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Federalism in Nepal: Integration and Accommodation of Ethnic Diversities

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ABSTRACT

Ethnic diversity rather than homogeneity is the defining feature of many countries around the world today. Ethnic diversity refers to the presence of different ethnic or cultural groups, coexistence and interaction of individuals from various social, cultural, religious, economic and political backgrounds in the community and society. Like ethnic diversity, federalism is a form of government in which sovereignty or political power is constitutionally divided between the central government and local governments. This paper examines that how federal system integrates, accommodates and acknowledge ethnic diversities and differences in multiethnic societies? Theoretically, this study is primarily informed by prominent scholar Will Kimlicka's (2005) argument which deals federalism as a mechanism for accommodating and responding ethnic diversities in plural societies. At this point, this study is based on data collected from both primary and secondary sources of information. The secondary data has been gathered from several published and unpublished books, journals, articles and research reports. For primary information, in-depth interview, observation, key informant interview and focused group discussions were conducted with the local people's representatives, political leaders, ethnic activists and civil servants. Informants of this study were selected through purposive sampling method. Finally, this study confirms that federalism serves as a key mechanism for accommodating and integrating ethnic diversity by decentralizing power and providing a platform for diverse communities to maintain and promote their distinct identities. As a result, federalism fosters a more inclusive and integrated society, where ethnic diversity is recognized as a strength, contributing to both national unity and social solidarity.

INTRODUCTION

Ethnic Diversity and Federalism: General Understanding

Ethnic diversity rather than homogeneity is the major defining feature of many countries around the world today (Fessa, 2010). More than 90 per cent of the states in the world are ethnically plural in character and these states are home to almost 95 per cent of the world's population (Gurr, 1993). Ethnic diversity refers to the presence of different ethnic groups within a society, community and a country. It encompasses the representation of individuals and groups from various ethnic backgrounds and contexts. It recognizes and respects the differences and uniqueness of various ethnic groups by promoting their diverse perspectives and experiences. Moreover, ethnic diversity can be conceptualized as ethnic fragmentation (fractionalization) and polarization of ethnic groups (Koopmans & Schaeffer, 2015; Dinesen, Schaeffer and Sonderskov, 2020).

Like ethnic diversity, federalism is also an important issue that has fascinated scholar's attention in multiethnic societies. As defined by Riker (1975) 'federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions' (Lijphart, 1999). Drawing on the works of Garran (1929) federalism is a form of government in which sovereignty or political power is constitutionally

divided between the central government and local governments (Paleker, 2006; Singh, 2005). For Burris (2001) & Borzel (nd) federalism is a set of institutional arrangements and spatial division of power between two or more levels of government in a given political system. It is, moreover, considered as a mechanism for accommodating ethno-cultural pluralism and seen as the most appropriate form of the state structure for ethnically plural and divided societies (Kymlicka, 2005). Hence, a multi-ethnic state is always confronted with the complex problem of managing, integrating and accommodating ethnic diversity (Fessa, 2010).

In this regard, my discussions related to ethnic diversity and federalism is theoretically informed by prominent scholar Will Kimlicka's (2005) argument which deals federalism as a mechanism for integrating, accommodating and responding ethnic diversities in plural societies. Being based on above argument, this paper primarily examines that how federal system integrates, responds and accommodates ethnic diversities in plural societies? or what are the key mechanisms of federal system to integrate, respond and accommodate ethnic diversities in plural societies?

