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**Land Tenure, Democracy, and
Patterns of Violence During the Maoist Insurgency in Nepal, 1996-2005***

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Abstract

Objectives. We seek to investigate the determinants of Nepal's relapse into authoritarianism and resort to violence rather than reform as a response to the Maoist insurgency. Revolutionary insurgency emerged in Nepal after a transition to parliamentary democracy, whereas democracy is supposed to inoculate a nation against the risk of civil war. We present a theory of how the level of violence varies across districts with variations in the distribution of peasants among land tenure categories. **Methods.** We use district level data from Nepal and test hypotheses by using negative binominal statistical analysis. **Results.** Our results indicate that the level of violence varies across districts with variations in land tenure patterns, the level of electoral participation and the extent of poverty. **Conclusions.** Our study provides insights into how the concentration of landed resources and political power creates incentives for a landowning coalition that dominated state to use violence against those segments of the peasantry who have incentives to support an insurgency that promised to redistribute land.

In 1991 Nepal embarked upon a transition to democracy. After experiencing little success in the first two round of parliamentary elections (1991 and 1994), the Communist Party of Nepal-Maoist (CPN-M) abandoned electoral politics altogether and in 1996 launched an insurgency that lasted until 2005. When the elected government failed to defeat the insurgency, King Gyenendra dismissed the government, assumed autocratic powers himself and escalated the government's use of repressive violence to defeat the insurgency. That effort failed, and the King restored democracy in 2006, after which a peace agreement was reached between the restored democratic government and the Maoist rebels.

The puzzle presented by Nepal's experience is that, first, democracy did not inoculate that nation against the risk of civil war, as the domestic version of the democratic peace thesis would imply (see Hegre *et al.* 2001). Second, the escalation of repressive violence did not result in the defeat of the Maoist insurgency. The purpose of this paper is to explore the relationships between the patterns of democratic participation and the patterns of repressive violence perpetrated by the government of Nepal as part of its counterinsurgency program during Maoist insurgency from 1996 to 2005. The human rights research program has documented a number of variables that account for cross-national variations in the degree of state repression over time (e.g., Poe and Tate 1994; Davenport and Armstrong 2004; Bueno de Mesquita *et al.* 2005). One robust finding across these studies is that the level of state violence decreases as states become more democratic. Few studies have explored variations in the patterns of state violence across subunits within a nation, or the relationship between state violence and indicators of democratic performance (such as election outcomes) across subunits within a nation. If the democracy-human rights relationship found at the cross-national level also holds across subunits within a

nation, then the patterns of state violence should be related to measures of support for democracy across districts in Nepal.

Alternatively, theories of patron-client politics suggest that conventional indicators of democratization (such as turnout) may be less a function of support for democracy than of landed elites' ability to mobilize peasant votes by manipulating ties of clientelist dependency (e.g., Mason 1986). Those theories enable us to explain why a democratically elected government presiding over an agrarian economy is unlikely to enact significant agrarian reform that would redistribute land to peasant farmers, despite the fact that landless and land-poor peasants who would benefit from such reforms (and who can vote) far outnumber landowners. Even after the transition to democracy, those same peasant farmers remain bound by ties of clientelist dependency to landed elites. They can be compelled to vote as their landlord directs because they fear loss of access to land and other services that represent their only security against subsistence crisis. If those traditional forms of coercion fail and reformist parties begin to win over peasant voters, or if reformist parties abandon electoral politics and initiate an armed insurgency to achieve through revolutionary violence what they could not achieve through the ballot box (as was the case in Nepal), the state and its local agents among that same network of landed elites may resort to violence to intimidate peasants into withholding their support from the rebels.

Our purpose is to explore two competing explanations for patterns of violence and of popular support in rural insurgencies. Grievance-based approaches suggest that support for the insurgency should be greater where land tenure patterns involve greater degrees of peasant subordination to and dependency upon the patronage of landed elites. Under those circumstances, peasants have more to gain from insurgent victory than do peasants who own

their own land or are otherwise less dependent upon landed elites for their subsistence security. Given this, the state should be use higher levels of repressive violence in those districts where more peasants have greater incentive to support the insurgency. Alternatively, political opportunity approaches to collective action suggest that, while all peasants may have grievances that would motivate them to support an insurgency, those who are less dependent upon and subordinate to landed elites are more able to support insurgents. Thus, support for the insurgency should be greater where there are larger concentrations of smallholders and landless peasants, and state repressive violence should be greatest in those districts as well. From this framework we derive a series of hypotheses that relate patterns of land tenure to levels of state repression and counterinsurgent violence. We test these hypotheses with a district level data from Nepal, with casualties inflicted by the government in each district as our measure of the level of state violence and the proportion of households working under each of several land tenure arrangements as our primary independent variables.

Failed Democratic Trajectories and Armed Insurgency in Nepal

Over the last fifty years, Nepal has had two brief periods of parliamentary democracy, both of which ended with royal intervention. In 1959, the Nepalese people elected their government for the first time only to see it dismissed by the king in 1961. After thirty years under the authoritarian *panchayat* system imposed in 1961, a popular uprising in 1990 compelled the king to accede to a new transition to democracy (Khadka 1993). What is puzzling about the recent round of democratization is that, following the second round of parliamentary elections in 1994, the Maoist wing of the Communist Party of Nepal (CPN-M), which had fielded candidates in the inaugural elections, abandoned electoral politics altogether and launched a revolutionary

insurgency. The inability of Nepal's elected government to subdue the Maoist rebellion led King Gyanendra to dismiss the government in October 2002 and eventually to suspend democracy altogether and assume autocratic power himself in February of 2005. His own failure to suppress the rebellion led the parties that he had deposed to join the CPN-M in calling for a boycott of the 2006 local elections, confronting the king with an opposition coalition of armed rebels and disenfranchised parliamentary parties. King Gyanendra reluctantly restored the parliament in April 2006. The Maoist rebels and the restored cabinet agreed to a ceasefire that ended the civil war and power-sharing arrangements in an interim government that would rule until a constituent assembly could be elected to write a new constitution. In elections of April 10, 2008, the Maoist party emerged as the largest party in the constituent assembly, winning 220 of the 601 seats. The constituent assembly has abolished the monarchy while continuing to negotiate the terms of a new parliamentary government.

