

Chapter – One

Introduction

1.1 General Introduction

In the present day context of globalization, federalism is increasingly becoming important in the world. Globalization has been considered as a powerful force to incorporate the societies of diversities and differences into unity and homogeneity. It is also widely accepted as the process of erasing the national boundaries with the assumption that the whole globe is a single nation. On the other hand, federalism is the process of identifying the diversities and heterogeneities and it is also a process of redrawing the boundaries within the nation-state. In other words, globalization is considered as the weakening force of the national identities but on the contrary, federalism is the strengthening of the nation-state identity which seems to be a case of paradox. But, federalism and globalization are not necessarily to be understood being opposed to each other because globalization too advocates localism and helps forge the identity of locality. Federalism, likewise, gives autonomy to locality which can be the meeting point between these two forces of globalization and federalism. Federalism as a system has been used in different circumstances, with the unique result of choices by the political leaders and the larger historical forces.

In some contexts, federalism has been chosen to bring together the formerly separate units into a new country, and in some other contexts it can also be chosen to rearrange a previously unitary country into federal units like what we are attempting to do in Nepal these days. But the process of federalization can be unique and different in different contexts. The idea of how to create the federations is not exactly guided by a single universal assumption; however, in every case of federalization political leaders have constituted two tiers of government: one as the central or federal

and the other as the regional or the local. About the evolution of federalism George Anderson, who is the president of *Forum of Federations*, comments that all federations evolve over time. Some have gone through major formal constitutional changes, while others have changed significantly despite largely stable constitutions. As Anderson says, “Factors such as creation of new constituent units, urbanization, major demographic and economic shifts, new technologies, major global and domestic political developments and the democracy have been critical in shaping federal experiences” (11). Some federations existing now have maintained the constitutional continuity while some others have had the legal breaks because of revolutions and changes. As a matter of fact, the number and character of constituent units have changed dramatically over time in some federal countries. There have been formal constitutional changes; every federation has changed over time, often in the way that would have surprised even the founders themselves. The United States and Australia were to be decentralized federations, but have become centralized, while Canada which was to be centralized, evolved in the opposite direction.

In all long established federations, transportation and communication technologies have shrunk distances and shaped the development of politically conscious communities within them. As Anderson further comments, “ parts of a country that in the early history of the federation may not have existed or have counted for little, the west of the United States and Canada, the interior of north Brazil, have assumed greater weight over time” (11). The World Wars, which called for major national efforts, greatly strengthened some central governments in federations, as has the rise of the welfare state. The experience of democracy has been critically important in changing the shape of many federations. Mexico and Brazil have become more federal as democracy has distributed power to multiple centers and

parties. India has defied skeptics and maintained the world's largest democracy, but it functions very differently today than in the period after independence when the Congress Party controlled both the Union and all the state governments.

Federalism is not always the best political system, and there is not the best version of federalism. It is commonly accepted and believed that federalism seems particularly suited to the countries with democracy with very large populations or territories or with highly diverse populations that are regionally concentrated. Over time, federalism requires a significant part of the population to have a sense of identity with the whole country, as well as lively and engaged political communities at the regional levels. So, it can be said that federalism is suitable only for some countries but not to all the countries. Federalism is a democratic form of government, rooted in the constitutionalism and the rule of law. It is not suitable in the non-democratic countries, though there have been the cases of partial democracy or liberalization where federal structures had some real life. It is no an accident that all democratic countries with populations much larger than 100 million people are federal. For instance, Japan and Indonesia are the largest non-federal democracies, but both are regionalized and all continental-sized democratic states are federal. There seems to be a limit to the size of population or territory that a single, popularly elected government can manage effectively. Highly diverse democracies, especially those with distinct, regionally concentrated populations, are under pressures to give these populations their own governments for certain purposes. Thus, federalism is increasingly proving to be attractive to some formerly unitary countries, as well as some developing or transitional countries that are seeking a viable form of democracy. In the context of Nepal too, it can be attractive and suitable in the sense

that it was a unitary country formerly, it is also a developing one and now, it is in the transitional phase looking for a viable form of democracy.

Indeed, like the unitary democracies practiced in different countries, even the federal democracies, wherever they are practiced, require some cultural characteristics along with some other related features. Some of them, for example, have respect for the rule of law, minority rights, recognition of the local autonomy, respect diversity and so on. Such features are very clearly visible in India. A number of federations have failed in their early dawn of federalism. History shows that little experience of democracy and the weak sense of common identity for co-existence were the major cause of it. The failure of the post-communist and post-colonial federations is due to the lack of balance among the constituent units and the weakness of the central government. In such a condition, local or regional identities were more powerful and stronger than the central identity. A more dangerous result in such conditions may be secession or break-up. Such a bitter historical reality can be a great source of learning and awareness of taking precautions before embracing federalism by unitary countries at present such as Nepal today. The history of federalism reflects that federations have been formed in a series of the historical waves over the last two centuries.

The period from the late eighteenth century to the early twentieth century has been accepted as the first phase because during this period the formerly independent countries were changed into federations by creating new countries within themselves. Switzerland and the United States came as the confederations in the beginning but the American confederal experience did not long last for more than eight years. The Swiss confederal experience surprisingly lasted for about five centuries but after the civil conflict in 1848, the American model of federalism was adopted even in Switzerland. In Latin America, four federations emerged in the nineteenth and early

twentieth centuries. They all won independence in the wake of the Peninsular War, but then had checkered constitutional histories with periods of dictatorship and civil unrest. Their federal constitutions emerged over time, sometimes after earlier experiments with both federal and unitary regimes. In the last twenty years, the transition to genuine democracy in Argentina, Brazil and Mexico has brought real life to their federal constitutional arrangements. The European empires in the post-war break-up had many post-colonial federations. India, Pakistan and Malaysia are some examples of the post-colonial federations in Asia. Micronesia, Comoros and Belau are some of the small federations after decolonization. The second wave of federalism came after the collapse of communism in Europe. The communist Soviet Union, Yugoslavia and Czechoslovakia had federal constitutions but in reality, they had the centrally controlling one-party regime. The Soviet Union really emerged as the federation in the post-communist stage. In the same time, federations were also emerging from unitary states. In 1993, Belgium adopted the federal constitution. South Africa too adopted the federal structure after the end of apartheid. The voters of Iraq ratified the federal constitution in 2005 but its implication has become very challenging. Even in our country, we have been looking at the possibility of federalism, following the end of the Maoist insurgency.

It is during twenty-eight countries that home to over forty percent of world population call themselves either federal or they are considered to be federal states. Moreover, almost all the democratic countries with very large areas and very large population are federal states. Federalism has been adopted in the post-conflict environment in some countries such as in Bosnia-Herzegovina, Congo, Sudan and South Africa, and The European Union has also many characteristics of federation. In the present day context of Nepal and Sri-Lanka, federalism is in the process of

application. Presently, there are 28 federations called Argentina, Australia, Austria, Belau, Belgium, Bosnia-Herzegovina, Brazil, Canada, Comoros, Congo, Ethiopia, Germany, India, Iraq, Malaysia, Mexico, Micronesia, Nigeria, Pakistan, Russia, St. Kitts and Nevis, South Africa, Sudan, Spain, Switzerland, UAE, USA and Venezuela. But surprisingly, some unitary countries are more decentralized in practice than some federations. Colombia, Italy and Japan are such countries as have relatively strong regional governments.

Commonly, federalism has been defined as the process of governing the nation by dividing it in smaller units which are given different names in different countries. Such smaller units are called *states* in Australia, India, Mexico, USA, Malaysia and Nigeria. In Argentina, Canada, Pakistan and South Africa, such units are called *provinces*. In Australia and Germany the name is *lander* and in Switzerland it is called *canton*. Federalism has been defined variously in different places in accordance to the context. According to F.G. Carnell, “devised as a form of constitutional government, to express imperfect unity or multiculturalism, federalism is a particularly complicated form of the western – style democracy” (16). R. L. Watts, a political thinker believes that federalism is likely to be born “when a number of usually separate or autonomous political units with some pretensions to autonomy mutually agree to merge to create a state with a single sovereign central government, but retain for themselves some degree of regional autonomy” (9). Generally in federalism both the federal and the regional governments act directly on the people but it is the local government that has rights to regulate matters of the local importance to the related people. There are many contrasting concepts about the forms and application of federalism, however some common characteristics are found in all the federal governments. In the system of federalism, according to George Anderson, “at least

two orders of government exist and one for the whole country while the other for the regions” (3). So each government has a direct electoral relationship with its citizens. The regions in such a federalized nation can be given different names such as the constituent units. Anderson also says that there is a written constitution which cannot be amended by the federal government alone.

The concept of federalism has become a subject of discussion in the academic and non-academic fields after the abolition of monarchy and the declaration of this former Himalayan kingdom, Nepal, as a republican state in December 2007. Nepal's Interim legislature proclaimed itself a federal democratic republican state. Since then the term federalism has become a buzz word in the Nepali context, however the very form of federalism is not so easy to apply here. Obviously in Nepal there are already existing regions divided geographically but yet it has been identified as a unitary state.

Even though a political party called Sanyukta Janamorcha Nepal is strongly against federalism, as the president of this party Chitra Bahadur K.C., addressing the parliament on the 23rd May, 2009 on the occasion of giving support to the newly appointed Prime-Minister Madhav Kumar Nepal, said, “Federalism will destroy the nation.” But the current problem in Nepal among the other major political parties is not about whether to federalize the nation or not, but it is related to what form of federalism is suitable in Nepal, and how to carry out and apply the process of federalization. In other words, the current disputes in Nepal among the political parties are related to the form of federalism. The major political parties in Nepal such as the Communist Party of Nepal, Maoists (CPN-Maoist), the Communist Party of Nepal, United Marxist-Leninist (CPN-UML), Nepali Congress party (NC) and the Madheshi parties such as Madheshi People's Right Forum (MPRF) and Nepal Sadbhavana Party (NSP) have different visions and roadmaps about the process of

federalizing the nation which is the major cause of the existing disputes. NC and UML have proposed their roadmaps of federalism on the basis of geographical frameworks denying the concept of ethnic federalism considering that it would invite communal conflicts and national disintegration. On the other hand, Maoists and the Madheshi parties have proposed the models and forms of federalism in terms of ethnicity as the base of federalism with the denial of the claim that it will invite disintegration and communal conflict. On the contrary, Maoists and the Madheshi parties claim that federalism on the framework of ethnicity will empower the ethnic communities and rather than disintegration, the sense of unity will be developed if the model of federalism is based on ethnicity. The Madheshi parties have been advocating federalism in terms of autonomous and independent Madhesh region while the other parties have been denying it. Speaking on the same occasion to give support to the UML led government under the leadership of the prime-minister Madhav Kumar Nepal, Mahanta Thakur, who is the president of Terai Madhesh Loktantrik Party said that his party has given moral support to the government in order to implement the issue of autonomous Terai, and this claim has strongly been supported by the other Madhesh based party leaders too. But speaking on the same occasion, C. P. Mainali, the president of Communist Party of Nepal (Marxist-Leninist), said that these issues raised by the Madhesis are quite impossible to implement.

The present paper will analyze the features of federalism from different perspectives such as geography, population, democracy, class, gender and the other related issues. In the same way, this work of writing will survey the theoretical concepts on federalism from different perspectives on the one hand, and on the other, it will also review the proposed models of federalism by the major political parties in Nepal such as the Communist Party of Nepal, Maoists (CPN-Maoist), Nepali

Congress Party (NC), Communist Party of Nepal, Marxist-Leninist (CPN- UML) and the Madheshi parties such as Madheshi People's Rights Forum (MPRF) and Nepal Sadhbabana Party (NSP). Different political parties and even some individuals have been proposing different types of forms of federalism in Nepal. The largest party of Nepal called Communist Party of Nepal, Maoist (CPN-Maoist) has proposed region and ethnicity based federal form while Nepali Congress party (NC) and the Communist Party of Nepal, United Marxist-Leninist (CPN-UML) have been opposing the base of ethnicity for federalism proposed by the Maoists. In the same way, the Madheshi parties such as Madheshi People's Rights Forum (MPRF) and Nepal Sadhbhabana Party (NSP) which have adopted the politics of regionalism and also proposed the federal form of ethnicity along with the regional autonomy of the Madhesh region. There are many other models of federalism proposed by individuals for and against region and ethnicity based federalism. There are also some anti-federal opinions with the assumption that the federal form of government cannot be suitable in such a small country in size and population because it is supposed that federalism is suitable only for large countries with large populations and area. But such an opinion is meaningless now since we are in the transition period and we have no option other than restructuring the country.

I believe that federalism as a rhetorical tool to restructure and reconstruct the country can be a suitable means to resolve our present crisis in Nepal but it should not only be understood as the political restructuring which is not sufficient, it should also be understood as the restructuring of the other political and cultural institutions of the country. So, the restructuring process of the country also includes the restructuring of literature and art without which the ambitious project of making "New Nepal" remains very partial. One can see the meeting point between the political process of

the restructuring of the state and the process of restructuring of the institutions of literature and art. If the restructuring process under the project of federalism alters the existing power structures of the societies, it automatically includes the concerns about the restructuring of the organizations of art and literature. In every country, cultural policies are flourished and advanced for the purpose of making the political and economic control of a class of the elite groups and that of the strong other groups. Keeping this reality in mind, this paper will focus on the study of the relationship between literature and federalism with special emphasis on the idea that literature should advocate federalism to empower the marginalized class and to advocate the autonomy of localism. And it is an attempt to analyze how the Nepali literature after the April revolution, 2006, has been in the process of federalization. As the text, I will take two Nepali writers Abhi Subedi and Mahesh Bikram Shah. I will study Subedi's "Gajjubabu, Thuldai ra Madhesh" from his collected essays *Nibandha ra Tundikhel* and Shah's "Naya Rajaharu" from his collection of stories *Kathmanduma Kaamrade*.