MATERIALS AND METHODS

This study is based on earlier filed work carried out on September 2023 to November 2023 within the Hatuwagadhi Rural Municipality (ward no 2) of

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Bhojpur district in eastern Nepal. The diverse ethnic caste composition (Table 1) in terms of caste, ethnicity, language, religion, culture and occupation is the main reason behind the selection of this area. This study is primarily based on data collected from both primary and secondary sources of information. The secondary data has been gathered from several published and unpublished books, journals, articles and research reports. This study, methodologically, has employed a combination approach qualitative and quantitative to examine that how federal system integrates and accommodates ethnic diversities in multiethnic societies. The informants of this study were different ethnic and social activists, teachers and political

leaders. Informants were selected through purposive sampling method to collect primary information and their perceptions towards ethnic diversity and federal system in plural society. The information of this study was gathered from different tools and techniques like structured interview schedule, observation, focused group discussion and key informant interviews based on descriptive and explorative research design. Despite the study area, I had conducted in-debt interview schedule with the different federal experts as key informants in this study to get more and additional information regarding the key mechanism of federal system to integrate, accommodate and respond ethnic diversities in plural societies.

Table 1: Ethnic caste composition and population in Hatuwagadhi/study area.

SN	Social group	Population	SN	Social group	Population
1	Hayu	4	16	Bhote	1
2	Sunuwar	18	17	Bhujel	180
3	Sarki (Mijar)	247	18	Pariyar (Darji)	207
4	Sarki (Charmakar)	85	19	Pariyar (Damai)	185
5	Hill Brahman	66	20	Newar	466
6	Hill Chhetri	848	21	Dhimel	1
7	Biswokarma (Sunar)	42	22	Dhanuk	2
8	Biswokarma (Kami)	285	23	Danuwar	1
9	Bishwokarma (Oad)	12	24	Teli	4
10	Lepcha	11	25	Tamang	437
11	Limbu	8	26	Dom (Marik)	1
12	Rai	14714	27	Gurung	2
13	Mugal	5	28	Giri	7
14	Majhi	9	29	Kunwar	8
15	Magar	323	30	Others	2206

Source: Hatuwagadhi village profile, B.S.

Ethnic Diversity and Federalism: Fusion or Fission

This section primarily focuses on one of the most commonly cited and illustrated argument that federalism as a mechanism for integrating and accommodating ethno-cultural pluralism or socio-cultural recognition of ethnic group. It is seen as 'the best way to achieve ethnic autonomy' (Hangen, 2007) and the most appropriate form of the state structure for ethnically divided countries (Stepan, 1999; Kymlicka, 2005; Anderson, 2013). Moreover, (t)here are several scholars who argue that federalism as a means of power sharing (Bhandari, 2016), tool of dispute management (Sharma, 2019), conflict resolution (Hueglin, 1995; Anderson & Keil, 2017; Agnew, 1995; Babalola, 2019) and conflict settlement mechanism (Gromes, 2010; Huegline & Fenna, 2015), tool of secession settlement (Hachter, 2000; Lustick *et al.*, 20049), tool for expanding power and maintaining unity (Aalen, 2002), way of establishing multi-ethnic countries (Gurr, 1993, 1994; Kymlicka, 2005, Stepan, 2005), means of managing or reducing ethnic conflicts (Horowitz, 1985; Saideman *et al.*, 2002; Brancati, 2006; Birhan and Christopher, 2024), means of ensuring

unity in diversity (Elazar, 1987), peace, stability and mutual accommodation (Bulmer, 2017; Kumar, 2018:46), means to manage ethnic diversities (McGarry & O'Leary, 1993; Berhane & Tefera, 2018) and overall management of ethnic diversity. In the same way, Bhattachan (2012), Gurung (2012), and Lawoti (2012) strongly recommend ethnicity-based federalization. They desperately argue that identity-based federalization is the only way of democratically restructuring the country by enhancing the political participation of Janajatis, Dalits and Madhesis and giving ethno-based rights to the previously oppressed people or nationalities in Nepal.