After the 2002 coup, the royal government launched an aggressive counterinsurgency campaign that involved an escalation of armed repression to deter people from supporting the rebel movement. The rebels likewise escalated their use of violence as a means of controlling the population in areas where they were strongest. The result was four years of civil war marked by a dramatic increase in the number of peasants killed by both sides. During the six years of the insurgency (1996-2001) when the democratic government was still in place, the number of deaths from political violence attributable to the state was 1,107. In the period after democracy was suspended (2002-2005), the number of casualties attributed to the state and its agents increased to 7,102 (Informal Sector Service Center 2005).

Even after Nepal's transition to democracy in 1990, the entrenched network of landed gentry who had served as local agents of the king's rule during the *panchayat* era and before continued to control the dominant sector of the economy (agriculture). Through their control over land, they commanded the political loyalties (including the votes) of large numbers of peasant cultivators who were dependent upon them for subsistence security. The economic power of these landed elites was not diminished by the transition to democracy because nothing in the transition bargain significantly altered the semi-feudal patterns of land tenure in Nepal. The structures of clientelist politics that traditionally governed the rural political economy remained intact. With the advent of electoral democracy, political parties nominated landed elites for seats in the parliament because those elites could be counted on to deliver the votes of those peasant households that were dependent upon them for land, credit, employment, and other services. Khadka (1993: 52) reports that about 90 percent of the seats in the first parliament were held by members of the landed elite. Thus, the democratic transition did not produce significant economic reform because the new parliamentary regime lacked autonomy from the dominant economic class, the landed gentry.

A coalition of reformist parties, including the Maoist wing of the Nepal Communist Party (CPN-M), failed to win more than a handful of seats in the inaugural elections of 1991 and none in the 1994 elections, despite their call for redistribution of landownership that would break the ties of clientelist dependency that bound peasant cultivators to the landed gentry. Subsequently, the CPN-M abandoned electoral politics altogether and launched a revolutionary insurgency. Over the course of the next decade, the rebel movement built a base of popular support sufficient

to establish “people’s governments” in some communities, supplanting the agents of the state as the *de facto* political authority in those communities.

Sources of Political Power, Democratization and Insurgency

The outbreak of civil war following the transition to democracy in Nepal and the subsequent dismantling of democracy pose a set of puzzles for research on democratization. Theories of democratization spell out a number of conditions under which democracy is more or less likely to emerge and survive. Several works focus on the nature and distribution of the wealth resources as determinants of a nation’s prospects for democratization. Bourguignon and Verdier (2000) argue that an oligarchic class may voluntarily concede power and allow democratization only when the initial level of income distribution is relatively equal and the level of education is high. Both of these pre-conditions are notably absent in many developing countries, including Nepal. Wealth resources are a source of political power, and, therefore, increasing equality in the distribution of wealth implies that a larger share of the population has the means to demand democratic rights (Vanhanen 1997). In agrarian economies such as Nepal, land constitutes the major source of wealth and income: more than 80 percent of the work force is employed in the agricultural sector, and the vast majority of them are landless peasants, smallholders, or tenants (Central Bureau of Statistics 2001b). As such, control over land also constitutes a major source of political power. Where land ownership is relatively equitably distributed (such as in Costa Rica), democratization is more likely to emerge because more people have the resources to pressure the state for the expansion of political rights, and the state has less reason (and capacity) to resist those pressures. By contrast, where land ownership is concentrated in the hands of a relatively small landed elite, democratization is less likely to occur because fewer people have

the means to make effective demands for democratic rights, and landed elites are more able to enlist the state's support in resisting reforms that might threaten their control over wealth and political power (Midlarsky and Midlarsky 1997). Boix (2003) and Acemoglu and Robinson (2006) suggest that in agrarian economies, landed elites will resist democratization because a democratically elected government would pose a threat to their economic dominance. Instead, they forge an alliance with the state whereby the state protects their prerogatives of land ownership, and they control peasant political behavior through the manipulation of patron-client ties (see also Stanley 1996). Democracy empowers the poor, at least in the sense that it gives them the right to vote. Since peasants vastly outnumber the landed elite, landed elites are confronted with the possibility of an elected government enacting redistributive policies – e.g., higher taxes or land reform – that would threaten their control over landed wealth and the political power that flows from that control. Because the source of their wealth is a fixed asset – land – they cannot avoid taxation by moving their assets out of the country, as an industrial or financial capitalist could. Therefore, in land-based economies, democracy is less likely to emerge in the first place and, where it does, more likely to fail through some reversion to authoritarian rule. Moreover, conflict between landed elites and peasant masses is more likely to escalate into civil war than in an economy where industrial or financial assets are the primary source of wealth. Financial and industrial assets can be moved to another country if an elected government enacts redistributive legislation. This leverage is not available to elites who control land-based assets. They cannot move their assets if the government enacts redistributive legislation. For this reason, landed elites prefer authoritarianism (Boix 2003). When faced with a challenge from below, they are more likely to use violence rather than accommodation as a response to pressures

for democratic reform and wealth redistribution. This argument is consistent with findings from the human rights literature that the state's use of violence is higher during armed insurgency (Poe and Tate 1994; Davenport and Armstrong 2004) and the presence of electoral democracy reduces human rights abuses by the state (Bueno de Mesquita et al 2005). When people have the right to participate in free and fair elections, governing parties or coalitions are less likely to use violence against their electoral rivals or their supporters.