The whole project has been divided into four chapters altogether. In the first chapter as Introduction, I will analyze the general concept of federalism with special reference to Nepal and the conflicting and contrasting voices about federalism in the Nepali context. I will also define the concept of federalism in the general sense and I will discuss more or less about the need of restructuring Nepali art and literature within the political restructuring of the country. The second chapter will be related to the general theoretical concepts on federalism. I will theorize the concept of federalism from different perspectives such as geography, area, population etc. The third chapter will be related to the application of the theory in the Nepali context. This chapter will also review the proposed forms of federalism by different political parties in the Nepali context. Here I will also evaluate the contrasting ideas of the political

parties about federalism. In the same way, this chapter will also attempt to analyse the relationship between literature and federalism. I will also apply the proposed theory of federalism to the texts proposed. Finally, I will conclude the whole concept with the focus that federalism is also related to literature, and writers also should federalize their writings in the changed scenario of the republic of Nepal.

Chapter Two

Theoretical Concepts of Federalism

2.1 Background

Generally, Federalism has been defined and understood as a set of institutions erected to serve and develop a particular type of political, social, ethnic, economic, linguistic and even geographical situations and interests of the concerned people. The phenomenon created in such a way is never static but always dynamic; it goes through the process of evolution and change because according to a political scientist called W. S. Livingston, “the factors which necessitate federalism require one type of instrumentality at one time and another type at some other time” (93). It is true that the nature of the society is never static but always dynamic, which means it constantly changes and such an ever-changing society demands new ‘instrumentalities’ and they are created. Such demands are met by changing or abolishing the old ‘instrumentalities’ by establishing the new ones. As F.G. Carnell says, "devised as a form of constitutional government, to express imperfect unity or multinationalism, federalism is a particularly complicated form of western democracy, i.e. a government based on western-style democracy"(16). Since federalism means different ideas to different people, for this reason, it is necessary to explain the features or nature of federalism before proceeding with the discussion of Nepali federalism.

Federalism or federalization is so much a buzz word in politics and political science and the federal form of government is by no means uncommon, even though the concept of federalism is not so easy to define. Even though the term federalism or federation has most commonly been used in political discussions, K. C. Wheare, a political scientist and a scholar of federalism says that even in the field of political science, "it is seldom given a meaning that is at once clear and distinct" (12). R.L.

Watts, a political thinker believes that a federation is probable to be born “when a number of usually separate or autonomous political units with some pretensions to autonomy mutually agree to merge to create a state with a single sovereign central government, but retain to themselves some degree of regional autonomy” (9).

This concept reflects that such merger of the regional units in a federation cannot obviously be absolute but partial, and its degree too may vary with the circumstances of the particular groups political, ethnic, and social or with any other issue of the concerned people involved. R.L. Watts says that the legislative and executive powers in a federation are divided between:

the federal and the unit governments, each of which acts directly on the people, the central government has jurisdiction over all matters that bear on the development and security of the nation as a whole, and the unit governments have the right to regulate matters of local and more immediate importance to their respective peoples. (Watts 15)

M. Ruthnaswamy says that federalism is essentially a compact and like other compacts, it has a written constitution that cannot be unilaterally altered. The terms of the compact and the division of "powers" or "functions" there in are made by the federating units as coordinate constitutional bodies, "and not by a dictatorial third party or an overbearing unit within the group" (11). According to J. Madison, money or economic aspect too plays a vital role in it as he points out:

[A]s money is the vital principle of the body politic...which sustains its life and motion and enables it to perform its most essential function, in order that the federal government and the units are truly coordinate in

authority , it is necessary that each has a good measure of control over its finances and, taxing powers (Madison 188).

Despite many concepts on federalism, there are few common characteristics that distinguish federal systems from the other kinds of government. George Anderson in his book, *Federalism: An Introduction* points out many features of the federal government. For example, Anderson says that at least two orders of government are required in the federal state, one for the whole country and the other for the regions. Each government has a direct electoral relationship with its citizens. The regions have many names: we shall refer to them as the ‘constituent units’ of the federation. The federal state has the written constitution and some parts of which cannot be amended by the federal government alone. Anderson says, “Major amendments affecting the constituent units commonly require substantial consent from them as well as from the central government” (3). The constitution in federalism formally allocates legislative, including fiscal powers to the two orders of government ensuring some genuine autonomy for each other. However, federations differ greatly in the way and extent to which they define distinct powers for the two orders. Anderson further writes:

Usually some special arrangements, notably in upper houses, for the representation of the constituent units in key central institutions to provide for regional input in central decision-making, often with great weight given to smaller units than their population would otherwise merit.

An umpire or procedure, usually involving courts, but sometimes referendums on an upper house, to rule on constitutional disputes between governments.

A set processes and institutions for facilitating or conducting relations between governments. (3-4)

2.2 Federal and Confederal Governments

Federalism or federal form of government is different from some other certain forms of governments such as confederal and unitary forms of government. The two concepts 'federation' and 'confederations' have often been used synonymously but they are not exactly the same concepts. Etymologically, there is a little distinction between these two concepts for each of the two terms implies a covenant, compact or treaty among independent states. R.L. Watts says, "The oldest meaning of the expression 'federal government' appears to refer to loose linking together by treaty of sovereign states for specific military or economic purposes. Examples of federation in this form can be found as far back in history as confederacies of ancient Greece" (9). However, modern scholarship has insisted on drawing a clear cut distinction between these two concepts of federation and confederation despite the surprising fact that the federal states such as Canada and Switzerland call themselves confederations. The oldest federation, the United States too, started as confederation. The European Union (EU) is a unique political creation with both confederal and federal features; the African Union (AU) also shares the same features like that of the European Union. K.C.

Wheare writes about it:

A confederation is now described as that form of association between states in which the general government is dependent upon the regional governments; it is represented by the countries whose constitutions embody the principles of subordination by the general government to the regional governments. (32)

So, a federation differs from a confederation in the sense that the central government is subordinate to the unit governments as it runs at the mercy of such unit governments in a confederation whereas in a federation neither level of government is at the mercy of the other. Generally, there is no direct contact among the peoples of the several constituent units and the central authority in confederation. The central authority in such a system reaches to the people only through the respective government of the region and the regional government may or may not allow such contact to the central authority. On the contrary, according to C. J. Hughes "in federation there is the direct relationship between the central government and the people, who not only share in the task of constituting it but also submit to its rule in its spheres of competence with out the interposition of the regional governments as intermediaries" (24).

Similarly, in a confederation the member states retain their sovereignty, and therefore, the central authority cannot compel and impose its decision on its constituents. Even a small province can compel, however, the central authority to change or modify its decision or even render it ineffective if the province does not like it. But in a federation there is no division of sovereignty, the constituent units are only autonomous in certain limited spheres. After a federation comes to be created, the states have to abide by the decisions of the properly constituted central government in matters where the constitutional compact empowers it to act. As MacMohan says, "The logical difficulty of divided sovereignty can be avoided by regarding confederation as merely comprehensive and cohesive form of international administrative union whereas a federal system is regarded as multiple governments in a single state" (173). A federation and a confederation differ from a unitary government as well. In confederal systems, the central government is the legal

creation of the constituent units. In unitary systems, any regional governments, if created, are the legal creations of the central institutions. In federal systems, each order of government has an autonomous constitutional existence. It is a surprising fact that some unitary states are more decentralized and regionalized in practice than some federations. For example, Colombia, Italy & Japan have relatively strong regional governments. Indonesia has recently moved to transfer many responsibilities to its provinces and localities with special arrangements for Aceh. But generally, a federation differs from a unitary government in the way as Hughes comments:

[I]n unitary polity states, if any, exist at the mercy of the central government; in a federation each of the government is, in theory, autonomous within its allocated sphere of competence, and is free from any non-agreed intervention from the other except in emergency, if the constitution so provides. (35)

Hence, one can see the distinction between the federal governments and the unitary governments in terms of the constitutional autonomy. But the distinction can not be seen in the formal division of power.

2.3 Federations, Confederations and Leagues

One can see that there is a clear-cut distinction between a federation and a confederation in the modern usage but such distinction cannot be seen between a league, an alliance and a federation. The terms are often used interchangeably to refer to the loose linking together by treaty of sovereign states for some specific purposes. The Swiss confederation has originally described itself as an 'everlasting alliance' which clearly suggests that the concept of 'confederation' and 'alliance' is interchangeable terms. R.L. Watts in this reference writes, "This usage is still current in contemporary Europe, where the various European supranational agencies designed

to secure co-operation between nations have sometimes been referred to as federal" (10). Ramesh D. Dikshit says that a functional continuum from the loosest kind of alliance to the fully federal state may be recognized, "for alliance fades into league, league into confederation, and confederation into fully federal state, which may itself be transformed from coordinate to cooperative, and finally to an integrated or organic federation" (Dikshit 97).

But it seems to be more practical that the term 'league' or 'alliance' which is not sufficient to describe an association while the term 'confederation' is very suitable to do so. Even though it seems impossible to make clear-cut distinction between a confederation and the other looser forms of union, one can easily recognize a functional continuum. An alliance is just a temporarily made political association, it lacks the common weapons of an administrative organization, and its existence comes to be questioned or finished after the target objective is either achieved or agreed to be impossible to achieve. A league, on the other hand, is a little different, it is something between an alliance and a confederation; at times "leaning to one side" and at times "to the other" depending upon the nature of the objectives that brought the units together in the beginning. It may have the central governing or directing body but without any common weapons of instruments. A confederation is different from a league and an alliance in the way as A. W. McMahon says:

A confederation is permanent in intention, because the purposes that bring the constituents together seem to be lasting in nature, though they may not remain so. It differs from an alliance or a league in that it intends to create some lasting common organs of government, however restricted the sphere of these common organs maybe. As in the other two looser associations, the union essentially remains an

association of states rather than a single state with a sovereign centre as a federation is. (192)

2.4 Stages of Federalism

A.V. Dicey has pointed out that federalism rests on the psychology of the peoples of the "political units involved desiring union without desiring unity"(60). Generally, a federation comes to be born when the political units of a certain region possess the strong individual identities that create in them a genuine desire to maintain their separate existence. At the same time, they share some certain factors of vital import and desire for a strongly coordinated and united existence. According to W.S. Livingston:

When such people can neither be separated without the advantages of union, nor do they amalgamate without foregoing individual identities which they greatly value, the political units create a half way house between complete unity and complete separation, and a federation results. (348)

So, federalism can be considered as an essentially constitutional compromise between what Ramesh D. Dikshit says, "Centripetal and centrifugal forces "(10) that are operating at the same time. It is born only when there is a balance between these forces. W.H. Riker further says, "But federation is a bargain because the units merge only when the centripetal forces over whelm the separatist ones, and the units see greater advantages in union than in separation (19). The basic problem of a federation has traditionally been considered in terms of the balance between the forces as Dikshit says, "problem to keep the centrifugal and centripetal forces in equilibrium so that neither the planet stated shall fly off into space nor the sun of the central government draw them into its consuming fire"(348). Federalism has a very clear

wide spectrum because it has been erected essentially as "a halfway house" between unity as well as separation.

Federalism in the pre-twentieth century was more or less dualistic. In such duality, the federal and the state governments pursued virtually independent courses of action in the case of the minimal government activity. It consisted of two separate federal and state streams flowing in distinct but closely parallel channels. According to William Anderson:

This legal theory of divided sovereignty and the two distinct and separate spheres fitted the facts of the time well enough, for till long after the civil war in the United States the few activities of the national government could go along with the limited state activities without either impinging seriously on the other. It was almost, if not quite, a functionless federalism when compared with the present conditions.

(13)

In the present day active and public service-oriented state which is different from the passive state of 'laissez-faire', modern states can hardly avoid the extensive state intervention whatever economic and political philosophy the states may have. Anderson says in this connection, "The performance of functions and services is the keynote of the modern government, and in that performance cooperation, independence and interpretation of national and state agencies are inevitable"(14). For the fulfillment of the needs of the present, older constitutions have been adapted with the development of extra-constitutional devices such as administrative cooperation between the governments, coordination of the state policies by the federal government and the federal monopoly of the taxation in income and profit. So, many experts and

scholars think that federalism has become obsolete in the twentieth century for, as Loewenstern says, "economic planning is the DDT of federation." (212)

But it is believed that federalism has entered a new phase because the Eighteenth and the Nineteenth century federalism of the past and federalism now have differences. Federalism in the past was concerned with the independence of state and federal authorities while Twentieth century federalism or the federalism now is their need of cooperation. F. G. Carnell says, "It is only the pest of dualism that the DDT of the economic planning has killed, the dualistic phase of federalism has become a relic of the horse and buggy days"(16). The twentieth century modern federation and federalism as the new phase of it which is also taken as the cooperative federalism, has such a system whereby state government and regional governments supplement each other and together perform many functions. Livingston comments about it:

The national government with its greatly enlarged powers and functions, has supplemented rather than supplanted the performance of functions by the people is to support the government in the part but not the government to support the people but now in federalism there is change in this philosophy. Anderson also says that now the philosophy has greatly changed and there is no longer any question about the national governments power to act, but only about the appropriate means and amounts, and the proper timing of actions to be taken. (16)

Anderson adds that the traditional picture of the Nineteenth century American federalism is unreal and federalism in the United States has traditionally been cooperative, in practice if not in theory. In reality, no two governments operating in

the same area could possibly be so inactive as to remain unaware of each other. In the context of American federalism D.J. Elazor says:

Although the amount of governmental activity in relation to the total activity of American society has increased, governmental activity in the Nineteenth century was shared in much the same manner as governmental activity in the Twentieth century. Indeed, the roots of cooperative federalism are entwined with the roots of federalism itself.
(192)

In the context of the regional and the federal cooperation, it seems that each of the two levels should be limited to its own sphere, and within such sphere each should recognize and respect the independence of the other. A.H. Birch, in such context nicely defines the concept of cooperative federalism as:

this system of federal government is one in which there is a division of powers between one general and several regional authorities, each of which, in its own sphere, is coordinated with the others, and each of which acts directly on the people through its own administrative agencies. (192)

When federalism has been approached as such, it does not appear to be obsolete or a relic of "the horse and buggy days." Federalism would be adoptable to serve the fruitful purpose wherever the problem of securing political unity in the face of regional diversity is to be reconciled. A.H. Birch's concept of cooperative federalism has been taken "constructive and fruitful" and most people agree that this modified definition provides, "the most serviceable definition of modern federalism". The concept of modern federalism is more clarified in the following definition by Grodzins:

The American form of government is often, but erroneously symbolizes by a three-layer cake. A far more correct image is the rainbow or marble-cake, characterized by an inseparable mingling of differently colored ingredients, the colors appearing in vertical and diagonal strands and un expected whirls. As colors are mixed in a marble-cake, so functions are mixed in the American federal system.

