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Federalism as a means of political participation of minorities

A study of the Surkhet district in Nepal

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Abstract

In Nepal, women, indigenous peoples, Dalits, and other marginalized communities have a small representation in politics however they cover the larger portion of the population. To address that, the federal constitution of Nepal (2015) has several provisions for accommodating people from marginalized groups into the mainstream. The main objective of this article is to identify how the idea of constitutional protection in federal Nepal has positive implications. For that, this article employs secondary data from various sources and primary data from the field. Data from the two local-level elections of federal Nepal have been analyzed. Out of 77 districts, Surkhet has been presented as a case. This article also uses a qualitative approach and descriptive style. The key finding of the study is that the federal form of governance accommodates cultural and ethnic minorities in the decision-making processes at the local level.

Keywords

Politics, participation, minorities, federalism, Nepal

A) Introduction

Nepal, after having a decade-long internal armed conflict followed by the Peoples' movement, opted for federalism as a new democratic political system (Kharel, 2022). The Constitution of Nepal restructured the unitary monarchy system into a federal democratic republic in 2015. Hence the federal spirit in Nepal is holding together and making the state pro-people, participative and prosperous. *Gaun Gaunma Singhadurbar* (Governments at the doorsteps) was the leading slogan during the state restructuring in Nepal. Singhadurbar, as a place for central ministries during the unitary governance system, and even now, has been the symbol of centralized power. The slogan attracted the people's sentiments while passing through the articles of the constitution inside the constituent assembly, and it circulated the message of bringing the power center to the local levels. Moreover, the members of the constituent assembly have put all the demands in one basket while building a new constitution.

In this background, the article tries to analyze how the Nepali state is more accommodative in the federal mode of governance and how the three tiers of government i.e., federal, provincial, and local levels have expanded the scope of inclusion via constitutional protection. History shows that regime change, and constitution-building occur time and again in Nepal. The very political instability and constitutional fluctuations have prolonged the transition to democracy (Bhatta, 2022) and produced frustration among people. Nevertheless, the current constitution has been considered as the remedy for all the political problems, and a pathway to prosperity, is yet to be experienced.

Federalism in Nepal has been accepted as the means of conflict resolution (Ghimire, 2018) no matter how long it will retain the federal spirit. In this regard, the article tries to explain the prospects and challenges of federal exercise in Nepal particularly how the provision of political participation has been ensured to promote peoples' dignity. In response to this, the major argument in this article is that the federal constitution of Nepal has substantial room for the people from minority groups i.e., women, indigenous peoples, Dalits, and other marginalized groups to grow.

In attaining the intended goal, the article employs secondary data. Along with desk review, field-based information on the Surkhet district has been presented as a unit of analysis. All 77 districts of Nepal have the same mechanisms of electing representatives for local government, and there is no particular difference among the districts. However, I had a chance to observe the local-level election minutely in Surkhet.

The paper has been divided into four main sections. First is the introduction part which comprises the background, objective, rationale, and methodology. The second part deals with theoretical concerns of federalism, political participation, and constitutional protection. An empirical study along with the case has been presented in part three and part four contains the conclusion of the study.

B) Understanding federalism, political participation, and constitutional protection

Federalism, as Keil (2019) states, is an instrument of managing conflicts and a tool for peace-building in heterogeneous societies though the process of federal state-building is often complex,

multifaceted, and takes a lot of time. As a new branch of study in political science, law, and even economics, federalism has various scopes in research. No matter what, the model of federalism could be of any as Stepan (2005) categorizes it into three, coming together, holding together, and putting together. Nevertheless, the models of federal states, research suggest that it is imperative to pursue federal spirit and have a real commitment to the primary concept or value of federation (Franck, 1968). The fundamental of federalism is to bring all the stakeholders into the decision-making processes thus ensuring the political participation of minorities to, as Franck (1968) insists on, feel federal.

Furthermore, the political scientist Keil (2019) recalls that federalism focuses on self-rule and shared rule ensures that minority groups feel protected through self-government. Federalism is, as Franck (1968) said, the process of democratization, and the basis of democracy is the participation of people in public affairs.

On the other hand, participation is the key to democracy as it helps empower people and thus make them stakeholders. Participation in politics particularly includes people in the decision-making processes. Pariyar (2022), in his writing democracy building through inclusion, claims that democracy is weak without inclusion and the Dalits in Nepal have been facing double discrimination as most of them have been living in poverty and have less occupancy in public positions and thus are considered to be minorities.

Likewise, researchers found that women have less representation in politics worldwide. Sinha (2007), in her article, argues that the democratic system is completely dysfunctional with the exclusion of women. She also claims that women cannot be represented exactly by men therefore inclusion matters. However, inclusion, at least in the South Asian context, faces a variety of challenges as people from minority groups have been living with limited ability and are incapable of building political alliances (Zakar, 2014).