In Nepal, as long as peasants voted the way their landlords directed them to vote, the state had no need to use repression. Since Nepal made the transition to parliamentary democracy in 1990, there have been three parliamentary elections and two local elections. However, these elections have produced governments dominated by Nepal's landed elite. As noted earlier, they controlled about 90 percent of the seats in the first parliament (Khadka 1993: 52). Elected members of the national parliament owned an average of over 16.8 hectares of land in the hill areas and nearly ten hectares in the plains. By contrast, 50 percent of farming households (who elected them) possessed 0.15 hectares per household (Mannan 2002). Thus, the dominant parliamentary parties such as the Nepali Congress (NC) and the mainstream Communist Party of Nepal-United Marxist Leninist (CPN-UML) lack the autonomy from the dominant class to pursue a land reform policy that would benefit the vast majority of rural households.

While electoral democracy did not threaten the economic and political interests of landed elites, it did not inoculate Nepal against an armed challenge to the ruling coalition. The strategy of the Maoist insurgency was to drive the landed elite out of a village and establish a "people's government" that would redistribute land and cancel peasant debts. As such, the insurgency sought not just to overthrow the state and redistribute land but to dismantle the structure of

patron-client politics that subordinated peasants politically and economically to the will of landed elites and precluded their voting for a party (the Maoists) who promised to redistribute land to the benefit of peasant households (Pathak 2005). The insurgency threatened not only local landlords but also the economic foundations of the traditional governing coalition of royals, Ranas, landowners and the military-state bureaucracy as well as the parties that dominated the newly established parliament after 1991.¹

Nepal's Ruling Coalition and the Use of Violence

With a centralized state presiding over an agrarian economy, Nepal has never had the sort of equitable distribution of wealth resources that theories of democratization suggest would be conducive to the emergence and consolidation of democracy. State-society relations have been largely extractive, with a coalition at the center composed of royals, Ranas, and their supporters among the military and state bureaucracy presiding over an economically and politically marginalized peasantry at the periphery. This ruling coalition was groomed over more than two hundred years following the unification of Nepal on the basis of a Hindu kinship system that was patrimonial and caste-based. The state was organized as an extension of the ruler's household along with close allies from the *Brahmin* (priest) and *Chattrey* (warrior) castes. At the center of the state apparatus was one individual, the king, and the source of his political power was control over the military. The king enjoyed predominant land rights, and he maintained the support of the military elite by giving them rights to land (*jagir*). Similarly, priests and Hindu monasteries were given lands (*guthi*) as a means of ensuring their support for the monarchy's legitimacy. The military gained greater political influence in Nepalese politics following the instability of the 1840s that grew out of power struggles within the palace (Whelpton 2005). The 1846 *Kotparba*

massacre of the royals' military supporters eliminated many of the royals' political allies and marked the beginning of the Rana family's rise to power (Whelpton 2005). The Ranas maintained their power by continuing the practice of granting land rights to military and administrative elites, priests and monasteries whose support was essential to their ability to rule.

Land taxes on peasants were the main source of state revenue. Tax collection rights were given to the village head (*jimwals* or *mukhiya*) in the hill region and *Jamindar* (a person empowered by the state to manage lands for tax collection) in the *Tarai* (plain) region. The village head and *Jamindar* were at the bottom of the pyramid in the power structure of Nepali politics. They had to report tax collections to their regional governor, a high-ranking military official who was usually from the Rana family itself. The political implications of the revenue collection system were that it tied the interests of local "big men" closely to those of the central government. Under the aegis of the central government, these local elites evolved into a class of landed patrons with formal power to collect taxes from peasants and informal powers as credit providers and mediators between peasants and the state.

Despite the demise of the Rana regime in 1950, Ranas and royals their network of local landed patrons state have continued to control land-based resources. Those who became politically powerful under the restored monarchy in 1950 did so through the patronage of kings and Ranas. The wealthiest and most politically influential individuals in the post-1991 Nepalese politics are those whose ancestors were granted either *birta* lands or revenue collection rights by the monarchy. Those with revenue collection rights also received lands that had the additional benefit of being exempt from taxation. Nevertheless, under the Ranas, those land grants had not established a permanent landed aristocracy because none of these tenure forms involved

permanent ownership rights. *Raikar* land granted for service to the state reverted to the state when the recipient's service ended; the landholder could not bequeath that land to subsequent generations of his family. Similarly, with any change in the alignment of elite factions in the capital, *birta* land could be reassigned to supporters of a newly ascendant faction.

This economic and political coalition survived even after the downfall of the Rana regime in 1950. The constitution adopted in 1951 included a provision that guaranteed property rights. This suddenly made the then-current holders of *birta* and *jagir* land into permanent landowners (Regmi 1976). The tension between landed elites and peasants became institutionalized in the permanency of the unequal distribution of land ownership, creating a permanent landed elite of government officials, high-ranking military officers, Brahmins, and member of Rana and royal families. State autonomy from the landed elite was thereafter constrained: the network of landed elites came to serve as the agents of the state at the local level, and the state was dependent upon them to maintain order in the countryside and collect the taxes necessary to finance the operations of the national government.

Peasant unrest over these developments compelled the government to enact the *Tenancy Rights Acquisition Act* in 1951. The Act was intended to provide land title to the tenants who paid tax or rent on land they cultivated. However, because landlords routinely reported the taxes they collected in their own name, the *Tenancy Rights Act* had the opposite effect of its intent: it enabled landlords to claim permanent legal title to the land they had managed in trust for the state (Regmi 1976). In subsequent years, the government enacted other modest programs to redistribute land more equitably (Regmi 1976). None of these measures had much remedial effect on the inequality in landholdings.

