of the state was not undermined by these international influences and support of the Maoist road construction project.

We understand legitimacy of state and non-state organisations by the five different expressions as described above. These forms of legitimacy should not be seen as standalone characteristics. It is a dynamic and fluid concept where one form of legitimacy can be gained and another form of legitimacy may be lost. The Maoists gained performance legitimacy, but they lost process legitimacy. The government of Nepal lacked a strong embedded legitimacy because of the distance to remote areas and neglect of its citizens. Even a weak performance legitimacy, resulting in a bad image for issues of transparency and accountability, did not lead to a full loss of legitimacy. Comparatively to the Maoist movement, they could not be blamed for coercive power. Their less problematic process legitimacy in combination with a sense of general legitimacy of the state preserved and reinforced the expectation that a state should first and foremost provide basic services. It is also important to address that legitimacy is not a zero sum game. Whereas the government of Nepal is perceived to be the legitimate service provider for roads, the people in Rolpa feel strong ownership of 'their' road. We therefore argue that the state is seen as the most

legitimate service provider. This does not mean necessarily that the Maoists were fully de-legitimatised. In part, they lost legitimacy by the people of Rolpa, but for its outcome, the performance they would still be considered to be legitimate. This was further strengthened by international organisations in this case. In the conclusion it will be further argued that the legitimacy of the state can be maintained when parallel authorities provide basic services, however it is an ongoing process to confirm and reinforce state legitimacy.

## 6. Shifting legitimacy: conflict to post conflict situation

People began to talk about holding dialogue to resolve the conflict within a couple of years of the start of the violent conflict in Nepal. The civil society members suggested to the government that it was a political problem to be addressed through reforms in the governing system and the socio-economic sphere. Meanwhile there was a royal massacre in June 2001 in which the king, queen, crown prince, princess and their relatives were killed. The Maoists undermined the new king and monarchy with arguments that the former king, who was relatively democratic, was murdered in a conspiracy, and that it was time to get rid of the monarchy for good. This was a new political climate, more volatile and insecure than before. It was both strategically important and advantageous for both the government and the Maoists to become engaged in talks. This was a long process of negotiation.

The Maoist revised their war strategy and reconsidered their goals. In 2005, the Maoists decided to alloy with the parliamentary for "full democracy". They accepted multi-party politics and made their immediate goal the formation of a democratic republic through an elected constituent assembly. The Maoists entered into peaceful politics in 2006, and gained the largest number votes in the April 2008 Constituent Assembly election. The biggest achievement so far has been the peacefully overthrowing of Monarchy in 2008. Puspa Kamal Dahal, the chairperson of the Maoist party became Prime Minister of Nepal on 15 August 2008. The responsibility of constructing Sahid-Marg was taken by the government of Nepal.

Today, many people question the necessity of 'people's war' but the conflict provided political and social space to the Dalits, women and ethnic groups in Nepal. It also created political consciousness among the people at the grassroots level, and to some extent, awareness of the need for Nepal's socio-economic transformation.

From this case study, it is clear that the people perceive the state and non-state institutions differently in different contexts. Whether people trust state or non-state actors is shaped by people's perception, experiences, political affiliation and role of the government to protect their citizens. People have high expectations with regard to the improvement of their living conditions, worry about potential political and economic disadvantages and fear for their physical security in the violent conflict situation. How people behave in such situations of uncertainty is shaped by their perceptions of the political actors involved (Juan and Pierskalla 2016). In our case study, it can be seen that the general legitimacy for service delivery is attributed to the state. The state was also thought to be more legitimate in terms of process when constructing roads. In the post-conflict years, the state took action to improve and upgrade the road that was constructed by the Maoists. Intervening at this point in time, taking ownership of the road that was constructed under the Maoists and performing with 'high' technology reinforced the role of the state as service provider, capitalising on the previous work under the Maoists. It gives a sense that the state was aware of the loss of their legitimacy through parallel service providers and that the interventions were done strategically to gain back legitimacy by people in Rolpa.

## 7. Conclusion

This article has addressed the dynamics of legitimacy regarding the Sahid Marga. The Maoists

used the project to increase their legitimacy towards the people, within their internal party (ideology), and towards the international community. They also wanted to break down the legitimacy of the state. They succeeded to a certain degree, although the fear and coercion decreased their legitimacy somewhat. The fact that the GoN made great efforts after the 'war' to improve the road means that they wanted to gain back their legitimacy as a government. From these efforts, we see that the GoN was threatened and that it felt that its legitimacy decreased to some extent.

The main point is perhaps that road construction 'for development' is an effective intervention for the Maoist to gain legitimacy and challenge the state mechanism. With regard to the securitization of development, we can state that the Maoists who were labelled as 'terrorist groups' by the state and international community were able to change their image, from destroyers to developers. They used road construction, a very strong and powerful symbol for development, to change their image.

The Maoist strategy was successful in increasing access through the construction of a road. The Maoists worked on almost 100 km of proposed road alignment of which only the first 20 km was vehicle pliable.

One of the main tensions faced by the people involved in road construction was related to the political agenda and the infrastructural work. The political agenda in this case was based on the ideology of the Maoists, as well as the logistic arrangement and accommodation provided by them, and the fear of the state security forces by which they were controlled.

The case study showed that the services that are delivered are of more importance to people than who delivers them. The state's performance legitimacy increased when they took charge of the road again after the conflict. We found that people's perception was largely affected by how the services were delivered and particularly by the lack of opportunity to exercise their interests in the process. Comparatively, people viewed the DoR's implementation process positively, resulting in more legitimacy of state institutions. Currently, however, the state legitimacy is regarded as being significantly undermined by the conduct of the state institutions. The engagement of the Maoists in developmental activities and the cuts in budgets for development in conflict-affected areas, like Rolpa, negatively affected the people's opinion of the state.

Overall, the case study has shown that the state is a key basic service delivery agent. Parallel service delivery is especially threatening to the state legitimacy when it comes with parallel authority claims. The 'successes' of the Sahid Marg could be well explained by an initially weak presence of the state. The construction of the road was depending on changing power relations, the local historical context, and the coercive methods used by the Maoists during the conflict. It may be concluded that the Maoist's involvement in development work with clear ideology had been beneficial for them to win the local and parliament elections in the road connected districts. The project area is still considered one of the hard-core areas of the Maoists in Nepal though they are in mainstream politics today.

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