The latest research work in Latin America agrees that ethnic and cultural minorities are poor (Boulding, 2022). The theme of the rigorous research is that political participation and equality are central to democracy, though resource limitations prevent poor people from carrying out political activities. It also suggests that the resources can be channelized via political parties and civil societies as they have played crucial roles in establishing inclusion as the agenda of democratization (Ibid.).

Similarly, Anupama Rao (2009) justifies, in the case of India, how the Dalits are political minorities. Alike in India, people from Dalit communities in Nepal are also lagging. Democracy, as Abraham Lincoln said, is the government of the people, by the people, and for the people. By realizing the very concept of democracy, the Constitution of Nepal has accepted the principle of social justice and thus has the provisions of larger inclusion (Nepal, 2015).

C) Accommodation of minorities in Nepal

Johan Galtung, a peace scholar, insists on ameliorating structural violence to establish positive peace in any society (Galtung, 1969). This is possible only by ending the structural bases for discrimination. The Constitution of Nepal has been observed as the main tool to address all the structural problems, thus supporting mainstreaming the marginalized.

Nepal is a multicultural country and thus has multiethnic, multilingual communities and enjoys a range of religions (Gurung, 2003). In the long run of statehood, Nepal has faced inequality and exclusion in politics (Lawoti, 2013). Lawoti agrees that the emerging polyethnic polity in Nepal has extended the democratic rights of more people than before as most of the groups, based on gender, caste, and religion have been excluded from the state mechanisms. Furthermore, fifty-nine ethnic groups have been identified as an indigenous community so far in Nepal (NEFIN, 1991). Most of the communities have their language and enjoy their unique cultures. Indigenous peoples comprise 35.8 percent of the total population and regardless of resources, indigenous people have less representation in politics (Lamsal, 2012).

Additionally, women have been considered *abala* meaning weak, and have faced discrimination from womb to tomb (Yami, 2006). Bennett (1983), in her ethnography, has described how women are engaged only in household activities in Nepal. This social standpoint thus prevented women from taking public positions, except for some exceptions; nonetheless, women comprise more than 51 percent of the total population (CBS, 2021).

Similarly, most of the Dalits in Nepal are landless and considered to be poor (Patel, 2012). Data shows that Dalits are not in the mainstream however the Dalit community is one of the largest caste clusters and comprises 13.6 percent of the total population (CBS, 2011). On the other hand, the practice of untouchability remains in societies even if caste-based discrimination has been accepted as a crime and has legal provisions for punishment (Aahuti, 2010).

Hence, democracy and discrimination do not go hand in hand. Pariyar (2022) states that democracy advocates for equality while the practice of a caste-based social system follows a hierarchy. To maintain social equality the Constitution of Nepal has provisions for larger inclusion. As Pariyar (2022) accepts, the constitution of Nepal has duly incorporated the principle of inclusive democracy and has clear provisions for protecting all marginalized groups. To ensure the constitutional condition the government of Nepal has adopted the policy of reservation and allocated quotas to the marginalized communities.

Alike, there are separate constitutional commissions to protect and promote the rights of the respective groups in Nepal. National Women Commission, National Dalit Commission, National Inclusion Commission, Indigenous Nationalities Commission, *Madheshi* Commission, *Tharu* Commission, and Muslim Commission stand for securing interests and larger freedom of the respective groups (Pariyar, 2022). These commissions work independently, as a mother organization of the respective groups, and provide policy recommendations to the governments. The constitution has clear provisions regarding the rights and duties of these commissions.

D) Faith in federalism

Nepal has opted for a three-tier federal form via the new constitution. Despite the federal government enjoying residuary power, all governments have their distinct duties and powers. The federal face of Nepal is as follows.

The political profile of Federal Nepal

Political structure	Unit
Federal Government	1
Provinces	7
Districts	77
Metropolis	6
Sub-Metropolis	11
Municipalities	276
Rural Municipalities	460
Local Levels	753
Wards	6743

Source: Content Analysis, 2022

Among the above-mentioned units, the seven provincial governments have been facing challenges in their existence thus performance, as they are completely new in federal form. All the Metropolitan Cities, Sub-Metropolitan cities, Municipalities, and Rural municipalities have been considered local governments and enjoy autonomy and constitutional powers. The role of the local levels has been considered the most effective as they are the nearest government to the people. However, scholars and practitioners agree that performance at the local level must be gradually improved (Pandey, 2022).