The roots of the Maoist insurgency in Nepal are found in the concentration of land ownership. Others have argued that land inequality often results in violent political conflicts. Midlarsky (1988, 1992) finds that the pattern of land inequality is related to the level of political violence in South American and Middle Eastern countries. In their study of the Maoist conflict in Nepal, Murshed and Gates (2005) argue that the intensity of conflict across districts in Nepal is explained by the extent of inequality (measured in terms of landlessness) and the difference between the Human Development Index (HDI) for the nation and for the district. As noted earlier, land inequality can encourage violent political conflict because landed elites cannot move their capital to another country when a movement arises that calls for redistribution of land. For this reason, landed elites not only support authoritarianism (and resist efforts to democratize) but are more likely to use violence against opposition movements that threaten their economic dominance (Boix 2003; Acemoglu and Robinson 2006). According to Grossman (1991), a ruler seeks to maximize revenues that his agents (local landowners) can extract from peasant farmers while minimizing the incentives for peasants allocate more time to insurrection and less time to production. This suggests that support for the insurgency should be greater in districts where larger shares of the peasant population are subject to more extractive forms of land tenure.

This is what happened in Nepal when the Maoist insurgency challenged the hegemony of the elite coalition that had evolved under direct rule of the King and that persisted after the transition to democracy in 1990. The insurgency began in February of 1996 after the government failed to adopt the 40-point demands of the Maoist party. The Maoist rebels built a base of support among peasants by driving out the landed elites, destroying records of peasant debt to landlords, and redistributing confiscated lands to peasant cultivators. By offering these benefits and the promise

that the redistribution of land would become permanent with a Maoist victory, they were able to enlist peasant support for the insurgency. The state countered by deploying security forces to coerce peasants into withholding support from the Maoists. Nonetheless, state sanctioned violence did not deter peasants from supporting the insurgency.

Democracy, Land Tenure, and Level of Violence

The agrarian basis of Nepal's economy may explain why democracy failed there, why an insurgency would emerge there, and why the state would resort to violence as a counterinsurgency strategy. Cross-national variation in the use of repression is explained in existing human right literature (see Poe and Tate 1994; Davenport and Armstrong 2004; Bueno de Mesquita *et al.* 2005). However, this literature does not explore variations in the level of violence across units (districts) within a nation. Bohara et al. (2005) have explained the exchange of violence between the state and the rebels in Nepal as a function of the opportunity created by rough terrain. Murshad and Gates (2005) model the level of violence as a function of persistent inequality. In our analysis, we explain that the level of violence across districts in Nepal as a function of variations in the concentration of control over land-based resources, as indicated by differences in land tenure patterns. Grievance-based theories suggest that those forms of land tenure that involve the greatest degree of peasant subordination to landed elites should be associated with higher levels of repression because the level of peasant support for the insurgency should be greater where peasants have more to gain from insurgent success. Those peasants who live under the least lucrative and most extractive land tenure arrangements should have the greatest demand for insurgent success.

Inequality in patterns of land ownership combines with the economic marginality of peasant production to compel them to seek the patronage of landed elites. The source of the patron's power over peasant clients is control over land. Where large proportions of the population are sustained through subsistence agriculture and there are few occupational alternatives to agriculture, demand for land is highly inelastic: increases in its effective price will have little effect on peasant demand for land (Scott and Kerkvliet 1977: 442). In exchange for use of a plot of land and other subsistence guarantees, peasant cultivators are expected to provide their patron with some mix of rent, crop shares, free labor and other services. They are also expected to support the patron politically by deferring to his instructions on matters such as whom to vote for in elections (Scott 1976). As such, landed patrons serve as a buffer between peasants and the state. Likewise, in democracies they act as a buffer between peasants and candidates for elective office (and their party organizations). Peasant interaction with all outside authorities is mediated by the patron, and the patron uses his ability to deliver the support of his clients as a bargaining chip in his dealings with external authorities, including the state and (in the case of electoral democracies) parties running candidates for office. Thus, a landlord's control over access to land translates not only into economic wealth but political power as well.

Our discussion of the patron-client networks and their influence on democratic politics in Nepal suggests that the state has less incentive to use repressive violence where landed patrons can mobilize peasants to vote as they direct. A democratically elected government should be restrained by electoral incentives from resorting to violence (Poe and Tate 1994; Bueno de Mesquita *et al.* 2005; Bohara *et al.* 2005). Where citizens participate in the electoral process, even the fear of electoral defeat should not induce the party in power to use violence for fear of

the repercussions at the polls. For this reason, we expect a negative relationship between levels of electoral participation and the level of state violence.

H1: *The higher the level of electoral participation, the lower the level of state violence.*

The land tenure system in Nepal includes several different land tenure forms: sharecropping, rent for fixed cash payment, rent for fixed product, rent for mortgage and rent for service (Central Bureau of Statistics 2001b). These arrangements involve varying degrees of peasant dependency on and subordination to landed elites. As such, the level of state violence should vary with the distribution of peasants among these categories.

Sharecropping: a sharecropping household is obliged to provide the landlord with at least 50 percent of the harvest in return for use of the land. The tenant is also obliged to provide the landlord with a certain amount of free labor. However, the landlord shares the risk of agriculture with the peasant farmer in the sense that the landlord's share of the crop is set, regardless of the size or value of the crop.

Rent for Service: Under this arrangement, a peasant gets use of a plot of land by assuming a debt to the landlord, with the amount of the debt and the interest rate being negotiated between landlord and tenant. While in debt to the landlord, the peasant or a member of his family has to work on the landlord's land or perform household labor until the family relinquishes the land or repays the loan plus interest. Since the plot of land is rarely large enough to produce a consistent surplus, the peasant household often cannot pay off the debt, and the family member assigned to work for the landlord might continue to do so, without wages, until he or she dies. This system of bonded labor known as the *Kamaiya* system was not officially abolished by government until 2000 (see, Joshi and Mason 2008).