(265)

In modern federalism regional and central governments should be coordinate as well as cooperative. So, it can be understood as the federalism of functions rather than of powers, it is more political than legal. As R.L. Watts says:

The difference between the two versions of the federal concept, however, is chiefly one of the emphasis; dual federalism views the two sets of government primarily as equal rivals whereas cooperative federalism views them as equal partners. At the root of both views is the premise that in federation neither level of government is subordinate to the other. (13)

It is very natural that the statement of the state-rights exists in some form of every federal state but such rivalry between the state governments and the central government supposed to exist in the dualistic phase of modern federalism seems to be very little. Even though there is the probability of a lot of disputes between the state governments and the central government, they agree with each other about the main areas of states and Central functions through the process of negotiation and adjustment. Instead, the main rivalry is between the states themselves as Boudeville says:

Where the centralized regulator, i.e. the federal government plays the fundamental role as in any living organism because different regions or states in a federation tend to regard themselves as rivals just as much as small nations are within a common market. The states are also rivals in their resource to central government finance as a help to their developments. (157)

As the centralized regulator, such role of the federal government brings a possible new phase in the progress of federalism and this new phase has been termed "organic federalism", it has also been named as "integral federalism". According to Sawyer:

In organic federalism the centre has the extensive powers, and gives such a strong lead to the state governments in some of their most important area of individual and cooperative activity that the political taxonomist may hesitate to call it federal at all. (12)

Sawyer regards Australia as the most obvious candidate for such organic category because although the centre dominates every aspect of policy, "regional autonomy within the limits of the regional competence is no sham, and the values inherent in such autonomy are protected both by the constitutional structure and by the pattern of politics" (121). Sawyer thinks that among the older federation the United States is the only one where a surge towards organic federalism could take place in the near future similar to the surge towards cooperative federalism in the late 1930s. One may have a question concerning with the marginal line between an organic federalism and an organic decentralized unitary state. The very essence of federalism is that each level of government should have a guaranteed authority and autonomy. So, Sawyer says:

So long as the amending procedure, the operation of the judicial review and the pattern of politics or a combination of any two of them restrict the ability of the centre to abolish a Region structurethe position of a Region is sufficiently secured and the polity should be called federal. (127)

Modern federalism, therefore, is the attempt to create equilibrium between the centre and the regions by empowering the regions and making them self-autonomous bodies like the centre, and the national integrity has been continued by using it as a policy.

2.5 Democracy and Federalism

It is already obvious that federalism is essentially a form of government based on the western-style democracy. Professors of political science and experts on federalism have considered that democracy is the necessary requirement to a genuinely federal government or it is agreed elsewhere that as federalism is a democratic phenomenon, it is completely incompatible with the dictatorial form of government. W.P. Maddox stated that "there can be no such thing as a federation which includes totalitarian regions denying free political action" (125). K.C. Wheare thinks that in theory it may be possible to conceive a federal government in which general and regional governments are dictatorship and each can be strongly strict within its own sphere, but it may not be possible to see such case in practicality.

Dictatorial system with its autocratic government that denies the free elections can not be compatible with federalism because governments denying free expression cannot and do not permit the articulation of regional opinions, which is the very essence of federalism. Modern federalism is the compact between and among the peoples of various constituent units, whereas a union under a dictatorial regime can be

a compact between the central and the regional dictators so that it becomes confederal rather than federal. In the opinion of K.C. Wheare:

Federalism demands forms of government which have the characteristics usually associated with democracy or free government. There is wide variety in forms which such government may take, but the main essentials are free election and a party, i.e. multi-party system, with its guarantee of a responsible opposition. (47)

In the past, if we analyze the history of Soviet Union and Yugoslavia, it is clear that the communist federations of the Soviet Union and Yugoslavia were not functionally federal as Sawyer comments, "for there is a genuine suspicion that the federal form of their written constitutions is not merely a 'form' but a 'sham', the 'real' government being vested in the highly centralized communist party hierarchy" (58). The role of the communist party is explicitly stated in their constitutions. G. Sawyer further says about it:

In the Soviet Union there is no judicial review or other check on the validity of central laws and there would be a remarkable dilution of the authority of the communist party and increase in the independent authority of the central and the regional legislatures before this system could be regarded as federal. (11)

He further comments about the case of Yugoslavia and says:

Yugoslavia's position under the constitution of 1963 is more arguable because the character of the communist party has changed and may continue to change, and the possibility of the official legislative organs becoming autonomous centers of authority is greater. Although the six constituent regions of the state have no separate legislative

effectiveness, the constitution provides a substantial region based check on political actions of the centre if they are prejudicial to regional autonomy. (58)

So, Yugoslavia institutionally may seem to have the federal arrangement but as it exists at present, it is not called a federal state. Both of these countries, Russia as well as Yugoslavia because of their regional diversities possess the geographical base for federalism. The one party communist government as the dictatorial form of government of a large group was the prime cause of it since federalism is incompatible with dictatorship of any kind. According to Sawyer, the formal federal structure in both these countries might become real only through the loosening up of the social structure generally. It can also be possible through the federalization of the communist party itself within the relevant countries. If this happens, these states may form the best examples of federalism. In this regard Elazar says, "The federal structures occasionally adopted by non-democratic systems must generally be considered 'window dressing' except in so far as injection of the principle may serve as a demarcating force in itself" (361). Elazer draws a distinction between 'federal systems' and 'empires allowing cultural home rule' as he says such empires have often been termed federal in some cases because they claim to be so. The Roman Empire, as he claims, was the classic example of this kind of political system in the ancient world, and the Soviet Union may well be its classic modern counter part. In both cases, highly centralized political authorities possessing "a virtual monopoly of power decide, for reasons of policy, to allow local population with different ethnic cultural backgrounds to maintain a degree of home rule, provided that they remain politically subservient to the imperial rule" (Elazer 355).

2.6 Ethnicity and Federalism

A. Jayaratnam Wilson says that since 1991, Ethiopia has gone further than any other country in using ethnicity as the fundamental organizing principle of a federal system of government yet this pioneering experiment in “ethnic federalism” has been largely ignored. After the end of the cold war era one of the greatest challenges to the world security and order emanates from multi-ethnic states. Wilson says, “The problem of multi-ethnicity is not confined to the so called third world states in Africa, some western democratic states that have been known for their long-term stability are seen to be precarious lately due to problems of multi-ethnicity”(14). Quite a variety of solutions have been forwarded by scholars as part of the search for solutions to this problem. The suggestions range from strong unitary dictatorial regime-as a means to suppress emerging ethnic nationalisms to ethnic based federalism-as a means of accommodating ethnic interests.

Federalism which may be identified as territory based or ethnicity based has come to be seen as the best alternative to promote the management of conflict prone multi-ethnic societies. Even those who extend sharp criticisms against this form of government admit that federalism, when properly implemented, has more often than not proved to offer tools for the better governance of supra-national institutions and has facilitated effective decision making in the complex systems and promoted democracy. In principle, relating federalism to multi-ethnicity and evaluating its success as a balance between unity and diversity involves a number of factors. In particular, how the boundaries of the member states are drawn up and how powers are distributed horizontally as well as vertically is very important. Moreover, the institutional set up should be examined if it represents a structure of diversity or at least minority accommodation providing institutional and political power which

democratically commands loyalty to the common state. How far federalism, in particular ethnic federalism practically solves the problems of multi-ethnicity is yet to be seen. However, daring decision has already been made in Ethiopia which adopted this approach as a solution to the longstanding ethnic problems of the country. Albeit with difficulty, the choice was made, and ethnicity was favored as the underlining factor in the process of state formation.

The new model of government ,nevertheless, appeared to be peculiar from the outset not only because it follows an ethno-linguistic line for the state formation but also in a sense that it allows the right to self-determination including secession. The inclusion of particularly the latter has made the Ethiopian model of federalism prone to critiques. The success of the Ethiopian model of federalism depends upon the acceptable distribution of power in light of the inherent problems it poses along with some of the existing opportunities. Particular emphasis was given to power sharing arrangement-with a view to see how wholehearted is the federal arrangement, inclusion of secession clause-how far is it a threat to the unity of the country, and uniform human rights implementation-how far will it serve as a binding force of the federation.

A close examination of the power sharing arrangement and the explicit recognition of the right to self determination including secession to nations, nationalities and peoples depicts that there is an apparent paradox in the federal arrangement. On the one hand, the nations, nationalities and peoples have been granted the right to exit from the federation with out any conditions, which is somehow risky. This gives the impression that the constituent units are more independently compared to the other federal arrangements. On the other hand, the powers of the member states are relatively meager and regional governments remain

dependent on the federal level to be able to carry out their duties. As expressed by the constitution there are few self determination remedies, since nothing is specified as lying in the gaps between secession. While the trend in multi-ethnic federations is to extend secession remedies through various areas of self-government, the Ethiopian federation has chosen quite the opposite: asserting the most extreme right to secession it failed to grant to the member states, at the same time the powers given to member states in the administration of daily affairs are quite scanty.

As federal theories underline that the functioning of federal system is not to be measured by only looking at the theoretical justifications or constitutional frameworks, attempts are made in this study to examine the de facto federal system from the socio-economic point of view revealing the asymmetric nature of the federal structure. As argued by a political scientist in a study of Ethiopian federalism it can be concluded that the major problems that make the federalism falter are half-hearted decentralization, deficient democracy, and insufficient protection extended to human rights. According to the reading of her conclusion, “it would point to important solutions to the predicaments of the Ethiopian federalism, namely wholehearted federalism, a more vibrant democracy, and sufficient protection of human rights values” (Wilson 23). Federalism has already been institutionalized and member states of the federation are exercising some degree of political and cultural autonomy. Nonetheless, financial dependency of the member states on the central government, among the other things, limits the scope of the federal decentralization. Democracy, as expressed through the principle of popular sovereignty, is not far out of reach legally, nonetheless, lack of strong alternative parties due to many reasons, lack of civil societies and civic culture, undue interference in the independence of the judiciary, and other reasons could not

help democracy be utilized concretely. Human rights are well articulated in the federal as well as state constitutions to the extent of becoming an overriding principle.

F.G. Carnell says:

The absence of the strong law enforcement agencies and lack of political will, however, could not enable intensive utilization of the principle. The pathetic situation of all legal institutions in the states and the no less pathetic situation of the Federal Courts and Federal prisons, coupled with the inspiration of the institution of the Ombudsman and of the Human Rights Commission so far, could be invoked as reasons. Apart from the above, one might suggest the following as solutions to problems of multi-ethnic Ethiopia. (16)

There are opinions that the ethnic model of federalism may exploit the structures inherent in federalism. This can be avoided by instituting true bi-cameralism through making the upper house a legislative with a veto power over legislations. This can happen only if its composition is restructured, either through equal representation of each state as it is the case in matured democracies or through equal numerical representation of each people group as it is intended to be done (on the face of it in Ethiopia). A clearer separation of power must complement this bicameralism. Relegation of the task of constitutional interpretation to the courts or special constitutional court might also be considered. To intensify the task of the Federal Government to build a country of united destiny, the House of Federation is entrusted with this duty. The federal intervention for the sake of maintaining the uniformed human rights standards while at the same time empowering state governments to take self-administration seriously thereby molding the process of developing peculiar area of concern vis-à-vis human rights is immediately important. Intensification of

democracy requires the increase in civil society's substantive pluralism of parties and a secure legal ground protection freedom of association. Furthermore, it is imperative that the political parties should be organized in a manner that can access cross-ethnic constituencies. Concerned legislative and law enforcement agencies should try to strike a balance between the uniformed implementation of human rights standards and customary laws of the different ethnic groups borrowing interdisciplinary approach. It will perform the task of bringing to the ground the debates on universality of human rights norms and multi-culturalism; and with due consideration of the overriding nature of human rights norms in the constitutional frame work. It is noticeable from the forgoing that readymade solutions are hard to come by.

On the other hand, some of the criticisms advanced by the commentators on the Ethiopian model appear to be excessive as they stem from what seems exaggerated expectation from the process. It will be utopian-looking optimism to expect bloom and blossom out of the new model of federalism. One should also note that federalism is hardly a perfect institution. As any imperfect institution, it evolves, and dealing with the problems that unfold is worth the experiment as the solutions given promote the politics of love, tolerance and association than hatred, intolerance and dissociation

2.7 Geography and Federalism

Many political geographers come to agree with the idea that federalism is most geographically expressive but very little attention has been paid to the geographical basis of the federal polity. Livingston has revived the concept of federalism as the polity based on regional diversities which can be taken as a sociological rather than geographical aspect of federalism. But his idea has, indeed, provided a lot of base in order to link geography with federalism. The concept of why federalism is considered

geographically expressive of all forms of government has been given importance because of two reasons. According to J.D.B Miller, the first is based on the existence of regional differences, or a sense of locality, "the belief that the area in which one lives is different from other areas, even though contiguity with them may provide many interests in common." (138). It seems to be logical since federalism has been accepted as the system by means of which a widening sense of social solidarity is integrated with the focus over locality by the provision of dual political organization. The second point is, as Ullman says:

because of the dual political organization and substantial regional autonomy regions in a federal state remain highly articulate, and spatial interactions in a federal state, unlike other forms of government, are clearly and easily recognized Because federalism starts with a tacit recognition of regional personalities, and because spatial interactions in the political life of federal states are clearly recognized, federalism becomes a suitable subject for geographical inquiry if geography is properly described as a science of spatial interaction . (56)

The existence of the regionally grouped diversities is the basic geographical premise of federalism. None of the governments can be called federal governments without the basis of regional identities. Federalism cannot become federalism if it is held to embrace diversities which are not regionally grouped. Federalism without any alternative becomes inevitable if regional differences or strong sense of locality exists in nation if such regions are not organized on a federal basis. Federalism should be understood as a democratic and voluntary union of equal partners but it is not a union

dictated and controlled by an outside agency or overbearing unit of power within the union. According to Livingston:

[C]learly identifiable regions in a unitary state are not able to demand social accounts in the same manner as the regions in federal state, where the regional identity of each component unit is guaranteed by the constitution; in a unitary system the differences and diversities are largely suppressed or ignored. However, federalism is not the perpetuation of sovereignty, if there be any. The basis of federal union is recognition of the limitations of the individual units as self-sufficient and completely functioning entities (3).