On the contrary, other scholars (Aalen, 2006; Abbink, 1997, 2006; Ottaway, 1995; Vestal, 1999; Walle, 1997; Mishra, 2012; Chhetri, 2012; Kisan, 2012; Subedi, 2015) argue that ethnic federalism leads the country towards disintegration. It institutionalizes ethnic differences and diversity by legitimizing the politics of ethnic resentment. Ethnic federalism always reinforces tribalism (Kimenyi, 1998) by creating more ethnic conflicts and civil strife (Teshome & Zahoric, 2008). Therefore, 'federalism is not a panacea to the multi-ethnic challenges. It is not

enough to respond to the challenges of ethnic diversity' (Fessha, 2010). Burgess (2006) in the same way notes that 'federation is not a universal panacea. It is not the answer to any or every problem of human conflict.' Moreover, Ake (1996), Egwe (2003), Fleiner (2000), Mamdani (2005) depict that ethnic federalism emphasizes ethnic conflicts, increases secession, suppresses individual rights and eventually leads to the disintegration of countries. Similarly, Nordlinger (1972) and Vile (1982) claim that federalism increases pressure for secession rather than regulating and accommodating of ethnic differences (Adeney, 2007). According to Kaufman (2011), and Osinubi, & Osinubi (2006) ethnic diversity leads to ethnic violence and civil strife. It is a primary cause of conflicts (Oyeniyi, 2011; Eriksen, 1994). Corresponding some scholars (Mishra (2012), Chhetri (2012), Shrestha (2012), Kisan (2012), Subedi (2015) that ethnic federalism institutionalizes ethnic differences and diversities by legitimizing the politics of ethnic resentment. Abebe (2014) in the same way denotes that 'federal or decentralized forms of government have been largely considered a threat to national cohesion and unity.' However, Erk and Anderson (2009) interestingly denote that federalism has both secession inducing and secession preventing characteristics. For instances, Nigeria, a country of more than 250 ethnic groups has adopted a federal form of government (Dent, 1995). The Swiss federation (1848) has remained a paradigm case of the successful accommodation of diversity (Bhattacharyya,

2010). In Asia, many countries (India, Malaysia, Pakistan, Myanmar and so on) are characterized by different socio-cultural and ethnically diverse and complex. Among above countries, India is the most notable and successful state that response to the problem of ethnic diversity poses in a country of 18 national languages and some 2,000 dialects and a dozen ethnic communities and seven national religious groups and some 60 socio-cultural sub regions spread over seven geographical regions (Majeed, 2005:180). Hence, the disintegration of Yugoslavia is also the result of the failure of Yugoslav state to incorporate various ethnic diversity (i.e. Serbian, Croatian, Slovenian and Kosovar Albanians) into single political structure and community (Singh, 2008).

Ethnic Diversity and Federalism in Nepal: an Overview

Nepal is a multi-ethnic nation with diverse languages, religions and cultural traditions comprising of 142 caste/ethnic groups, 124 languages and 10 religions (NPHC-NSO, 2021). Government of Nepal has recognized 59 ethnic groups and the Gurung Commission has suggested that there are 75 ethnic groups. These recommendation and categories show that caste/ethnic identities are not fixed and nothing can be understood about Nepal without understanding its patterns and dynamics of ethnic diversity. However, there is no detailed sociological survey has been carried out in Nepal to date to identify different ethnic and caste groups and their cultures.

Table 2: Ethnic Caste Composition and population in Nepal

SN	Caste/Ethnic	Population	Percentage
1	Chhetri	4796995	16.45
2	Brahmin-Pahadi	3292373	11.29
3	Magar	2013498	6.90
4	Tharu	1807124	6.20
5	Tamang	1639866	5.62
6	Newar	1341363	4.60
7	Bishwokarma (called Kami in 2011)	1470010	5.04
8	Musalman	1418677	4.86
9	Yadav	1228581	4.21
10	Rai	640674	2.20