Fixed Product/Fixed Rent Tenancy: Under fixed product/fixed rent tenancy, the landlord receives a fixed amount of the harvest or a fixed cash rent, and the peasant household receives no services from the landlord. The peasant is free to allocate land between cash crops and subsistence crops so long as he can produce enough crops or cash income to pay the rent at the end of the harvest. The peasant household retains the surplus above the fixed rent amount, whether the rent is in kind or in cash. These two rental systems generally involve absentee landlords who live in the city and leave the peasant household with full responsibility for production, with a minimum of supervision by the landlord. The lack of supervision and the fact that the farmer gets to keep all surplus above the fixed rent makes this one of the more attractive land tenure arrangements for peasants. Under fixed rate tenancy, the peasant cultivator does assume all of the risks of agriculture: one bad harvest could leave them with a crop worth less than the amount they owe in rent. Their only insurance against such circumstances would be the landlord's willingness to defer rent payment until the next harvest. Should landlord decide instead to evict the farmer from land, the renter loses everything.

Rent for Mortgage: Under rent for mortgage, peasant cultivators use their own land as collateral against a mortgage they take out with the landlord. Peasant households often borrow money for seed and other production inputs, for cultural reasons such as marriage or other family obligations, or for unforeseeable events such as medical emergencies. In rural areas, peasant households have limited access to formal credit institutions, and landlords are always the first (and often the only) choice of peasant households in need of credit. In a mortgage tenure system, the peasant household can still cultivate what crops they choose. Their only obligation to the landlord is to repay the mortgage with interest (at a rate set by the landlord) by the end of the

year. If are unable to pay the interest and the principal, their debt burden increases and landlord can foreclose on their land and evict them, or convert them to renters.

Given the strength of the dependency ties between peasants and landlords under these tenancy arrangements, it is reasonable to expect peasants to have grievances against landlords. They have an incentive to support an insurgency that promises to cancel peasant debts and redistribute land ownership from landlords to peasant cultivators. However, their dependence on the landlord constrains them from joining the insurgency for fear of retaliation by the landlord. Their support for the insurgency remains latent until the insurgents can provide protection against the wrath of the landlords. If the insurgents can drive the landlords out of villages, peasants will have stronger incentives support and even join the insurgency. At the same time, their landlords have strong incentives to use repressive violence to maintain their control over tenants and protect their economic and political interests from the threat posed by the insurgency. As a result, we expect higher levels of violence in districts with higher proportions of households farming under dependency tenure arrangements.

***H2:** The greater the share of families farming under dependency land tenure arrangements, the higher the level of state violence.*

Smallholders: Smallholders own their own land. While most do not own enough land to engage in commercial production beyond the subsistence requirements of the household, they are less dependent on landed patrons than the various categories of tenants because they do own their own land. For the same reason, they also have less reason to support the insurgency. However, they often find it necessary to turn to landed patrons for production credit or emergency loans, and they are always faced with the risk that one bad harvest could force them

to sell off their land to pay off their debts. On the other hand, the weaker ties of subordination to the network of landed elites (compared to the various tenancy arrangements) suggests that landed elites (and the state) may perceive smallholders as less subject to traditional clientelist mechanisms of social control and thus freer to choose to support an insurgency that promises to relieve them of the burden of debt to local patrons. As such, the level of violence should be higher in a district with a larger number of smallholder peasants.

H3: *The larger the share of smallholders in a district, the greater the level of state violence.*

Landlessness: Landless peasants exist outside of the network of patron-client ties. Their interactions with the landed elite are more nearly impersonal and contractual, involving the exchange of cash wages for temporary labor services. Landlords do not provide them with subsistence security. As such, landless peasants are less subject to manipulation by landed elites. Moreover, increases in the size of the landless population raise the effective price of land for sharecroppers and tenants: the terms of trade peasants can negotiate for use of a plot of land decline with increases in the size of the landless population. When landlords are expelled from villages by the insurgents, landless peasants have the most to gain from supporting insurgency (i.e., some portion of the expropriated lands; see Paige 1975: 326).

H4: *The larger the size of the landless population, the higher the levels of state violence.*

Horizontal Inequality: Human rights research suggests that indicators of economic development should also be associated with the level of state repression (Poe and Tate 1994; Davenport and Armstrong 2004). Economic scarcity is likely to increase political instability and, therefore, the regime's temptation to resort to coercive means of control. These studies have employed GDP growth rate and GNP per capita as measures of economic development. In their

study of the Maoist insurgency in Nepal, Murshed and Gates (2005) used the gap between a district's Human Development Index (HDI) score and the national average across all districts. A negative score for this gap indicates that the HDI score for the district is below the national average. HDI measures income level, literacy rate, school enrollment, and life expectancy, and it is directly related to the economic well-being of households. When peasant households are dependent on landed elites for their economic well-being, they are less likely to achieve prosperity. Therefore, the level of the influence of the Maoist insurgency among peasant household should be high in those districts where HDI score is lower, compared to the national average.

H5: *The difference between district HDI scores and the national average should be negatively related to the level of state violence.*

The theoretical arguments on the relationship between land tenure patterns and levels of violence suggest that the strength of the landed elites' control over peasants varies with land tenure patterns. Where the predominant land tenure arrangements subordinate peasants to landlords, those landlords can invoke their political connections to the center to mobilize the state security apparatus to protect their interests by repressing local support for the insurgents.

Research Design

To test the stipulated hypotheses, we analyze district level data from Nepal. We estimate two different models, with the *level of state violence* measured in terms of the number of people killed by the state and *total level of violence* measured by the total number of people killed (by the state and by the Maoist) during the insurgency (February 1996 to November 2005) as our two dependent variables. These data were obtained from the Informal Service Sector (INSEC), a

human right organization in Nepal that deploys representatives in each district to collect data on people killed by the state and the insurgents. These data have been used in previous studies (see Bohara et al. 2005; Murshed and Gates 2005; Joshi and Mason 2008). The data include combatant and non-combatant deaths. INSEC reports 12,865 people killed during the insurgency (Feb 13, 1996 to November 11, 2005) and 8,283 people killed by the state in the specified time frame. Descriptive statistics are presented in Table 1.