Unlike unitary system, federalism does not force "unity out of diversity", but it allows the co-existence of regions with the state. According to K. W. Robinson:

Contrary to what is sometimes stated when it is developed into maturity, it does create unity through the greatly enlarged functions of the federal government, national planning, and the erosion of the once rigid physical, psychological and economic barriers between the component units of the state. (11)

It should be clear that federalism is not a static process but it is very dynamic and it is in the constant state of flux. In a sense, it is a half way traffic towards unity and integration but not to a unitary state. It is the continued articulation of local or regional bodies that interact with the central body. Even though the centre and the regions have an ample cooperation and they have interaction in federalism, the regional governments remain rivals to each other M.H. Boehm has rightly said, "The antithesis of federalism is not unitarism, but the extreme kind of particularism and separatism" (170). Although regional or local diversity is the basic feature of

federalism, the distributions of diversities within the federation should not follow the boundary lines of the component units. Since federalism embraces diversities in many issues, it can hardly be expected that the state boundary lines will coincide with the different interests and opinions on all questions. According to Livingston:

The essential fact is that the units should possess a total complex of diversities strong enough to distinguish them from their fellow members, and thereby make them desire and demand recognition of their individual identities. Regionalism of this kind, in which diversities spill over state boundaries, is considered a valid manifestation of the federal principle. The Swiss and the other federations show that it is also a beneficial manifestation. (3)

Diversities in federalism may turn on all sorts of questions such as economic, religious, historical, cultural, linguistic and so on. Any of these or any combination may produce a group demand for self-expression. Such diversities in a nation, however, may have territorially grouped or even mixed grouped people like the strands of different colors in a marble-cake. When the major identifying people in diversities are grouped territorially in the state, then it becomes federal, but when the diversities are recognized in a marble-cake pattern, then the state becomes non-federal with plurality. As Livingston says:

The need for federalism genuinely arises only when a society contains territorial groups so markedly different that they require some instrumentality to protect and express their peculiar qualities. One such circumstance..... does not make the society or constitution federal. But two or six or twenty may produce a result that may properly be so called. (3)

Federalism since long has remained a legal subject of discussion but legal answers are of value only in the solution to purely legal problems Federalism has been concerned with many problems other than the legal ones, so its essential nature should not be sought in the shadings of legal or constitutional terminology but in the other related forces such as economic, social, political, cultural with the geographic reference. Like the most other human institutions, federalism is also a human organization with an attempt to solve such problems. A major problem in federalism is to find solutions to governmental questions in a complex interaction of spatial difference and similarities. So, federalism is a product of geography and its essence lies not in its constitutional structure but in the geography of the society itself. The geographical aspect of federalism does away with the sociological aspect of it as Sawyer objects to Livingston's statement that federalism is "a function not of constitutions but of societies" (15) as he states it:

It can be misleading because they suggest that there is a sort of general social attitude, or type of social structure, which corresponds uniquely with the constitutional form known as federalism.....I don't believe that these attitudes or structures are specific to federalismthe favorable social attitude is an attitude towards governments, administration and law in general, not towards federalism as such.

(136)

Even though geography does not exactly determine the federal or nonfederal form of government, the geography of a state is to a very large extent unique and specific for federalism. Livingston says that sometimes federations that are created under the non-federal situations may survive like the "federalism of post world war -II Germany." (10) But such federations strongly survive because during the period that

federation is enforced, the society of the country adjusts to the political situation that it can do, and develops regional identities and vested interests. These change the political geography of a state and make it suitable to federalism. But federalism created under the non-federal situation can hardly develop into any thing but as Livingston says, " a federalized unitary state such as Austria, which the political taxonomists may hesitate to call federalism at all"(31). Livingston also talks about its corollary that if a unitary structure is imposed upon a region that is essentially federal in its politico-geographic structure, the government can be run only by military dictatorship, as in Burma or Pakistan in the past or by one-party government as in Soviet Union in the past. So, as a particularly dynamic and complex phenomena, federalism it to be understood as an interest not only to the constitutional lawyers concerned with the legal frameworks, but also to the Sociologist, the economist, the historian, the geographer etc. In this context Watts writes:

Although of special reference to political geography, federalism may also be of interest to the social geographer interested in social integration and diversity, to the economic geographer studying the role of political institutions in economic growth and to the historical geographer evaluating spatial interactions in the genesis and evolution of some of the new nations. (16)

Geographical factors and federalism are given great importance. From his study of the federations, O.H.K. spate notes the following points regarding the relationship between geographical factors and the federal form of government. He says:

Nearly all the largest states in point of area are federations..... In point of population, the situation is quite different, and when we come to consider density the position is almost completely reversed.....In

nearly all cases federations of the normal type have a very marked peripheral or eccentric distribution of populationoften the federation contains within itself complementary climatic & economic regions.....this of course being largely a function of great area. (128)

Although Spate's claim that most federal states are large in area and small in population is true, it doesn't totally validate causal relationship between size and the federal format of Government. Some large states are not federal and some small states, on the other hand, have carried the federal form successfully such as Switzerland. Similarly, there is also not any causal relationship between federalism and population density. It is not only the case of Switzerland but it is also the case of new federations such as India which have a high density of population. Another point of Spate that modern federalism is essentially a form of government appropriate to new lands with vast area and thin population, can be valid because every new political and administrative experiment has a better chance of success in new and relatively empty lands where people do not have a long history. In such a land strong and conflicting cultural identities in the component regions have not been developed. But again, we cannot see the cause and effect relationship between vast spaces and thin population on the one hand and federalism on the other. But reversed with Spate's logic, countries such as India with deep root of historical loyalties and with one of the most ancient histories in human civilization, have adopted federal form of government which is also recognized as one of the most successful federations.

In ancient and medieval periods, a league was acceptable since governments did not so much enter into the daily life of their public; the most important purpose of such leagues was collective security. At the present day, the primary concern of federations is not security or defense, but the economic progress and the advancement

of the peoples of the units involved. It can be possibly achieved only when the federal government is endowed with powers wide enough to enable it to confer these expected benefits and thereby win over the loyalties of all section, or regions of the federal state. In the modern present day context of federalism the emphasis is no longer much on the constitutional division of power but on the functions that both regional and federal governments jointly or separately perform. So, modern federalism is not so much co-ordinate or cooperative. The federal and the regional governments should closely be linked in a fully federal state for any federal government to perform effectively the functions of the modern government; otherwise the result will be a failure. Modern federalism, as a matter of fact, is not a compact between kings like in ancient or medieval leagues, but it is a compact between or among the people themselves. The loyalty of the people in the modern age can be won by bread and butter rather than by bayonet. Analyzed and judged in the context of the times, Spate's opinion does not credit to its author, for till then the concept of dual federalism reigned supreme. It was because the federal and the regional governments were supposed to be independent of each other, and the sphere of the federal government was considered to be highly restricted.

2.8 Area and Population in Federalism

It seems to be necessary to take stock of the ideas of geographers in particular and the students of federalism in general about the relationship of size and their population density to the federal form of government to place Spate's observations in perspective. K.W. Robinson thinks, "Countries of large areas and small population or even rather large population concentrated in widely scattered areas, are obviously suitable for this, i.e. federal form of government." (2) H.J.de Blij says that theoretically the federal framework is essentially suitable in a very large size

category. When we view a list of federal states of the world, we should expect to find that they are large, comparatively sparsely populated and possess several large cities.

Turning to the political scientists, R.S. Parker wrote:

All modern federations were, at their inception, political unions covering unprecedentedly huge areas with scattered centers of population and comparatively underdeveloped communications and federalism seemed the necessary form of government primarily for this reason. (152)

Parker was not only for all modern federations. Many political scientists think in the way as Spate writes, "Federalism may well have been suited to a particular phase of unification of large continental states with small populations and poor communications." Even in the present day modern age, the size of a country and the efficiency of its communications are regarded as factors contributing to a choice between unification and federalism. What seems to be an important fact today about federalism is not the type or size of population and territories but it is regional loyalties or the sense of locality. In the new lands with open and vast space, and a few cores of population, this sense of locality may well be possible because there is the physical distance. In older and thickly populated states the sense of locality or regional identity is possible with the base of historical tradition, ethnic, religious or linguistic diversities or economic differences that are regionally grouped. Sawyer comments:

The fallacy in establishing a causal relationship between the sheer area of states and the federal form of government is revealed if we remember that the thirteen colonies in 1787, or the four provinces of British North America in 1867, constituted only a very small portion

of the areas now covered by these states. However it should be remembered that "over centralization in a large country.....leads to anemia at the extremities and apoplexy at the centre. (20)

So, it can be concluded that large size in itself does, to a certain degree, favor the rise of federalism even though size and federalism do not have a cause and effect relationship.

2.9 The Problem of Secession in Federalism

None of the federal constitutions in the federations have the constitutionally acknowledged legal right to secede and it can not be exercised anywhere as we know from the lessons on civil war in the United States and Nigeria. In both of the countries, i.e. in both the United States and Nigeria, the attempts at secession were crushed by the military power. While the issue of secession is raised, it is quite necessary to mention and describe about the obstacles to secession and the prospects for it in the foreseeable future.

Secession has generally been understood as the end of the federation, and it is also its serious transformation in political and the economic structures. Stanislaw Ehrlich says, "It can hardly be expected that the federation's political decisions center would voluntarily agree to be stripped of vast amounts of decision making power, i.e. agree to a loss of power and prestige. Everywhere in the world where the federal forms of governments are in practice, all efforts oriented to secession have been considered as a political crime. Ehrlich comments about it that:

The federal decision center would look at these efforts as an attempt to change a hitherto useful and fruitful non-zero-sum game, i.e. a game of cooperation for the benefit of the existing union into a new game – this time into a zero-sum game, in which the predetermined loser would

bound to be the federal decision center and the remaining federal units.

These considerations would doubtless reflect on the interpretations of the respective federal rules. (365)

The question of secession has been taken very emotionally because it is not only the economic and the national challenge but it is also a serious challenge to the national sovereignty, the national conscience, to the existing systems, to the status quo and so on. It is not perceived only as the clash between the national and the local values but something more than that related to the emotional attachment concerning the identity of the nationality. There is also another dimension and question concerning the matter of secession. It is the process to secede but where and how to secede is somehow vague. The so-called third world countries are categorized as the group of states which lean to one or the other opposing economic, military and political blocs such as the American and the Chinese blocs in the present day context. Even though after the end of the Cold War the capitalistic bloc claims that the world is not bipolar but unipolar, the rise of China as the overtaking power has clearly reflected the polarization of the world into two opposing blocs and the problem of new cold war is rising. If this is the case of the present day world, then, we should understand secession- whenever and wherever it may occur- a meaningful fortification of the opposite bloc. This consideration would be very acute and significant in the case of secession in the state that is a member of one of the two blocs.

The act of secession provokes many questions such as what type of a particular conflict suits to whom and whose benefit does this secession serve. These questions concerning the justification of the secession are more or less of similar nature like that of the breakdown of a political party. But there is no standard as well

as strong constitutional approach and provision about the prevention of the problem of secession. Most of the federations have their constitutional provisions asserting the strong eternal unity of the country precluding the possibility of secession. Mexico, Brazil, India and the United States, for example, have such constitutional provisions. The German and the Swiss constitutions are silent about such constitutional provisions.

The international law recognizes the right of secession only in a case of severe abuse of human rights or ethnic suppression by the state. The problem of secession has also the global impact because it can destabilize the international relations. So, the international community too is generally hostile to the act of secession. But in spite of this reality, there are many cases of secession or the dissolution of the countries in the last two and a half decades such as the case of the USSR, Yugoslavia, Pakistan, Malaysia and so on. The right of secession poses a dilemma to the democratic federations.