As reviewed by Dahal (2003) based on the 2001 census these diverse ethnic/caste groups were arranged into five broad cultural groups (i) the caste-origin groups; (ii) the Newar, (iii) the Adibasi/Janajati or nationalities, (iv) Muslim or Musalman and (v) Other. As these categories are slightly broad for the purpose of socioeconomic analysis, the author has further classified these cultural categories into 9 broad sub-cultural groups: (i) The caste-origin Hill groups, (ii) Hill Adibasi/Janajati groups, (iii) Hill Dalit, (iv) Madhesi caste-origin groups (Level 1), (v) Madhesi caste origin groups (Level 2), (vi) Madhesi caste-origin low caste groups or Dalits (Level 3), (vii) Tarai (Madhesi) Adibasi/Janajati, (viii) Musalman or Muslims,

and (ix) Other cultural groups (Dahal, 2014). Moreover, according to the 2021 census the ancestral languages, mother tongues and second languages of the population. The number of languages listed for Nepal's censuses has increased from 31 in 1991 to 92 in 2001 and 123 in the 2011 Census. The 2021 census grouped 12 foreign languages together as 'foreign languages' and added 13 new languages. Similarly, in the context of religion, the majority of the populations identified as Hindus (81.19%), followed by Buddhists (8.21%), Muslims (5.09%) and Kirat (3.17%). The 2021 census found a slightly reduced proportion of Hindus, Buddhists, and Prakriti religion followers, while the proportion of Muslims, Kirats,

Christians, and Bon followers increased.

This could be a way of looking at the socio-cultural landscape of the country. However, federalism received a subject of scholarly debates and attention much later especially after the first amendment of Interim Constitution of Nepal in April 2007. Although, the debate of federalism in the context of Nepal can be traced back to 1950s (Thapaliyal, 2012; Serchan, 2012; Jha, 2018) and looking back the April uprising of 2006 whereas a decade long civil war ended with the signing of the Comprehensive Peace Agreement-CPA. The Maoist insurgency (1996-2006), the People's Movement-II (April, 2006) (Bhattachan, 2010), the Madhesi movement of 2007 (Serchan, 2012; Sharma, 2019) and Terai Movement of 2007 (Bhandari, 2014) were the catalyst for including the federal agenda in the fourth amendment of the Interim Constitution 2007 by inserting provisions relating to federalism for establishing egalitarian society by empowering marginalized people (Sharma, 2019) and democratizing the country by making the state more inclusive (Karki, 2014).

Mechanism for Integration and Accommodation of Ethnic Diversities

It is primarily argued that federalism as a means and mechanisms for accommodating, acknowledging and integrating ethno-cultural pluralism or socio-cultural recognition of ethnic groups. Federal system basically promotes to achieve ethnic autonomy' (Hangen, 2007) and responds ethnic diversities (McGarry & O'Leary, 1993; Berhane & Tefera, 2018) by ensuring peace, stability, integration and accommodation (Bulmer, 2017; Kumar, 2018). Despite these arguments, this section more intensely focuses and illustrates the mechanisms of federal system for accommodating and integrating ethnic diversities in multicultural societies.

The constitution of Nepal 2015 transformed the country by establishing federal structure or 'federal democratic republican state' consisting of 7 provinces, 77 districts and 753 local bodies, making Nepal the 'youngest' federal state in the world (Sharma, 2019). With the promulgation of constitution, the journey of Nepal towards federalism has been enthused to resolve many existing issues related to the distribution of power and resources between the center, provinces and local levels (Baral, 2009) and to address different diversities of Nepal (Hachhethu, 2010). Moreover, federal system is established under the Constitution of Nepal 2015, designed to accommodate and integrate ethnic diversities by distributing power, resources and opportunities among the federal, provincial, and local levels of government.

The federal government of Nepal plays a central role in integrating and accommodating ethnic diversity and fostering inclusivity within a federal framework. It has provided an opportunity for the federal government to distribute power to provincial and local levels, creating a structure intended to accommodate ethnic diversity and promote more equitable representation. According

to the constitution of Nepal, provincial government has the authority to promote and preserve local languages, cultures, and traditions. The constitution grants provincial governments the power to tailor educational curricula to reflect local ethnic, linguistic, and cultural contexts. This includes the provision for education in local languages, especially at the primary level, which helps children from ethnic minority backgrounds access education in their mother tongue.