(Table 1 About Here)

Our main independent variables are land tenure variables measured as the percent of households cultivating land under each arrangement. *Dependency tenure households* is measured as the percentage of households cultivating land in single or mixed sharecropping, fixed cash/fixed product rent, rent for service and rent for mortgage arrangements.² According to CBS, there are 445,935 households living under one of these dependency categories (about 56.04 percent of agriculture households) farming about 227,252 hectares of land. The 2001 Agricultural Census reports that the 21.3 percent of households are *smallholders* who own land below one parcel. A parcel is a contiguous piece of land owned or rented by a peasant household. The average size of a parcel is 0.24 hectares (Central Bureau of Statistics 2001b). *Landless households* constitute 21 percent of agricultural households.³

We also hypothesized that electoral participation would be associated with lower levels of state repression. We use turnout (percentage of eligible voters who voted) for the 1994 election, which took place two years prior to the onset of the Maoist insurgency and was the last election in which a faction of Maoist party participated. That faction (United People's Front led by Niranjana Govinda Vidya) contested 49 seats but won not a single one.⁴ Participation data for

1994 are from reports of the Election Commission of Nepal. On average 61.36 percent of registered voters cast their ballot in that election.

Following Murshed and Gates (2005), we use the gap between a district's HDI score and the national average as an indicator of the level of economic well-being in a district. That measure should be negatively related to the level of state sanctioned repression. HDI scores are from the UN's *Human Development Report* for Nepal for the year 1996 (UNDP 1998). The national average of the HDI is 0.321, and 37 districts are below the national average.

Control Variables

The Maoist insurgency in Nepal has been characterized as having an ethnic and a caste component: the institutions of the central state are dominated by upper castes with ethnic minorities and indigenous groups largely excluded from representation in mainstream political institutions (UNDP 1998; Lawoti 2005). This implies that the lower caste people have more incentive to participate in the insurgency, and the state should target repression where the concentration of ethnic minorities is greater. Therefore, we control for caste and ethnic fractionalization with data from CBS-Nepal (2001).⁵

We also control for the proportion of households with access to institutional credit. Institutional credit is preferred to credit offered by landed patrons because such loans are typically offered by the state-owned bank at lower interest rates than what is offered by landlords, and the loan can be paid back after the harvest. However, institutional credit requires collateral (usually land title) to compensate the lender if the farmer defaults on the loan. These loan security provisions exclude many peasants from access to institutional credit, leaving them with few options other than borrowing from landlords on terms dictated by the landlord. Often,

peasants are not able to pay back the principle and interest, leaving them in a condition of debt servitude to the landlord. The national average of the percentage of household with access to institutional credit is 22.2 percent, and 37 districts fall below the national average.

Fearon and Laitin (2003) argue that the mountainous terrain provides rebels with sanctuary from the repressive arm of the state. Bohara *et al.* (2006) used measures of mountainous terrain in their study of the Maoist insurgency in Nepal. We control for this as well as for total households in each district with data from the *Population Census of 2001* (Central Bureau of Statistics 2001a).

Method and Results

Because our dependent variable is measured as the number of people killed in civil war, we use a negative binomial regression model. When the conditional variance is greater than the conditional mean and over-dispersion exists (because of the count dependent variable), a negative binomial regression model is preferred over other models such as OLS or Poisson regression (Greene 2002). Results from four different negative binomial regression models are presented in Table 2. In Model 1, we explore whether electoral participation and the HDI gap are related to the level of state violence. In Model 2, we include the land tenure variables. Model 3 introduces controls for rough terrain. In Model 4, we change the dependent variable from state killings to total killings as a robustness test. We do not report a separate model for the Maoist killings because we argue that the Maoist insurgency burgeoned because of the opportunity to mobilize landless and marginal peasant households in rural Nepal. In all models we find support for our main hypotheses. Since the coefficients of maximum likelihood models cannot be interpreted directly, we used Model 2 to calculate the expected number of people killed by the

state at the lowest and the highest value for each independent variable, holding all other variables at their mean values. These findings are presented in Table 3.

(Table 2 About Here)

We hypothesized that the extent of electoral participation should be associated with lower levels of state killings (H1), and we do find statistically significant support for this argument across all models ($p < 0.01$). In a district with the lowest electoral participation in 1994 election, the expected number of casualties inflicted by the state is about 254, while in the district with the highest electoral participation the expected number of deaths is about 29. We argued that higher voter turnout was in part a function of peasants being compelled to vote because to abstain was to risk sanctions by their landlord, including the loss of access to land. Where turnout was high, landlord control over peasant political behavior was as yet unchallenged by the insurgents, and repression was not necessary for the ruling coalition to achieve the outcome it desired (a high turnout as an indicator of support for the status quo and rejection of the insurgency). When we used total killings as our dependent variable (Model 4), we also find that the estimated coefficient is negative and significant. Thus, where landlord control over peasant behavior was greater, the Maoists found few opportunities to recruit supporters or control of territory through insurgent violence. Findings on the relationship across districts between electoral participation and state repression are consistent with the cross-national findings in the human rights literature.

(Table 3 About Here)

We also find that the gap between the district HDI score and the national average is negatively related to the level of violence across all models, confirming the findings of Murshed and Gates (2005). Where the HDI is lower than the national average (a negative gap), the number

of deaths from political violence is high (H5). Where the gap is most negative (-0.1738) the expected number of state killings is about 408, and where the gap is most positive, the expected number of state killing is about 9 ($p < 0.01$; see Table 3). This finding is consistent with the economic explanation of state repression in cross-national studies.