2.10 Approaches to Federalism

There are questions concerning the approach to study the spatial interactions in the rise and survival of federal states. The traditional approach is called environmentalist approved and initiated by philosophers and politicians like Montesquieu and others. This approach tries to explain each activity of war, including his choice of government, and his response to the physical forces such as environment. Under this approach we should study the physical environment of the every existing federal state and through the process of elimination we should try to establish the relationship between or among such features as area, shape, location, climate as well as the choice of the federal form of government. Spate says, "A sophisticated variant of this approach is to examine the geographical layout of

existing federal states with a view to isolating those conditions which appear to favor the establishment and maintenance of this type of political organization." (15) There may be very few ideas against this pioneering attempt. Blij thinks, for instance, that such an approach is bound to be superficial and can lead only to faulty conclusions. Blij believes that such features are external, visible features and they are only "the leaves of the federal tree", and what really needs to be looked for are the roots of the tree but not the leaves. If the roots are to be looked for, it will lead us to the valid conclusions. Mackirdy says that a more sophisticated variant of this approach was a comparative study of geography of federalism in two large countries such as Canada and Australia. Mackirdy's study was based on environmentalist pitfalls to which the lack of a proper historical perspective may lead as he writes about this approach:

Take two large areas, the third and the sixth largest in the world's political entities Sprinkle them unevenly with relatively small populations provide them with types of federal political organizations call them 'Canada' and 'Australia'. The result should provide some interesting examples of the influence of geography on politics. (38)

This study takes the wide perspective of geographical layout and considers factors such as urbanization and regional specialization of the economic aspects and activities. As this study is limited to two individual federations without any attempt at generalization on federalism, it has avoided some obvious errors and, is on the whole, truthful. The limitations of the approach are nonetheless clear. The search for solution in the methods of political geography is not so helpful. *Functional Approach in Political Geography* by Hartshorne and *Unified Field Theory of political Geography* by S.B. Jones are the classic statements in the political geographical methodology. It is also believed that there is consensus among the political geographers that these two

approaches cover all the problems in methodology in the political geographic study. Although these statements are competent and comprehensive, they are of value only in respect of specific problems and individual cases. This functional approach offers a systematic method of establishing the basic factors and relationships involved in the primary problem of political geography the analysis of the degree to which the diverse regions of the state constitute a unity. Political scientists think that the functional approach is of value only in the study of political geographic entities that function as units, specially a state, and it offers little help in genetic studies. S.B. Jone's "Unified Field Theory of Geography" as an approach:

With its emphasis on the Idea-Decision -Movement -Field-political-Area chain, completes the tie between morphology and function between 'grand ideas' and the earth's surface. But it also is of value only in the study of specific political geographic problems, both national and international, such as the birth of new states as Israel or Pakistan or of boundaries and capitals, and it is of little help in the study of generic problems. (Jone 72)

The difficulties with these approaches may be that they are products of the phase when geography was observed with the study of the specific and the unique and it was thought that the idea and purpose of the generic state is different. James Hartshorne says that the purposes that are common to all states were "the sole concern of political scientists, and that this concern ignores the very thing that is of direct concern to the geographer-namely the idea that is distinct for the particular state in contrast with that of other states." (Hartshorne 112)

The genetic approach on federalism is equally useful for the study of it. By using this approach, we can examine the historical evolution of the units involved in a

federation, and reconstruct their economic, political and social geography of the period immediately preceding the federation. Hartshorne says:

it is also attempted to isolate the spatial interactional factors that were in each case largely responsible for the rise of that particular psychology of desiring union but not unity among the political units concerned, as also the reasons for their ultimate choice of erecting this halfway house between complete unity and complete separation, as a federation is called. (36)

Political scientists & experts of federalism believe that a genetic approach would give a truer picture of the differences and similarities in the rise and maintenance of the federal states in the world. They also believe that it is of great value in the study of individual federations. In the federal system the structure consists of the underlying geographical pattern of regional diversities, and the constitutional instrumentalities created to preserve them. The function consists of the process or the dynamics of federalism, i.e. federal-state relations and the overall progress of the system towards maturity. As Federalism is born out of the peculiar political desire of union but not unity, the genetic study of federalism is concerned with viewing each individual federation having salient historical facts about the political communities. It is believed that general historical works would provide the raw materials for the research of it as P.E. James says:

The state-idea is complex of traditions, experience and objectives. It is mad up of written history folklore, stories of national heroes, religious beliefs, language and the art forms in which those things are communicate. And it is the characteristic economic social & political institutions. This state is created to defend and develop the state-idea. (36)

But it is a very complex task to identify the state-idea. To sum up, it can be concluded that federalism is the most geographically expressive of all forms of government. One needs a more concentrated study of this phenomenon to understand the structure and function of each federal state, as well as to explore spatial-interactional factors involved in their origin and working. Federalism has become the domain exclusively for them who are the political scientists, and the students of law. For the students of geography the nature of federalism as a form of government based on regionally grouped diversities has gone largely unheeded. Livingston says that because of the interface between geography and political science which has remained neglected, this concept of federalism has remained largely ignored. Livingston himself revived this concept and he called it sociological rather than geographical. The concept of Livingston is criticized by Birch as he says:

It is not at all easy to see what help we can derive from this approach to the subject. It is, of course, true that federal institutions are frequently, though not always, a reflection of social diversity, and virtually all writers on the subject have said as much. The point is not whether this is true but whether it is useful as a tool of analysis. (26)

This concept of federalism has failed to yield valuable results in political science. It is because its basic nature provides a tool of research which is not sociological but spatial, interactional. Since only geography deals with spatial interaction, this tool can be used with the best result only if we accept federalism as a geographic technique. But it does not entirely mean that only geography is the single determining element of federalism since it is also a matter of ethnicity, culture, language, and many other related aspects.

Chapter Three

Federalism and the Nepali Context

3.1 Background

Nepal as a poor and landlocked country on the foothills of the Himalayas has been sandwiched between China and India, the two giants of Asia. It was the long twelve years' Civil War under the leadership of the armed Maoist guerillas that consequently caused the death of more than twelve thousands people, and the Maoist insurgents were negotiated by the other political powers such as Congress and UML for peace and they came to the mainstream politics. The monarchists, once one of the three main political forces here, along with the Congress party and the Communists, have dwindled into a minor political power. The popularity of the monarchy already sank after the killing of the then king Birendra and all the members of his family in a palace massacre in 2001. Then, his younger brother Gyanendra, who came to the crown, dissolved the parliament and took control to battle the Maoist insurgents in the Civil War. Human rights abuses by the government turned many against the king. As a result, king Gyanendra had no option except to revive the parliament and call the meeting of the house. Finally, the resolution that abolished the monarchy was passed by 270 votes to 3, with 56 abstentions. The vote was strongly confirmed by a special Constituent Assembly elected on April 10 to draft the new constitution.

With an average earning less than US dollar 1 a day, the words “republic” and “democracy” seem to the outsiders to represent the goals that Nepalis might aspire to. Moreover the adding of the other word “federal” looks more surprising as well. But the relevance lies in the diversity of Nepal, in its geography, its many ethnic groups or ethnic diversities, and moreover in a widespread mistrust of rule from the capital city Kathmandu. Just two and a half years ago, Nepal emerged from a twelve year long

Civil War between the Maoists and the Royal Nepal Army. With one third of the population living below the poverty line and about half of the population illiterate, the Maoist insurgents got a very fertile land to plant the seed of war and germinate it. After the loss of more than twelve thousand people they were tired of the war.

In April 2006, King Gyanendra was forced to revive and recall the parliament and step down from power in what is known as “the April Revolution”. This non – violent revolution produced a partner that was willing to negotiate with the Maoists to end the war: a seven party alliance of all the centre and left parties in the parliament. However, the Maoists only agreed to lay down their arms and enter the mainstream politics in return for the membership in the coalition government and the agreement to abolish the monarchy. The seven party alliance agreed to it and a cease- fire was declared. On the request of both Maoists and the seven party alliance, the UN sent a mission to Nepal beginning in January 2007 to verify the armaments of both sides and to assist the peace process. The UN sent arms inspectors, mine action experts, election advisors and civil affairs advisors to seven different sites of Nepal.

Nepal’s conflicts were rooted in the diversities of geography, ethnicity, languages, classes, and so on. This country has mountains on the north, hills on the middle and the plain Terai on the south. It has more than hundred different ethnic and caste groups, and most of them live in the hillside and the Terai. Most of the people in the north and the hillside speak one of the thirteen Tibeto-Burman languages while most of the people in the Terai speak one of the six languages related to Hindi. In the Madhesh, conflicts over land between Tibeto-Burman Nepalis and Madheshis have continued up to now. The caste system prohibited access lower caste Nepalis to many professions, and minority ethnic groups were usually treated like the lower castes.

The Maoists were one of the splinter groups of the Communist Party of Nepal. After they broke away, they began the civil war, launching a “People’s War” in the countryside in February 1995. After one year in 1997, to review their first two years of war, the Maoists adopted the strategy of creating national or ethnic or national and regional fronts pushing for regional autonomy and the right to self determination of the oppressed nationalities. Eventually, federalism, a very hard choice for the communists- who strongly believe the central dictatorial government- came to be seen as politically acceptable solution to the Maoists. One of the powerful Maoist leaders and the finance minister in the Maoist led coalition government Dr. Baburam Bhattarai once said in an interview, “we did manage to insert the provision in the peace agreement that there would be an end to the unitary state structure, for us, the only alternative a unitary state structure is a federal state structure” (*The Kathmandu Post*, 6th February, 2009). A small group of politicians in the Nepali Congress Party, rooted in the academia, were expressing dissatisfaction with the centralized state mechanism, and they began to promote regional structure like in federalism. The same party, Nepali Congress which was the supporter of the Constitutional Monarchy in the past, has proposed a three-tiered federal structure which includes the central, the regional and the local levels of governments. The roadmap of this party’s federalism shows that the central and the regional parliaments will elect the head of the state. There would be a bicameral parliament in the center and in the regions there would be the unicameral parliaments, according to this party’s roadmap about federalism. During the Civil War, federalism had also made inroads with the Communist Party of Nepal (United Marxist – Leninist), also known as CPN - UML, the next communist party after the Maoists. It shows that all the largest or major parties in the parliament agreed that Nepal ought to be federalized.

Nepali people have never had any experience with the system of federalism, and many Nepali people are unfamiliar with this concept. Yet there were many organizations in the grassroot level campaigning for such a change in the political system. In the Terai region, Madhesi people gave continuity to the protest even after the successful April Revolution. In December 2006, a Madhesi party called Nepal Sadhbhavana Party organized a campaign in Nepalganj by demanding the system of federalism in the country. Symbolically it also marked the beginning of confrontations between the Madhesi people and the people from the hillside who have been settling in the Terai region. Another incident similar to this type in the eastern Nepal, Lahan district, in January 2007 had triggered a second period of unrest led by the Madhesi People's Rights Forum. Similarly, another ethnic group of the Terai region called the Tharu people have been agitating against their inclusion as the Madhesi, and they have been demanding a separate and autonomous region in the name of Tharuhat. Like the agitating Tharus, another ethnic group of people called Limbus have also been demanding a separate and autonomous Limbuwan State in the eastern hilly region of Nepal. According to the General Secretary of Nepali Congress Bimalendra Nidhi who also represents the Madhesh, "it is a bitter truth that the idea of federalism may not have been incorporated in the constitution was it not for the Madhesh protests" (*The Himalayan Times*, 3rd April, 2009). To help the Nepali people gain access to the political process that will decide their future, many national and international non-government organizations have been at hard work. Care Nepal has helped an organization of the low class people called Untouchables, to organize a workshop about the role of the political parties to ensure the representation of such Untouchable people. In November 2007, a radio program on how to participate in the electoral process was produced and broadcasted to the remote rural people by the

Collective Campaign for peace with the support of a Washington-based Advocacy Project.

After the victory of the April Revolution in 2006, also known as Janaandolan II, an interim constitution was drafted by the political parties and it was passed by the seven-party alliance in December 2006 and was approved by the parliament in January 2007 with the unanimous vote of all 185 members present. The document began with the bill of rights and limited its restructuring of the government to the statement that Nepal was eliminating the existing form of the centralized and unitary structure of the state. The interim constitution further states that the restructuring of the state would address the problems related to the women, Dalits, indigenous tribes, Madhesis, oppressed and the other marginalized groups. In the Preamble of the interim constitution of Nepal, it is claimed to make it possible “by eliminating class, caste, language, sex, culture, religion and regional discriminations.” It also has provided for a High Level Commission to recommend the restructuring of Nepal but there is the strict provision made that the final decision about the restructuring of the nation would be made by the Constituent Assembly.

On March 9, 2007, the constitution was amended to create the federal system while carrying out inclusive, democratic and progressive restructuring of the state. The amendment also increased the number of the seats in the parliament for the Madhesh region in the way that the twenty districts in this region would have 49 percent of the electoral constituencies. The interim constitution provided by the coalition government is one thing whereas the final constitution to be adopted by the elected representatives of the people is something different and more significant. That is why the official confirmation of the federal democratic republic was declared on April 10, 2008 to write Nepal’s new constitution under the leadership of Madhav

Kumar Nepal, a senior leader of the CPN - UML and the present prime-minister of the country. So, after the Madheshi protests the basic principle of federalism has been accepted as a political necessity. Yet the subject has been on a back burner of the Nepali politics, and to implement the federal forms and systems, it needs to move to the front burner.

3.2 Political Parties, Federalism and Present Transition

The agenda of Nepal's federalization is new but somehow a challenging agenda related to the restructuring of the country, and it is not much related to the rearrangement of the existing territorial boundary. But instead, it is more concerned with the democratic rearrangement of the state elements such as government, sovereignty, territory and population in relation to the demands put up by the deprived communities and making it relevant to mitigating the grievances of such people.

Internal territorial division is, thus:

mooted in order to distribute power and resources within the scheme of federalism as the unitary state structure adopted by Nepal since the days of unification in the eighteenth century has only worked for concentration of power at the capital, and in the hands of traditional rulers or even the so- called modern political elites. (Baral 2)

Despite the changes in regime from time to time, the narrow base of power continued to be pervasive in this country. Only the capital city Kathmandu has persisted to be the typical central location to administrate the whole country since its unification by Prithvi Narayan Shah in 1769. In this sense, the federal restructuring of Nepal can also be understood as the struggle for democracy by the people here. The Maoist insurgency more than a decade long that aimed at eliminating the monarchy and republicanism of the state, could send this message not only to the other political

parties but also to the common people. In the present context, the task of restructuring is clearly based on consensus however the mechanism of it might be different among political parties. Some people take it as the transformation of power from the predatory Royal rule to the Nepali people. The Royal power ruled the nation since its territorial integration except for 104 years Rana oligarchy that ended in 1951.