Despite the federal and provincial governments, local governments operate as an essential layer of governance, focusing on community-specific issues and directly engaging with citizens. The structure of local governments are basically designed to ensure representation from various ethnic groups, especially in diverse regions. This includes provisions for proportional representation through elected positions in municipal and village councils. Seats are reserved for marginalized groups, such as indigenous communities, women, and Dalits, ensuring that these communities have a voice in local decision-making processes (Bhattachan, 2012). Within the framework of federal system, some mechanisms are mentioned for accommodating and integrating ethnic diversities in Nepal.

Division of Power and Autonomy

It is well known that division of power and autonomy is a central principle and mechanism of federal system. It refers to the allocation and distribution of authority, decision-making power, and responsibilities within a system. This federal framework is truly designed to accommodate and integrate ethnic diversities in plural societies. Nepal adopted a federal system with three levels of government: federal, provincial, and local. This system decentralizes power and allows for more autonomous governance at regional and local levels.

The main purpose of the division of power and autonomy are to ensure representation and voice for marginalized communities, including the Madhesi, Janajati (indigenous groups), and Dalits. As discussed by Fessa (2010) if the needs and demands of ethnic groups are to be accommodated and integrated, the state needs to recognize its multiethnic character. Although, federalism allows ethnic groups to have their own regional governments, which can address specific local concerns, cultural practices, and languages.

In this context, majority of informants (as discussed in the group) agree that federalism is a political system involving the division of powers between a central government and multiple regional or state governments. Also, it is seen as a means of accommodating and integrating ethnic diversities within the society or a country by granting a degree of autonomy to govern themselves within their respective regions. Ethnic diversities often have unique needs and interests, and federalism provides an opportunity for ethnic groups to exercise of power and influence in the governance of their regions. By allocating local governments autonomy, federalism can

accommodate the diverse needs and aspirations of ethnic groups.

Recognition of Linguistic Diversity and Language Rights

The recognition of linguistic diversity in federal system plays an essential role in social integration, cohesion and cultural preservation. The constitution of Nepal (2015) recognizes Nepali as the official language but also acknowledges the country's linguistic diversity by listing several languages as national languages. The article 6 of Nepal's constitution defines that all mother tongues spoken as national languages, emphasizing the importance of all languages as part of Nepal's heritage. The Constitution of Nepal guarantees the right of all citizens to basic education in their mother tongue. Mother-tongue-based education in primary schools, especially in linguistically diverse regions have been initiated after the promulgation of federal system. By enabling people to use their mother tongues in education and governance, federal system fosters a sense of belongingness and togetherness in its diverse communities. Recognizing the linguistic diversity of Nepal, primary schools in ethnic regions are encouraged to teach in native languages. This policy helps to maintain cultural identity and improves educational outcomes by allowing children to learn in their mother tongue. For instances, Bantawa Rai language curriculum has been introducing in so many schools for primary education in the study area.

Recognition of Customary Laws and Practices

In multicultural societies, the recognition of customary laws and practices is a significant aspect of federal system. These laws and practices are informal systems of rules and regulations developed by indigenous and local communities over generations and are integral to their identity and way of life. Majority of informants believe and claim that the recognition of customary laws and practices are important to the protection of indigenous rights, cultural heritage, and local autonomy in federal system.

Moreover, the constitution of Nepal (2015) acknowledges the rights of ethnic groups and marginalized communities to practice and preserve their customs, traditions, and cultural uniqueness. The constitution mandates that the state shall protect and promote the cultural and social rights of indigenous and ethnic groups by ensuring their unique identity and customs. Being based on the the article 32 and 51 of the Constitution, it is guaranteed that every individual the right to practice their culture, and mandates the government to pursue policies that protect and promote traditional knowledge, skills, and practices of ethnic and indigenous communities respectively. For instances, as discussed by the cultural expert Chandra Kumar Hatuwali, customary laws and practices like the Badghar system (in Tharu communities), the Mukhiya system (in various hill tribes) and Ten Dhuwa system (in Kirat Rai Bantawa communities) are traditional leadership structures that play

an important role in decision-making, dispute resolution, communal integrity, solidarity and social governance within the communities. Therefore, preservation and recognition customary laws and identities of ethnic people are very important aspects of federal system. These kinds of constitutional recognitions help to integrate and accommodate ethnic diversities in plural societies.