We find consistent support across all models for the argument that state repression is targeted where the landless population is larger (H4). This suggests that the landless population is seen by both the state and the Maoists as fertile ground for insurgent recruitment and, therefore, both the state and the insurgents have incentives to contest (through violence) for their support. In a district with the lowest number of landless households, the expected number of killings by the state is about 31, whereas in the district with the highest number of landless households, the number is about 321 ($p < 0.05$). Similarly, we argued that smallholders have both the incentive and the opportunity to support the insurgency in hopes of reducing their dependence on landed elites for credit and other forms of indebtedness that could jeopardize their continued ownership of their land. Therefore, the size of the smallholder population should be positively associated with a higher level of killings (H3). The findings in Model 2, 3 and 4 support this argument: the larger the share of smallholder households, the higher the level of violence ($p < 0.05$). In a district with the smallest percentage of smallholders the expected number of people killed by the state is about 69, whereas in a district with the highest percentage of smallholder the expected number of state killing is about 202. We also hypothesized that households cultivating under dependency tenure arrangements are likely to be the target of state violence (H2). The results hold across all models and support our claim that the state targets repression against peasant households who have the strongest incentives to support the insurgency ($p < 0.05$). The expected number of state-

inflicted casualties in a district with the minimum percentage of dependency tenure households is about 75, whereas for a district with the maximum number of dependency tenure household the expected number of casualties is about 173 (Model 2). In our theoretical argument, we explained that smallholders and landless peasants are relatively less dependent on landlords and they are less subject to monitoring by landlords and the state, which means they have more opportunity to support the insurgency (even if they have less incentive than those living under more dependent tenancy arrangements). Peasants cultivating under dependency tenure arrangements have more grievances than smallholders, but their dependence on landlords for subsistence security makes it more difficult for them join the insurgency. In this regard, we would argue that the success of the Maoist insurgency at driving the landlords out of villages provides dependent households with insurance against the wrath of landlords, which reduces their costs to participate in the insurgency.

Among control variables, we find that the extent of mountainous terrain is negatively related to the level of state repression ($p < 0.10$, Model 3). This finding, however, does not hold in Model 4. We did not find a statistically significant relationship between hill terrain and the level of violence. The civil war literature suggests that rough terrain provides safe havens for insurgents, making rebellion more feasible and sustainable. Bohara *et al.* (2006) found that the extent of mountainous terrain has a positive impact on the level of violence. Our null findings on this relationship could be a function of the differing temporal domain of our study. We analyze violence from the beginning (February 1996) to the end of the Maoist insurgency (November 2005), whereas Bohara *et al.* analyze violence from 1997 to 2002. It was only after 2002 that the conflict became widespread in the plain region (*Tarai*), and about half of the insurgency related

deaths occurred after 2002. We did find significant support for the hypothesized relationship between level of violence and access to institutional credit. In a district with the greatest access to institutional credit, the expected number of casualties is about 31, compared to 131 in a district with the least access to institutional credit ($p < .05$, Model 2). We find that the larger the number of households, the higher the casualties (Model 1), but the coefficient becomes negative and statistically significant in Model 2 and 4 when we enter the land tenure variables into the model. This suggests that the level of violence is lower in districts with a larger number of households. Finally, we did not find any statistical support for the relationship between caste and ethnic fractionalization.

To summarize, the empirical findings presented in Tables 2 and 3 suggest that the level of violence does vary with the distribution of households among various land tenure categories, the level of electoral participation and the extent of poverty. Therefore, the distribution of support for the Maoist insurgency is related more to the persistent patterns land inequality within the society. When threatened by the insurgency, land owning elites use their political power to protect their political and economic interests by inflicting violence on those segments of the population most likely to support the insurgency.

Discussion and Conclusion

Although the human rights research program has analyzed variations in the level of state repression by focusing mainly on domestic system characteristics, there has not been much research on variations in the level of violence across subunits within a nation. Building upon the arguments that concentration of wealth resources, especially land, is associated with authoritarianism and political violence, we presented a theoretical argument for why a ruling

coalition of landowning elites, military-bureaucratic officials and politicians at the center would have incentives to resort to violence against peasants in order to preserve the *status quo* against democratic challengers and insurgents who might undertake redistributive reforms.

Findings from this study provide some insight into the failure of democratic consolidation in Nepal as well as the dynamics of state violence that fueled the authoritarian relapse of 2002. The concentration of economic resources in the hands of a small elite coalition who also controlled political power prior to the 1990 transition was not altered by the introduction of electoral democracy in 1990. The 1990 democratic gave peasants hope for agrarian reform. However, the concentration of land resources constrained the capacity of the new democratic state to enact meaningful reforms. When in 2001 a democratically elected government threatened to enact reforms that might jeopardize this coalition's control over landed wealth, the coalition resisted. When the Maoist insurgency threatened to enact through violence what elected governments could not achieve through legislation, the ruling coalition also resorted to violence. The patterns of violence across districts show some correspondence to the strength of that coalition's control over peasants through ties of clientelist dependency.

The findings of this study can be generalized to other cases of democratic transitions in nations with predominantly agrarian economies where land ownership is concentrated in the hands of a relatively small landed elite in alliance with an authoritarian state. Mason (1986) presented a similar model of the impact of land reform and state repression on support for reformist parties versus insurgents in El Salvador during the 1980s. Under the Somoza regime in Nicaragua, landed elites resisted democratization and instead used repressive measures to protect their economic and political interests.

The promotion of human rights and liberal democracy is predominant in the political agenda of the contemporary international community. The underlying rationale is that democracy and human rights will enhance political stability within and between nations as well as promote a more secure and prosperous life for citizens. The findings of this study suggest that building a sustainable democracy in Nepal and other transitional regimes presiding over agrarian economies is contingent upon the state achieving some degree of autonomy from the coalition of landed elites. As Skocpol (1979) argued in her classic work, the lack of state autonomy from the class of landed elites makes such states vulnerable to revolutionary insurrection. As long as the state was subject to the economic and political domination of such a coalition, Maoist rebels found fertile ground for their appeal for revolutionary insurgency as an alternative to authoritarian rule or weak democracy. Our findings indicate that where peasant subordination to landed elites is greater, the level of violence is higher because there should be more latent support for the rebels among such populations. Of special significance is the finding that the effect of electoral participation. Where electoral participation is high, the level of violence is low. In Nepal, we argued that this was a function of turnout being correlated with high levels of landlord control over peasant political behavior, not the pacifying effects of democracy. For now, the election of a constituent assembly has been completed and the Maoist party has received tremendous electoral support from those districts where level of violence was high during the insurgency. The success of the constituent assembly at writing a new constitution has created incentives for the Maoists and other politically mobilized groups to abandon violence and enter into the democratic process. The ability of the newly elected government to improve economic conditions for the Nepalese people may require more than just legislative action. International support in the form of

institution building, post-conflict reconstruction, and development assistance may be critical to the durability of the peace and the new government. The institutionalization of democratic practices becomes possible only if there is a meaningful effort to address the underlying social and economic grievances that emerge in part from the persistence of the current land tenure system in Nepal.