In the present context of Nepal, many political parties and even some individuals have been proposing different models of federalism. The Communist Party of Nepal Maoist (CPN-Maoist), the largest political party of Nepal in the Constituent Assembly Election held in 2008, has given priority to ethnicity as its proposed model of federalism. CPN - Maoist brought its proposal on federalism in the wake of insurgency and it consists of nine autonomous regions. Among these nine regions, six are based on ethnicity and the other three are based on territoriality. The ethnicity based regions are named as Kirat Autonomous Region, Tamangsaling Autonomous Region, Tamuwan Autonomous Region, Newar Autonomous Region, Magarat Autonomous Region and Tharuwan Autonomous Region. The three regions of territory base are named as Madhesh Autonomous Region, Bheri- Karnali Autonomous Region and Seti-Mahakali Autonomous Region. Later, Maoists added two more autonomous regions named as Kochila and Limbuwan along with the three sub-regions in Madhesh named Maithili, Bhojpuri and Awadhi. The Maoists have proposed the autonomy of the self determination in most of the issues related to the regions however their ethnicity based regions ironically have the minority of the related ethnic group. For instance, the Tamuwan Autonomous Region of Gurung is composed of only 23% of the Gurungs and the majority is that of the other ethnic people. Thus, the Maoist- proposed federal structure seems to be logical only in the two autonomous regions named Bheri-Karnali and Seti-Mahakali. The other divisions

on the basis of ethnicity are self-contradictory. The other political parties such as The Communist Party of Nepal, United Marxist-Leninist (CPN - UML), the party leading the present government, the Nepali Congress (NC) and Madheshi People's Rights Forum (MPRF) along with the other minor political parties have not brought a concrete vision about the base of federalism.

The other models of federalism proposed by individuals are seen as responses to Maoist proposed model of federalism. But all of these proposed models clearly justify one point that the past division of the country along zonal and district lines have become outdated. The individuals who have proposed the models of federalism are Narahari Acharya, Pari Thapa, Shankar Pokhrel, K.B. Gurung, Gobinda Raj Joshi, Chaitanya Mishra, Krishna Khanal, Rajendra Shrestha, Amresh Kumar Singh and many others. All the individuals proposing the models of federalism have followed the ethnic and territorial grounds. Except ethnicity and territory, language, culture and oppression also have been made as the base for it.

Federalization of the Nepali state has been associated with the fruitful democratization of the state which can be understood as the restructuring of the state to provide easy access to power and resources to the Hill ethnic groups, the Madheshi people, the women and the other oppressed and the marginalized people on the basis of proportionality. This can be carried out on the basis of redesigning the state and by changing the mindset of caste and religion based Nepali elites. The Nepali federalization, therefore, can be in the model of what professor Lok Raj Baral says "cooperative federalism" based on cooperation of all people, their trust in one another and confidence. This can make the national capital with the aim of national unity, harmony, and cooperation among the regions and communities. At present, Nepal is in a turbulent phase of history because the transformational process is likely to be

different from the past changes. Yet the present illusions, clearly visible, are somehow the replication of the unfulfilled aims of the past. These illusions should also be understood as the influence of the past on the mindset of the leaders who claim to create miracle verbally but in practice they fail to carry out the real change.

For some experts of federalism, it is very suitable to transfer power to the local level, a process to give autonomy to the localism. So, how can we succeed in transferring power to the local level? The first step would be to spread the message, explaining the value of local governance to the general public. One of the best ways to do this would be via FM radios because this mode of communication does not exclude people who cannot read. This will generate support among the general public.

The second strategy, and perhaps a more effective one, according to Dr. Anand Jha, an assistant professor of economics and finance at Texas University, US would be:

To organize an association of the current and former VDC chairmen and mayors of towns and cities irrespective of their parties. This group of leaders is the biggest beneficiary of transfer of power and is likely to emphatically support the agenda. Organizing this group and explaining to them the benefit of strong local governance might just bring the idea of a powerful mini-government at the local level to fruition (*The Republica*, 4th June, 2009).

We have been used to the description of our nation as one held hostage for 240 years by the Shah and Rana dynasties, or that of a nation of multitudes ruled over by a small group of people representing the Hindu upper castes of the hill region. The former concept belongs to the medieval era while the latter one is that of a modern state. Both of these paradigms about the nation as an identity have failed to include

the aspirations of the diverse Nepali citizenry. This concept of nation has failed to achieve modernization and development but this rhetoric only carried out the subjugation of the majority. This notion of the modern Nepali nation has failed in making many people as citizens of Nepal. So far all the governments have failed to deliver any desirable result for the people in general. The April movement or *Janaandolan II* in this nation has provided the people with the opportunity of redefining and restructuring this nation in a radically different way. It provided an opportunity to the Nepali people to retrospect into who we were through national discussions. By doing so we can create a vision of a nation to which we all belong to. After the April movement there was a surge in our hopes and aspirations. Despite many fluctuations in the peace process up to the CA election, we patiently maintained the sense of optimism. We began to sense betrayal only after the election when politics started eerily resembling that of the mid 1990s because the so called ultra-revolutionary Maoists have failed to deliver their agenda of change, rather they started enjoying the mud-slinging and squabbling. The disillusionment has reached to its peak point with the drama that has unfolded after the formation of the new government led by Madhav Kumar Nepal.

When the traditional structures of the society begin to change during the time of radical change, the status quo is always apprehensive. In our present context there are voices about the probable disintegration of the nation, people talk about the decay of the moral fabric of the society which is nothing but an attempt to block the transformational process. Knowingly or unknowingly, people with such opinions are trying to maintain the status quo to give continuity to hegemony to the homogeneity, a rhetorical tool against federalism. This is not a matter of surprise since there are countless such experiences in the world when the climax of transformational process

comes. The most significant task ahead is that we have to survive as a modern democratic nation and for this purpose we have to restructure our nation, to redefine it as a modern nation for our new national identity. It is only possible if we accept the reality of diversity and heterogeneity in this nation since nations are what Benedict Anderson calls “the imagined communities”, and like organic beings, they can evolve and redefine their identities. In this context, what Beerendra Pandey, a cultural historian says is significant:

the time has come for the movement from the homogenizing myth, manifesting itself in the policy of the state, to the heterogenizing rhetoric in politics, journalism and education. New Nepal is poised to throw up a new concept of regionalism based on gender and race that are threatening the essentialist notion of culture- the singular unifying myths. This regionalism is poised to refuse to be reconciled as gender and race cannot be altered. (*The Kathmandu Post*, 9th June, 2009)

Official maps of the nation’s territory erase the natural geography and they distort our concept and understanding of the political space which disorients our perspective on revolution. There are national maps created in every nation and such maps show that each nation’s territory is composed of exactly the same substance. The flat and static homogeneous color of the nation spreads evenly from one border to another, symbolizing the equivalent status of all the peoples and citizens under the national institutions. From our early age, we imbibe the logic of such constructed maps. From the very early days of our schooling, we are imposed the idea that a nation is something natural and inevitable, if not something divinely created. It has been considered as naturally peaceful and harmonious with all citizens in equal status but we are never taught about the exploitation, injustice, inequality and the

discriminations of many types. Moreover, we are also not prepared to think that a nation is composed of the heterogeneous and the diverse forces, which as independent unions, can function as a nation. Indeed, the idea of a nation has undergone many significant changes since we have fought for democracy the second time.

Internationally, there was a current of democratization during the period because of the end of the cold war. By then, indigenous rights have become the globally accepted issues, local and participatory democracies have favored and third generations of human rights values have been emerged.

There are so many illusions and contrasting opinions about the use and practice of federalism in Nepal. Some believe that Nepal as a small country does not need the federal structure considering that federalism is suitable only in large countries. This argument, logical though it seems, is not completely valid because there are eight countries with federal structure smaller than Nepal in terms of size and population. Moreover, federalism is not only concerned with size and population but it is also a matter of state-society relationship. There are also the false concepts that federalism tends to disintegrate the nation, the president of Samyukta Janamorcha Nepal, Chitra Bahadur K. C. is also a leader having such opinion. Except in the case of the Soviet Union and Yugoslavia which lacked the genuine federalism, the practices and experiences of federalism around the world do not substantiate so. Many countries including India with federalism are surviving and thriving in spite of the challenges of separatism and insurgencies. Liberal democracy with the provision of enough flexibility to the constituent units to survive together makes the backbone for federalism. On the contrary, there are many instances of states being disintegrated if denied autonomy and identity. There is also another false concept among the people that as a poor and dependent country on the foreign aids, Nepal can hardly pay the

cost of federalism. This logic too is not valid in the sense that even being a unitary state, Nepal has been dependent on foreign aids. In reality, Nepal is not poor in terms of resources and if proper political management and efficient governance is provided, it has enough prospect for prosperity within a short period of time. Federal structuring can be one of such probable political managements.

Restructuring of the Nepali state under federal structure can be very suitable in the Nepali societies with diversity where democracy can be strengthened at the bottom level and development process can be accelerated at a better speed under its federalized structure. But the adaptation of the right kind of federalism is the most challenging and sensitive problem in Nepal at present. This period is the period of transition and crisis with ambiguity and confusion but equally it is the right time to restructure the nation. Most of the ethnic groups and organizations have been advocating the formation of the Nepali state as a federal republican state on the basis of language, ethnicity, region and religion with the voice of the right to self-determination and regional autonomy. Some of the political parties in mainstream such as CPN (Maoist) too keep reservation for ethnicity-based federalism even though some experts on federalism and development prefer the non-ethnic form of federalism. In the same way, Madhesh as the single federal unit has also been a matter of dispute among the political parties. Likewise, there are also demands for Chure-Bhawar Pradesh in the whole Chure hills as a parallel region to the Madhesh region and even the Himali autonomous region in the north. Though such divisions and demands may be helpful for the politicians to pave the momentary path for their regional and communal politics, it can hardly contribute to the sound federal polity and the overall development of the whole nation. Avoiding such politically-biased framework of federalizing the nation, the restructuring process can be made on the consensus of all

the concerned people. Among them one should think of common citizenship, homogeneity of population in ethnicity, language and culture, geographic accessibility and contiguity, natural resources, political and administrative feasibility and interdependence between the central and the federal units. Since federalism is a compromise and product of consensus among diverse and conflicting communities, any concerned parties should not negate this reality. All the prospective constituent units should be ready to accept what they have mutually agreed upon and evolve a federal culture. Federal polity becomes successful where compromise, mutual tolerance and sound political culture exist.

3.3 Nepali Literature and Art in the Restructured Nepal

The common concept of restructuring of state is associated with the concept of distributing the available resources in an equitable way to all the communities of the nation in a democratic way. In Anderson's opinion, it refers to "the historical transformation from a manufacturing –based economy to the service-based economy." (183) But restructuring of the nation is also a matter of restructuring of organizations of art and literature, which is a more subtle case than the case of economic organizations. The knowledge of the type of people and culture represented in the organization can be helpful to assess as to who gets the result of the restructuring. So, as in economic restructuring, there comes the question of inclusion even in the organizations of art and literature. In other words, in the restructuring process, inclusion or participation plays a crucial role. According to Anderson it means:

access, rights, influence, power and money. But, like most euphemisms, terms like multiculturalism and diversity have begun to blunt the imagination, since when they are associated only with culture; they ignore issues of justice, power and equity. And

multiculturalism can polarize people into their own camps, working against an understanding of the very systems it was originally meant to illuminate-race, class, and gender inequality. As a result, people can now conceptualize diversity as an individual group experience, wherein knowing all groups is an endless list of prefixes, histories and conditions. (197)

The restructuring of organizations of art and literature is inextricably related to the restructuring of the state because the state policy directly influences the structuring of organizations related to art and literature. If the pluralistic mode of state structuring is carried out, then the monolithic cultural state policy comes to be ruptured. Abhi Subedi writes about it:

Though the concomitant organizational structures of literature and the arts may not be as easy as envisaged by the planners, it will certainly influence the questions of representation and the inclusion of the folk and written literary heritage in the programmes of the literary cultural organizations. The concept of locale will also be significantly influenced by the restructuring of the state. Though it will not be easy to establish a direct symbiosis between the cultural policy, especially linguistic policy formulated by local administrations and the linguistic use and cultural practices prevalent among the people, the restructured regional autonomous administrations will foreground the marginalized traditions and promote the use of the language of the region. (48)

The Maoist insurgency in the last decade introduced the concept of regional autonomy along with the idea of the restructuring of the nation by settling the ethnic communities and their mother tongue. Such ethnic line got priority in the political

discourses after the Maoist movement. The Maoists have claimed that except their party, the other political parties are middle-roaders or *madhyamargi* and since political parties such as Nepali Congress and CPN -UML have the domination of the *shasak jati*, i.e. *bahun*s and *chhetri*s, these parties can not advocate the autonomy and upliftment of the minority ethnic people. So, Maoists claim that *bahun*s and *chhetri*s will not have representation in the federal administrative regions but it is very difficult and confusing to trust this Maoist agenda since ironically their own party leadership has the domination of *bahun*s and *chhetri*s. Maoists always shout and claim that those who fear the restructuring of the nation are the reactionary people since they want to give continuity to the existing hegemonic power structure and maintain the status quo. For Maoists, a nation should be founded upon the equal participation of the people of all ethnic groups, regions and religions because only such a nation can be stable. However, such Maoist nomenclature of people under such term as ruling class is itself problematic in the sense that poor and exploited *bahun*s and *chhetri*s struggling for survival since long are forcefully to be acknowledged as the ruling class people. Such an argument of a so-called Communist party is not only problematic but it is also very ironic because it deconstructs the concept of class struggle and it does not see the vast scale of exploitation of the people of the lower class belonging to different groups. But, in spite of many contradictions in the Maoist claim it is partially true that *bahun* and *chhetri* groups of people are mostly in power and they have been dominating the power structure in the society which is marginalizing the other indigenous cultures and promoting the monolithic Nepali culture with the single Nepali language. It is clearly obvious that the traditional structure of Nepal should be restructured but the very methodological question is challenging.