E) Political participation of the minorities: a case study of Surkhet District in Nepal

Nepal held the second local-level elections in 2022 after the new constitution has been promulgated to institutionalize federalism. This article hereby tries to analyze the result of both elections and the status of representation. The case of Surkhet has been presented as a unit of analysis since all 77 districts have similar institutions and portfolios; it will be easy to cognate the case with other districts as well.

Out of 10, Surkhet is one of the districts of Karnali Province, also having the provincial capital, lies in the mid-west part, comparatively least populated and least developed city of Nepal. Surkhet has been divided into five municipalities and four rural municipalities, altogether nine local levels. Each local level has been divided into different, altogether 99, wards.

The main governing body at a local level is the municipal executive which comprises all the chairpersons from different wards and a few others are elected by the senate. A ward is governed by the ward committee that comprises five members altogether including a ward chairperson. Similarly, District Coordination Committee (DCC) comprises nine members elected by the

district assembly. People of the Surkhet district directly vote for 513 positions altogether during local-level elections (Election Commission Nepal, 2022).

According to the census 2011, as the census 2021 has not finalized its report yet, the total population of Surkhet is 350,804. The gender and ethnicity profile of the population is as follows.

The gender profile of the population

Gender	Population	Percentage
Female	181383	51.7
Male	169421	48.3
Other	0	0
Total	350804	100

Source: Census 2011

The ethnicity profile of the population

Ethnicity	Population	Percentage
Khas/Aarya	173964	49.60
Indigenous	80801	23.02
Dalit	89942	25.64
Other	6097	1.74
Total	350804	100

Source: Census 2011

The census 2011 of Nepal has identified 126 castes and ethnic groups. NEFIN has listed 59 caste groups as indigenous nationalities which cover 35.8 percent. Khas Aarya group consists of Brahman, Chhetri, Thakuri, and Dasnami and covers 31.2 percent of the total population. Dalits, having 22 major groups cover 13.6 percent (Nepali, 2016). The Muslim community is about 4.4 percent and the Madheshi community covers more than 30 percent of the total population. In the case of Surkhet 49.60 percent people are Khas Aarya and indigenous people are 23.02 percent. Similarly, Dalits comprise 25.64 percent, and a little number of Muslims live. The percentage is almost half.

In 2017, among 184,400 only 75.33 percent of people cast votes in Surkhet during the local-level elections. The total number of voters, in 2022, was 218,043. And among them 111,718 were female and 106,325 were male. Data shows that female voters are more than male however larger number of elected representatives is male. The gender and ethnicity profile of elected representatives of Surkhet is as follows.

Gender-based representation of local-level elections

Position	Mayor/Chairperson		Deputy Mayor/Vice Chairperson		Ward Chairperson	
Gender/Year	2017	2022	2017	2022	2017	2022
Female	0	1	9	7	0	0
Male	9	8	0	2	99	99
Other	0	0	0	0	0	0
Total	9	9	9	9	99	99

Source: District Election Office, Surkhet

The interesting argument heard during the local-level election in 2017 was that the position of deputy mayor or vice chairperson at the local level has been created for females (Wagle, 2022). It sounds like males are the major actors at local levels too (Bohara, 2022). This voice, later, has been changed when female candidates have been elected as mayor/chairperson and males as deputy/vice-chair. The Surkhet district has elected at least one female mayor and two male deputy mayors/vice-chair in the local-level election in 2022. Unfortunately, no women have been elected as ward chairpersons in Surkhet. It is not because women just lost the election but because out of 99 seats, no women were the candidates from any political party. It is high time the political parties should nominate female candidates as ward chairs and provide them with chances to be elected. Election Commission Nepal has shown its commitment to making the electoral process more democratic and inclusive to implement the constitutional provisions of participation effectively.

According to the Election Commission, out of 55,699 women candidates 14,402 have been elected in various positions during the local level election 2022 throughout the country. Three, out of 753, local levels have elected women as both chair and vice-chair. Altogether 25 local levels have elected women as the Mayor/Chairperson in 2022 while it was only 18 in 2017. As 700 women had been elected as deputies during the local level election in 2017, it is 562 in 2022. Despite lowering the number, it can be analyzed that the deputy is not always for women. Throughout the country, altogether 69 female candidates have been elected as ward chairpersons in 2022 while it was 61 in 2017.

Ethnicity-based representation of local level elections

Position	Mayor/Chairperson		Deputy Mayor/Vice Chairperson		Ward Chairperson	
Ethnicity/Year	2017	2022	2017	2022	2017	2022
Khas/Aarya	7	7	6	6	61	68
Indigenous	1	1	2	2	31	23
Dalits	1	1	1	1	7	8
Other	0	0	0	0	0	0
Total	9	9	9	9	99	99

Source: District Election Office, Surkhet

Beyond this, each ward elects five representatives along with the ward chair. Among them, one quota is for women and one for Dalit women. Two of them are elected as members for open quotas. This is the most representative system ever experienced at the ward level. Even people from marginalized communities could also have a chance to be elected in open member seats and it is not necessarily reserved for the male-dominant groups.