Provision of Participation and Representation

The Constitution of Nepal (2015), aims to ensure the participation and representation of all ethnic communities in government at all levels for various groups, including indigenous people, Madhesis, Tharus, Dalits, and other marginalized ethnic groups. Eventhough, the majority of informants agree that federalism as a tool or mechanism that can facilitate the representation and participation of ethnic minorities in the political process. Local governments provide opportunities for diverse groups to be involved in decision-making and governance, ensuring that their voices are heard and their interests are represented. As mentioned by Jeewan Darjee (48), with the promulgation of federalism, Dalits have gained representation at both the provincial and local government levels. This practice ensures that Dalits have a voice and representation in local and national decision-making processes. This has opened doors for greater social and political inclusion for the Dalit community. The constitution emphasizes the importance of inclusivity and proportional representation, aiming to provide equal opportunities for ethnic minorities, Dalits, Madhesis, and other historically marginalized communities in federal, provincial, and local governance. In the same way, Birhan and Christopher (2024) agree that ethnic federalism helps to reduce conflict between Ethiopia's various communities by allowing minority groups greater representation at local and national levels.

Recognition of Ethnic and Regional Identities

The Constitution of Nepal (2015) explicitly acknowledges Nepal as a multi-ethnic, lingual, religious and multicultural nation. This acknowledgment simply enshrines the importance of ethnic diversity as part of Nepal's federal identity, laying the groundwork for policies that support ethnic communities. This recognition validates the presence and importance of ethnic groups in plural societies.

According to Shyam Kumar Rai, (Member of Ward, Hatuwagadhi Rural Municipality) government at all levels promoting and recognizing the cultural diversity by supporting the festivals, ceremonies, and cultural events of ethnic communities. These festivals are recognized as public events, and government support helps maintain cultural vibrancy and unity in diversity. Several ethnic and regional festivals, such as Maghe Sankranti, Lhosar, and Chhath, Ubhauri-udhauri, Indrajatra are officially recognized as public holidays, allowing ethnic groups to celebrate their heritage and traditions on a national level. Naming certain provinces, districts, municipalities, rural

municipalities based on ethnic or historical identities allows local populations to feel represented and recognized. This identity-based federalism is intended to help groups with distinct ethnic identities feel more included in governance. Moreover, the majority of informants believed that 'with the promulgation of federalism in Nepal, the ethnic people are recognized as one of the indigenous nationalities and gained recognition and representation in the provincial and local governments. Federal system is a way to address the ethnic issues or it is only way to maintain a multi-ethnic society democratically. It leads country towards peace, prosperity and development by enhancing the practice of self-rule, autonomy, cultural preservation and recognition.'

Thus, the recognition of socio-cultural practices of ethnic groups and identity is the most important aspect of federal system to integrate and accommodate ethnic diversity. Because most of the name or official identity of state or rural municipality, municipality and provinces have been changed and introduced by their own historicity and propinquity of local identity. The allocations of power, resources, opportunities and political participation in public sphere of ethnic people have been increased proportionately.

CONCLUSIONS

Federalism is a form of government in which sovereignty or political power is constitutionally divided between the central government and local governments. It is an institutional mechanism to recognize and accommodate socio-cultural practices of ethnic groups in Nepal. Federalism in Nepal serves as a vital mechanism for accommodating and integrating ethnic diversity, by decentralizing power to provincial and local levels, that allows ethnic groups greater autonomy over cultural, linguistic, and social matters to govern their own unique heritage and needs. Finally, this study concludes that federalism serves as a key mechanism for accommodating and integrating ethnic diversity by decentralizing power and providing a platform for diverse communities to maintain and promote their distinct identities. As a result, federalism fosters a more inclusive and integrated society, where ethnic diversity is recognized as a strength, contributing to both national unity and social solidarity.

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