The discourses about the restructuring of art and literature in Nepal, according to Abhi Subedi, have a symbiosis with power. Subedi further comments:

Rulers have understood the nuances of that symbiosis and have cleverly manipulated and created the organizations. But the democratic government should declare its *loktantrik* (democratic) cultural policy for the protection, promotion and development of the country's literature, art, music and cultural wealth. The government should immediately make public its plans and policies about the protection and recognition of the languages used by people in this country other than Nepali. (63)

Subedi also proposes many other steps that the democratic government should take such as democratization of the Royal Nepal Academy, making separate academies for literature, art and music, autonomy of Sajha Publication, change in the titles of the Academy Awards in the democratic way, establishment of public libraries and so on. He believes that a republican mindset and the celebration of diversity can be the process of restructuring of the institutions of literature and art. A strong civic force of writers, artists, musicians, academicians and good politicians should play the role of a force of change according to Subedi. Such a group should actively participate in the recommendation of their ideas on the restructuring procedure of the institutions of literature and art. They should produce such art that can challenge the feudalistic, monotheistic and dictatorial norms seen in the political structures and ideologies. The production of literature should be the critique of the mistaken political activities and a guideline to the democratization of the political institutions.

3.4 Reading key Cultural Texts through Federal Lens

Abhi Subedi is a professor, dramatist, essayist and an art critic. Dr. Subedi has a long academic experience since he has taught for a long time as a professor of English in the Central Department of English where he has also worked as the head of the department for many years. He has published more than two dozens of books on drama, poetry and literary criticism. His texts are published not only in Nepal but also outside the country as well. More than ten of his dramas have been performed in Nepal and abroad. Prof. Subedi has played a crucial role in the study of art and literature in Nepal and abroad. His writings have the expression of his personal experiences that are beautifully fictionalized in the literary flavor. "Subjectivity" for him is the knot to tie the historical and the other contemporary issues in the texts that he has published in this volume. Many of these essays have carried out his private feelings. Subedi has also used politics as another playground to play the game of words. In the preface to his book the writer asserts, "There are creative aspects within the political events. It is the necessity to draw the picture of time and events for me (v)". Even most of the essays collected in this volume were first published in the political journals and newspapers.

The essays collected in Subedi's volume *Nibandha ra Tundikhel* are on the issues of diversity but almost all of them are related to the contemporary ills of Nepali politics. The essays collected in this volume are not only the expression of his personal experiences and feelings but they are also related to the latest political upheavals in Nepal after its declaration as a republican state which is in the process of federal transformation. As Gobinda Raj Bhattarai comments, Abhi Subedi's writings are the critique of the contemporary political problems of the country, the essays in the volume *Nibandha ra Tundikhel* are also about the same issue. Most of the texts in

this volume are about the problems of the transformational process of Nepal as a federalized state. The essay “Gajjubabu, Thuldai ra Madhesh” is also such an essay in which Subedi has appreciated late Gajendra Narayan Singh, the founder of Nepal Sadbhawana Party. According to Subedi Gajendra Narayan Singh was “misinterpreted by the other political parties by blaming him as an advocate of regionalism” but in reality he was trying to maintain the harmony (sadbhawana) among the Nepali people living in all regions of the country. So, Subedi thinks that the party was named as Sadbhawana Party. Gajendra Narayan Singh always spoke Hindi language in the then parliament and wore dhoti which too, Subedi thinks as the advocacy of the Madheshi language, and takes it positively. Subedi does not see problem in the Madheshi leaders but only in the other non Madheshi ones to whom “Nepali history is the single thread, only one mega-description of the Hill” (211). According to Subedi, a Madheshi called Upendra Yadav and a Pahadi like Mr. Subedi can speak the Nepali language in a similar tone which gives a new logic in New Historicism or *Naba-Aitihāsikatabad*. Upendra Yadav’s spoken tone of the Nepali language like that of a Pahadi, according to Subedi, is not “the support to the hegemonic nationality or *ekalbadi rastrabad* but it is its strong protest.” (211) Subedi says that a Madheshi leader should be privileged to speak Maithili language in the parliament and the non-Madheshi leaders should not pretend that they do not understand because they should understand it and they understand it in reality. This essay strongly exposes the writer’s concept of “republican mindset and the celebration of diversity as the process of restructuring the institutions of literature and art.” (73) By supporting Gajendra Narayan Singh’s Hindi language spoken in the parliament and his dhoti dress, Subedi reflects his republican mindset of supporting regionalism or localism as the ethics of federalism.

A police officer by profession, Mahesh Bikram Shah writes stories related to his own personal experiences as a police officer but his writings too are not out of the grip of politics. Professor Abhi Subedi says, “Every story of Shah, from the beginning to the ending, takes the readers to the inner and outer world of man since man is the center of his stories” (preface). Most of the stories in the volume *Kathmanduma Kaamrade* are related to political issues, mainly the fruitless political conflicts among the politicians who are guided just for power and position rather than for the welfare of the common people. The stories of Shah are also the critique of the rising crimes such as abductions and murders very common in the country even after the Maoists coming in the mainstream politics, of socio-economic absurdities and pollutions as well as the gender exploitation. This volume is also a bitter satire on the politicians who have been misguiding the common people about the current ambiguity of federalization of the nation because the politicians themselves lack the proper vision on how to adopt the suitable form of federalism.

The story entitled “Naya Rajaharu” in this volume is one such satire on the politicians who are attempting to justify themselves as the new monarchs with absolute dictatorial authority. The politicians “putting on the crown one by one” are in their practice to be the new kings. “We are ultimately putting on this crown for the well - being of the people” (75) claims a politician after putting on the crown, which is a very ironic statement. But all of them can not properly put on the crown and they fall down when they practice it, which is a humorous satire and a suggestion to the politicians that they can not become the kings at all and because federalization of the nation is not the recreation of the new monarchs. The writer is very apt to ridicule the petty politics of the politicians when he writes:

A leader said, “The Himali region belongs to me.”

The second said, “The half Himal and the half Hill belongs to me.”

The third leader said, “The whole hilly region is my autonomous region.”

The fourth leader said, “The Terai belongs to me.”

The fifth one claimed, “I need nothing except the Kathmandu valley.”

The sixth said, “I want the Koshi Pradesh.”

As the writer writes, the reality of the current politics in Nepal is based on “who belongs to what” which is very dangerous on the eve of the federalizing process of the nation. The story as literature is the writer’s guidance to the politicians that empowerment of the people and the democratization of the state are not possible by disintegrating the nation for petty political interests of the elites, but it can be possible only by restructuring the nation in a scientific way.

Chapter Four

Conclusion

4.1 Conclusion

In almost all the federations and mainly in the newly federalized nations, unity is the key issue or challenge, particularly, those with major divisions of identity along class, linguistic, ethnic, religious and other lines. A major unity challenge can exist in the federalized states because of the probability of secession; however, such a problem can equally come even in the non-federal regimes or the unitary states. In some cases, the challenge may lead to the probability of secession or the separatist movement. Federations existing in the world are extremely varied in their institutions and social make-up. Some of the existing federations have homogenous features and in such case people share a strong sense of national identity. In such a condition unity is not a problem at all and societies always create pressures for further centralization. Some other federations have the features of diversity and in such case; people identify themselves with very distinct groups. Such conditions have conflicting views or objectives. In this type of condition, members of a particular group may see their identity as incompatible with the national identity, which creates a tension around the issue of national integration as well as unity. But this problem is possible to occur there where a distinct population is regionally concentrated. The Irish movement in the 19th century and the current insurgency of the Tamil rebels in Sri-Lanka are some of the examples of the major unity challenges in unitary states. The United States, Nigeria and Pakistan during the civil wars in their countries, as federations, faced such challenges in the national unity. Even though history shows that separatist movements have been prevalent in many unitary countries as well, the risk and tension of it is more probable and it is often associated with federalism.

Unity challenges are mostly probable with the actions of assimilationist polity, exclusion and repression. Such actions generally worsen the problem and risks leading to violence that consequently invite the result of secession. Some governments, mainly the undemocratic or the dictatorial ones, respond to challenges to unity by trying to assimilate the population with diversity into the mainstream and by repressing their political liberty. History shows that some of such assimilationist policies have succeeded in integrating the minority into the majority group such as in adopting the majority language. But such policies risk creating strong resentments and the sense of alienation. Even some groups may accept such assimilationist policies, i.e. the immigrants may do so, but it may have the probability of resistance by the long established ethnic group in the country. If any group by repressive policies becomes deeply alienated and if there is very little probability of peaceful resolution, violence is the probable result. The federations where diversity has been embraced as a national value can easily enhance national unity. We can see India as the best example of it.

The long-term unity of democracy requires that a substantial majority of its citizens have a sense of national identity and attachment to the country. It may be possible when a group thinks that the national identity is in conflict with its regional, ethnic, religious or linguistic identity. For example, the religion of such a group may be discriminated; its language may not be respected or not permitted for use etc. may cause such problem. In the same way, unity challenge may also involve not only addressing the concerns of minority people, but also promoting the political culture of tolerance and accommodation within the minority and the majority people. There are majorities who define their nation which reflects only themselves, to the exclusion of minorities. In the minimum level, tolerance of diversity promotes a positive culture

and it becomes effective if there is a collective embrace of diversity as part of national character. Not only India but also Canada, South Africa, Nigeria and Switzerland are such examples of federations which have used the policy of embracing diversity to promote national unity.

Success in the development of such a culture becomes really difficult and almost impossible if the political leaders within the majority and the minority groups try to stir up strongly hostile feelings and fears between and among the groups. A dominant majority group, either a religious, linguistic or an ethnic one, may be reluctant to give up its historic privileges. Yugoslavia is an example of tragedy due to such a problem. Positive, liberal and flexible leadership is very crucial and vital, as the examples of Gandhi in India, Mandela in South Africa have shown. Experts and scholars of federalism talk about approaches such as 'building out' and 'building in' related to embracing diversity. Building out approach refers to making the demand for regional governments whereas building in approach refers to the process of ensuring that the key minorities are integrated into the symbols, institutions, and policies of the central government and so on. Creating and strengthening the locally controlled regional governments really empowers the local and regional population to make decisions that are important to themselves. Such regional governments also permit the people to see their character reflected in the local governmental institutions. These are the central features of the federal culture that permit the national and the local or regional political communities to coexist in harmony. Similarly, the dynamics of the national disintegration in a country may be accelerated if the key minorities are not included in the mainstream national institutions. In such context, there is little likelihood that they will maintain or increase their sense of national identity and more

likelihood that they will support ever more devolution or they may take the option of secession.

In the building out approach, there is creation of regional constituent units to listen and respond to the demands of the territorially constructed population. But there are some practical problems. For example, creating new units can be difficult, regional boundaries rarely have homogenous population, how many such units to create and so on. The stability of many diverse federations such as that of India, Canada and Switzerland has depended on their devolved federal form of government. But an equally important point not to forget is that once a federation takes shape, constitutional rules can make it difficult to redraw the boundaries to create new constituent units. India is the most notable exception because it has redrawn the map of its states and periodically created new states. In some cases, one part of a federation favors much more devolution than the other parts which may raise the possibility of asymmetric arrangements. But they may have problem of sustenance if they entail different constitutional powers for the constituent units.

The process of building in, according to the experts of federalism, promotes unity by enhancing the key population by giving it recognition as well as by including it in the institution of the central and the regional or local governmental institutions. Under this process, many means of treatment can be applied such as defining the country or the national community with both national symbols such as flag as well as by the inclusion of the history, language, religion etc. of the key population. The nation can also promote the national programs such as national health system, common market etc. which are viewed as projects for enhancing national unity. The nation should also ensure that the key population has been represented and empowered by including such population in the composition of government such as in

military, civil service etc. It is also fruitful to protect minorities in the constituent units. Protecting such minorities within the units can be a part of the balance of rights protection in the whole federation.

Language is the most sensitive factor. So language policy should always be sensitively taken by the nation. In the linguistically diverse federations such as in India, different languages are permitted in different areas to predominate, but language concerns of the minorities should also be permitted at the national and the constituent –unit levels. Practically, language policy is a highly complex matter but it can be managed with special arrangements. For example, in addition to many local languages, provision for another non-indigenous language can be made as the link language. Pakistan has adopted Urdu as the link language and the official language, though English and Punjabi, are equally important there. Majority population may be resentful about the need to accommodate minority language as the minorities can be insistent on it. There should be a suitable equilibrium between them. In India, for example, language rights are protected in the federal constitution. Such right of language can also be left to each local or regional government. The policy concerning language use differs across the federations because some emphasize the rights of individuals wherever they are; while some others tie language rights to the tiers of government. In the reference to India, there are forty languages with more than one million speakers. Hindi is the mother tongue of eighteen percent people but about forty percent speak it. It is India's official language, but English is also official language for many purposes.

In the post conflict environment like ours in the present day, creating unity poses special challenges. In such a moment of crisis federalism may be the strategic part of peace plan. Most of the long established federations have emerged peacefully.

Switzerland became the federation after the conflict among the cantons of the previous confederation as an exception. Many federations have faced and experienced a lot of internal violence for a long time. For example, the civil wars over secession in Nigeria and the US, conflicts in Argentina and Brazil and so on. After the change in the post-conflict stage, societies are generally divided and for the politics to normalize it takes a long time but normalization certainly occurs. Then slowly and gradually, the issue of secession is reduced and ultimately it is resolved. In the recent times, various experiments have been conducted concerning federal arrangements as part of the peace plans in the post-conflict scenario. Sudan, Congo and Iraq have all adopted federalism but its implementation has been a great challenge because of the fragile situations there. In the context of Nepal after the end of the Maoist insurgency for more than a decade and even in another south-Asian country Sri-Lanka which has a longer history of insurgency and communal conflict, application of federalism is currently being considered. There is logic of federal arrangements in such cases, but there is a lot of challenge in achieving the level of trust to permit the political institutions to function with a degree of stability. Moreover, countries like Nepal and Sri-Lanka have very little established political or administrative capacity in the regional or local level.

Federalism works strongly where there is the democratic governance. In the long-established and prosperous democratic countries, it has proven very fruitful. But it does not guarantee democracy and good governance any more than the unitary government can do so. Federalism also is not the only option immune to conflict, corruption or the breakdown of democratic order. It is mostly stated that federalism is clearly suitable in the countries that are democratic and they have huge population as well as huge territory. But it does not mean that all such countries should be federal

because China as very largest country is not federal in structure and yet it is economically prosperous. It is also not true that a small country with less population can not be federal. Federalism as the democratic form of government can be applicable anywhere but it is believed that democracy is the fertile soil where it can flourish in the best way. So many factors have contributed for federalism to be more relevant in the modern world. The spread of democratic governments, the growth of identity politics in some of the countries as well as the attempts to find a stable governance policy as the formula in the post-conflict situations in some countries. It is believed that the most important and critical factor is the spread of democratization, which is bringing life to some previously unitary nations after being federal. It is also equally significant to say that federalism is also being established in the post-conflict situations where there are strong internal or external forces against secession.