Endnotes

¹ The Rana family became a politically, economically and militarily powerful aristocratic class after the massacre of the competing aristocratic class in the incident of courtyard of the palace armory (*kot*) in 1846. After the massacre, Jang Bahadur Rana became prime minister. The prime ministerial dictatorship by Ranas continued until the 1951 democratic movement forced the Ranas out of power. For more details on the political and economic role of the Ranas, see Whelpton (2005).

² In single tenure system, land title is given to one person and he has sole authority to access land. In mix tenure system, access land is given to more than one person.

³ We use the difference between “agriculture holdings” and “households” used in the agricultural census and the population census of 2001. We confirmed our methodology by contacting Deputy Director of the Central Bureau of Statistic of Government of Nepal.

⁴ In the 1991 election (the inaugural election after the restoration of parliamentary democracy), the Maoist party contested seventy seats and won only nine.

⁵ As indicated by the population census of 2001, there are 65 caste and ethnic groups in Nepal. This dataset is also used by Joshi and Mason (2008).

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Table 1: Descriptive Statistics

| Variables | Obs. | Mean | St. Dev. | Min. | Max. |
|--------------------------------------|------|-----------|-----------|-----------|------------|
| Total Killed | 75 | 171.533 | 160.538 | 0.000 | 951 |
| Killed by State | 75 | 110.440 | 119.653 | 0.000 | 779.000 |
| Landless households (log) | 75 | 8.431 | 1.408 | 5.142 | 12.110 |
| Smaller Holders Households % | 75 | 18.184 | 12.976 | 0.162 | 63.641 |
| Dependency Tenure Households % | 75 | 11.75698 | 9.291652 | 0.000 | 43.23831 |
| Access to Institutional Credit Gap % | 75 | -3.34e-06 | 15.95144 | -22.19907 | 46.481 |
| Percentage of Electoral Turnout 1994 | 75 | 61.359 | 8.455 | 42.132 | 83.853 |
| HDI Gap in National Average | 75 | 0.000 | 0.073 | -0.174 | 0.282 |
| Caste and Ethnic Fractionalization | 75 | 0.795 | 0.101 | 0.543 | 0.942 |
| Total Households | 75 | 56709.600 | 39664.010 | 1776.000 | 235387.000 |
| Mountain Region | 75 | 0.173 | 0.381 | 0.000 | 1.000 |
| Hill Region | 75 | 0.533 | 0.502 | 0.000 | 1.000 |

Table 2: Predictors of State Violence and Total Violence, 1996-2005.

| | Killed by State (Model 1) | Killed by State (Model 2) | Killed by State (Model 3) | Total Killed (Model 4) |
|--------------------------------------|------------------------------|------------------------------|------------------------------|---------------------------|
| Landless households (Log) | | 0.334 (0.158)** | 0.227 (0.174)* | 0.361 (0.160)*** |
| Smaller Holders Households% | | 0.017 (0.008)** | 0.016 (0.008)** | 0.013 (0.008)** |
| Dependency Tenure Households% | | 0.019 (0.011)** | 0.019 (0.011)** | 0.017 (0.010)** |
| Vote Turnout in 1994 Election% | -0.043 (0.012)*** | -0.052 (0.011)*** | -0.045 (0.013)*** | -0.041 (0.011)*** |
| HDI 1996 (Gap in National Average) | -5.607 (1.714)*** | -8.457 (1.784)*** | -7.725 (2.365)*** | -7.588 (2.158)*** |
| Access to Institutional Credit Gap % | | -0.010 (0.006)* | -0.011 (0.007)** | -0.011 (0.006)** |
| Caste and Ethnic Fractionalization | -0.296 (1.156) | 0.732 (1.138) | 0.535 (1.144) | 0.767 (1.073) |
| Mountain Terrain | | | -0.609 (0.477)* | -0.549 (0.445) |
| Hill Terrain | | | -0.100 (0.380) | -0.119 (0.350) |
| Total Households (in 1000) | 0.005 (0.004)* | -0.006 (0.005)* | -0.006 (0.005) | -0.009 (0.005)** |
| Constant | 7.131 (1.135)*** | 4.141 (1.380)*** | 4.962 (1.929)*** | 4.083 (1.801)*** |
| Log Likelihood | -416.22 | -409.169 | -407.515 | -439.491 |
| LR χ^2 | 22.31 | 36.41 | 39.72 | 38.47 |
| Probability of LR χ^2 | 0.000 | 0.000 | 0.000 | 0.000 |
| Pseudo R ² | 0.026 | 0.043 | 0.047 | 0.042 |
| N | 75 | 75 | 75 | 75 |

Standard errors in parentheses. All tests are one tail tests. * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table 3: Predicted Number of People Killed by State at Minimum and Maximum Value of Variables (Reference to Model 2)

| Variables | Minimum | Maximum |
|--------------------------------------|---------|---------|
| Landless households (log) | 31 | 321 |
| Smaller Holders Households % | 69 | 202 |
| Dependency Tenure Households % | 75 | 173 |
| Access to Institutional Credit Gap % | 132 | 31 |
| Percentage of Electoral Turnout 1994 | 254 | 29 |
| HDI Gap in National Average | 408 | 9 |
| Caste and Ethnic Fractionalization | 78 | 104 |
| Total Households | 132 | 31 |