There are also some federations which have survived with big trauma. It is a doubtless fact that federalism best functions where there is the rule of law and the independence of the courts. In the societies with strong diversities, the political culture of high tolerance and accommodation is required. In the regional federations, the culture of embracing diversity is required in the societies with ethnic, religious or regional differences. Societal conflicts can be managed by the institutional arrangements but it can not be sufficient, there should be a broader commitment in the society to the spirit of diversity. What role the politicians and the leaders play is very significant and crucial in such a period of transition. The role like that of Milosevic in Yugoslavia will surely divide the nation and the societies but the role played by Gandhi in India and that of Mandela in South Africa will build the spirit of national sharing.

At present, Nepal is in the most critical stage of its history in terms of crisis and change as well. We are in the dawn of republican path and the road – mapping it is obviously complex but it is also the golden dawn to shape the republican day of diamond if we can utilize this opportunity in the proper and honest manner. The paradox of our day is the modus operandi of our political parties because they are misguiding the people by mud slinging and squabbling to each other for party interest of their own rather than the welfare of the public. But it is not wrong to say that we have now arrived in such a condition which is a very important moment for the development of the nation. The Constituent Assembly has been working for the drafting of the new constitution and we can hope that consensus among the political parties will be built up. We will have a better political culture after the nation will get the new constitution of development. To meet the development expectations in the country we need a consensus on national development vision, to act as the constitution of development. As the Constituent Assembly which is the legislative body of the country has been creating the political document, the executive body of the country, the government, should develop the consensus document to guide the overall development of the country. Now, time has come to search for a common ground in the development priority of the country. It requires such a unity among us that can withstand the partisan pressures. The present day historical moment is providing a unique golden opportunity to carry out this task. So, the government should seize it and without any delay, it should immediately begin to develop a shared national development vision to make new Nepal's Development Constitution fruitful. In order to meet our ambition, we need agreement on development priorities by the time the constitution will be prepared in about one and a half years. Even though the major political forces have diverse political orientations, they can agree upon a lot on

the issue of restructuring the development infra-structure to make new Nepal. The political document, new constitution of new Nepal, will identify the major programs and priorities that will bind the governments built in the future time.

The human history worldwide reflects that each major political change opens a new lot for reorienting development and further progress, the point is that politicians and leaders should use it to introduce new approaches. In our present moment, the recent vacuum after the political change of the April movement or *Janaandolan II* has given us such a space to do so. In other words, changing the nation as a federal, secular and republican nation is not enough; it has again created another space to orient the nation's development. Initially, every political party saw the new, prosperous and new Nepal but the dream of new Nepal also needs a new vision. Late king Prithvi Narayan Shah dreamt of the unified greater Nepal, B P Koirala saw small and peaceful Nepali rural societies, the late king Birendra dreamt of prosperity in peaceful co-existence, which were more or less concretized because of the strong vision in the dreamers. Even the Maoists in 2008 dreamt of a more equitable nation with a great economic role for the nation but Maoist proposition lacked commitment on the one hand and on the other, Maoists never sought consensus of the other political parties because they have never recognized the others' co-existence. A collective vision does not arise itself but it is the matter of team work and common spirit. Besides, ideological disputes affect a party's position on development. As a result, dilemma among the share-holders with different strategic interests dilutes the larger objectives of building the nation. The only solution can be the long-lasting agreements about the objectives and the strategies. A vision can be realized but it should be so strong that everyone can see, feel and understand it as much as possible. Any vision can become so when it is combined with a plan and action, backed up with

resources and commitment of the leadership. It should reflect clear optimism and even the common people should be allowed to think and talk about it. The process of preparing the shared vision should be inspiring, inclusive participatory as well as engaging. Then we can hope that the output becomes optimistic and refreshing.

At present political parties have no option except building a common ground to consensus building. Through the Constituent Election, the people have given responsibility to mainly four major political parties to carry out the historical responsibility of drafting the constitution and restructuring the nation. This is a very clear reflection of the reality that no single party alone can carry out this historical burden and it is a matter of team work. The so-called largest party, CPN-Maoist has not taken it as the reality and even today, Maoists are misinterpreting this public opinion in the one-sided way. Doubtlessly, people have declared the Maoists as the largest of all parties, but it is not true that they are in majority and it is also not true that other parties are not in existence. It is the most important responsibility of the Maoists that they should go hand in hand with the other political parties and only with the consensus of the others, they can go forward. In the present day crisis of political consensus among the political parties, it is the duty of the Maoists to pave the way for seeking consensus. They should avoid mud-slinging and squabbling and take the peace process to a desirable conclusion. Maoists as the largest and a responsible political power should immediately join the government. They should not forget that they have only two options left so far: one is the drafting of the constitution and concluding the peace process meaningfully which will prove them as a really democratic (loktantrik) force, and the other is coming out from this process and going back to the jungle again. Even though in practice they are always contrary to it, at least in theory they have reiterated the first option all the time because they are never

tired of shouting the so called civic supremacy (nagarik sarbochhata). Moreover, Maoists have also tasted the sweet taste of power that they have exercised for nine months while leading the government under the leadership of Prachanda. Sooner or later, Maoists will propose to join the government in the pretension of forming the national government, and if it happens, one should not be shocked. If it happens, it will also be a positive step for the solution of the present day crisis and it will be a further step for the political resolution as well as for the restructuring process of the nation.

The process of restructuring of the nation includes multi-dimensional aspects. It is much more related to the geographical restructuring, the rearrangement of the territorial boundary that was settled in the past than the other aspects of it but this does not mean that the other aspects of restructuring have no significance. Along with the geographical restructuring, economic restructuring is equally important since economy is the backbone of progress and change. Economic restructuring, also called fiscal federalism, may have many theoretical frameworks about which economists themselves will discuss, but it is true to all that the task of building new federalized Nepal can not be accomplished until and unless economic restructuring is simultaneously carried out along with the empowerment of the people through the political restructuring. The declaration of Nepal as a secular state from the former Hindu *Rajya*, the process of religious restructuring has been initiated which is indeed a green signal to the federalizing process of the country. Moreover, the process of federalization of the country also concerns the restructuring of the other centralized institutions which should be democratized and utilized for the welfare of the local and the concerned people.

Restructuring of literature and art is equally important and meaningful in the restructured new Nepal. It does not mean only the restructuring of literature and art in general but it is also related to the restructuring of all the cultural institutions which are closer to literature and art in general. Writers and artists of Nepal such as Abhi Subdi have focused on many aspects concerning the process of restructuring the institutions of art and literature in many ways. They have been raising voices about the restructuring of the Royal Nepal Academy in a democratic way as well as converting Nepal Association of Fine Arts into an independent academy, along with an independent and a separate academy for music and dance. An academy should be established, according to the writers and artists, and such an academy should entirely be devoted to the preservation, protection and study of the indigenous literary and cultural traditions. Restructuring of the academy is also related to the establishment of the regional branches of it and their democratic (*loktantrik*) activities. Since the academy had been organized by late king Mahendra, it became a trope of the royal patronage for a long time, which means it should be restructured in another way now. Writers and artists themselves too should promote co-operation for the advancement of Nepali art and literature because it is directly or indirectly related to the advancement of the nation. Artists and writers should form a cellular force of guiding the common people and the misguided politicians, and to do so, they can produce art and literature that paves way for the democratic restructuring of the nation and it can be a good feedback to the politicians. On the other hand, the *loktantrlik* government too should give proper feedback and recognition to those who are helping the government to uplift the way of restructuring the nation. Special recognitions and rewards from the side of the government can be given to such citizens. Another way to restructure the Nepali art and literature is to expose the hidden and unexposed

literature and art of the minority languages which have not given recognition by the state in the past. Such minority literature in Newari, Maithili, Bhojpuri, Limbu, Rai, Magar and Gurung should get national recognition like the literature in the Nepali language. They should also be transcribed in the English language to give them recognition on the international level. Along with the upliftment of the minority languages and literature, Nepali language and literature too should simultaneously be raised. All minority languages of Nepal should have Bibliographies, Dictionaries and Encyclopedias published by the government itself or the government should help the individuals to do so. The government along with the writers and the artists should also carry out researches in literature and art, more and more creative activities should be encouraged for such advancement.

The time has now come for the government that claims itself to be *loktantrik* to declare its *loktantrik* cultural policy for the protection, promotion and development of the country's art, literature and music. The cultural institutions of the country have been profit-oriented and they are becoming vulgar, which is ultimately derogating the image of the national culture. It is the job of the government to establish public libraries with books on literature and other discourses everywhere in the country. Literature with the valorization of the old system and literature of eulogy produced by the *vajan mandali* should immediately be dropped from the school and college curriculum. There is monopoly of Janak Shikshya Samagri Kendra on writing and producing textbooks, which should be ended, and competent writers, should be encouraged to write textbooks. In the context of the elimination of monarchy in the country, the annual poetry competition organized by the Royal Nepal Academy based on the title given by the monarch, should be changed and replaced by a

comprehensive annual literary festival. The *loktantrik* government should also develop a policy and process to publish journals in art and literature.

When the quagmire of Nepali politics gets resolution through the discourse of federalism, restructuring of the state institutions automatically goes through but restructuring of the nation is not just a political issue. Political parties and the government of Nepal along with all of us have the responsibility to carry out the transformation which should be fruitful to that class which has a long history of the experience of suppression, suffering and marginalization. The most important and the practical way to do so is, obviously, economic transformation or fiscal federalism because the task of building 'New Nepal' can never be really completed successfully until the economic restructuring is carried out. Along with the economic transformation which is the restructuring of the fiscal matters, the production of art and literature should also be restructured democratically. Since Nepal's federalization process has been understood as the wider and more fruitful practice of democracy, artists and writers too have no option except federalizing the production of literature and art they produce. Time has come for the artists and the writers of the restructured Nepal to restructure their mind in the federal background so that the production of art and literature in the restructured way can be possible. In the past when monarchy had supreme power, some writers and artists were producing the art and literature of eulogy guided by the profit-oriented mentality.

Even in the present day context, there are many artists who are guided by the same mindset, they are openly supporting the central political powers and they are converting themselves as the *bhajan mandali* of a political party. Artists and writers moving around the periphery of political powers calculating plus and minus and changing their political colors time and again can never become the true artists of the

restructured Nepal. But instead, they have a great responsibility to help the process of carrying out the burden of transformation in the country which is related to breaking the old mindset of celebrating homogeneity and singularity. There is the urgent need of avoiding the celebration of homogeneity and there is also an equal need of preparing the republican mindset which can celebrate diversity and heterogeneity. Such a republican mindset is very essential in the restructuring of literature and art because only such mindset can abolish the anarchic and feudalistic structure of the Nepali society. History of this country reflects that monarchs and landlords or *maliks* have always shaped the Nepali art and literature and their power politics never allowed to celebrate the diversity of art and literature but suppressed it. So, it is not necessary to reiterate the point that only the political authority with the true spirit of democracy alone is necessary for the equitable accentuation of the indigenous art and literature in the country. We can see the Indian system as an example. Through the democratic organizations, India has been accentuating the indigenous cultures. Even though in India there is still the feudalistic culture, yet the state does not allow it to dominate the democratic spirit in art and literature. The same type of situation has been found in the countries where there is the freedom of art and literature without any censorship of the state authority.

Writers and artists of the restructured Nepal, therefore, should restructure art and literature in a way that the reality of diversity is recognized and respect. The issues related to human rights, poverty, indigenous rights, ecological justice, gender equity and the exploitation of the marginal classes can be some of the basic ideas for the restructuring of the organizations that are related to art and literature. Even in the republican Nepal, the *lok tantrik* government may not accept the reality of diversity because rulers are mostly guided by their petty political interest. Writers and artists

should always be vigilant about such interest of the politicians and they should protest against the rulers' interest in regulating the literary discourses and creating the mechanism to synchronize the diverse trends and movements into a monolithic, nationalistic pattern. Protesting against this political interest of the rulers, artists and writers should produce art and literature in a way that through their creation they can give message to the politicians that art and literature is an autonomous field and not a weapon to serve their political interest. Instead of celebrating the dominant elite presence in literature, the writers in the newly restructured Nepal should give equal position to the marginalized class. Literature about the Hill and the story of the *bahun*s and *chhetri*s has been produced too much. Time has now come that the writers should write about the Terai and the marginalized people of this region. The story of Hari Prasad sharma Pandit or Ram Bahadur Chhetri and the description of *sirisko phul* or *naaspatiko phul* with the setting of the hillside are too much. There are a lot of writings in praise of the Himalayas such as the smiling hills and singing waterfalls but there are few writings about the cry and wail of the Madhesh, the suffering of the marginalized and exploited ethnicities in this area. So, writers should take the setting of madhesh and it is time for them to write the story of Ram Baran Tharu or Akhilesh Satar. Instead of describing *sirisko phul*, they should describe *lichchiko phul*. Until and unless writers and artists play the role of the force of change, it is quite impossible to restructure the Nepali art and literature in the context of federalism. The cellular force of the artists and the writers should be strongly vigilant and play an active role to recommend the restructuring process of the institutions of art and literature. Such a force can play the role of challenging and eliminating the feudalistic, monotheistic and dictatorial norms seen in the political structures and ideologies. Literature and art produced with such a republican mindset will be

advantageous in two ways: on the one hand, such artistic production will deconstruct the traditional monolithic and monotheistic trend and it will reconstruct the new trend that will advocate and support the overall federalization process in the country. On the other hand, such art and literature will be the means or medium to strengthen and uplift the concept of localism which is the backbone of federalism.

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