By applying this provision Surkhet elects at least 99 Dalit women representatives at the ward level. Simultaneously, ward committee members also do represent the Senate and have a chance to share their voices during the decision-making processes. On the other hand, at least 99 women have been elected as ward members from the quota. Beyond the elected representatives the municipal executive elects and nominates its executive members. This provision also has quotas for some marginalized communities.

According to the Constitution, of Nepal, the rural/municipal executive does have quotas for women, Dalits, and other marginalized communities. Rural Municipal and Municipal Executive Election Directive (2017) has listed 98 castes as marginalized communities in Nepal so far. Each rural municipal executive elects four female members and two members from Dalit and other marginalized communities. Similarly, each municipal executive does have five female members and three members from Dalit and other marginalized communities. To be elected as a member of the municipal executive, women members must be elected as the assembly member. Dalits and other marginalized community members could be anyone from the respective community. The member of the municipal executive could also represent the senate.

Likewise, each district forms District Assembly (DA) and DCC. The DA comprises all the elected mayor/chairperson and deputy mayor/vice-chairperson of the local levels within the district. The DA elects the DCC. The committee has six to nine members including the head and deputy head. In the local level election in 2022, Surkhet District Assembly elected a DCC head from the Dalit community though it is male again.

DCC also has the provision of quota and elects at least three women and a member from Dalit and other marginalized communities. To be a candidate for the DCC one must be elected as a municipal assembly member. All municipal assembly comprises the mayor, deputy mayor, ward

chairpersons, and ward members. Elected municipal executive members are also the members of the respective municipal assembly.

Regardless of the ratio, the gender and ethnicity-based representation at the local level, however, seems somehow to be disproportionate and can be considered as a good beginning. It is again the political parties to be sincere on the issue of political participation and thus choose and elect candidates representing all groups of society. Additionally, beyond the quota, promoting political participation helps political empowerment and motivates minority groups.

F) Federalism as a means of political participation of minorities

Federalism, as a form of government, has numerous prospects and constraints. The success of the federal form is based on the assimilation of the federal spirit and the genuine execution of laws. Nepal, regarding this, is new to federal practices despite the values of power-sharing and self-governance have been channelized via the constitution. Issues of inclusion and larger participation have also been accepted not only in politics but also in all aspects of society.

It is said that the fundamental of the federal constitution of Nepal is to compensate primarily the people from marginalized communities and empower them politically. It can be analyzed that the two local-level elections have, at least, positive implications thus ensuring inclusion, helping transform social values of governance, and making people feel that the state belongs to all. Moreover, the federal form of government is the most democratic one that ensures all the rights of minority groups.

The local level election in 2022 elected a Dalit member as the head of DCC, a mayor woman, and a Dalit chairperson at two local levels in Surkhet. The aftershocks of the elections are about how the members from the marginalized communities topped the positions. And how other, so-called superiors, will accept them in their respective positions? It can be analyzed that it is because of the constitutional protections and the federal spirit to bring all minorities to the mainstream. For that, the Constitution of Nepal has laid the way to accommodate all the minorities in each state's mechanisms. Likewise, the political parties provided the chance for marginalized people to be organized and make their voices louder (Darji, 2020). Likewise, the government of Nepal has shown its commitment to protecting and promoting the human rights of the people. Moreover, the policies relating to gender equality and social inclusion and massive legal reforms have enabled the environment to make all governments accountable.

G) Conclusion and the way forward

The two rounds of local-level elections after the promulgation of the new constitution in Nepal have had some positive impacts on the participation of minorities in politics. Despite discrimination of all kinds exists, the election system has ensured the quotas as positive affirmations. However, the members of the marginalized communities are to be empowered and encouraged to lead the political positions. As no woman, out of 99, has been elected as a ward chair in the Surkhet district, the question of meaningful participation is still to be answered. For that, the political parties should be more sensitive to the issue of inclusion.

On the other hand, regular and periodic elections provide some grounds for innovations and thus reforms in legal provisions as it is the most vital reform. As a result, the Election Commission Nepal has proposed some fundamental legal reforms to assure the meaningful participation of marginalized communities (Election Commission Nepal, 2022).

Similarly, the pro-people constitution boosts the morale of the citizens and thus accelerates social change. Simultaneously, awareness campaigns are much needed to educate people about their duties and rights. The following arguments can be made as the conclusion of the study. First and foremost, federalism is a political solution to the political question of power-sharing in Nepal. On the other hand, it has decentralized power from vertical state institutions to horizontal social settings, thus trying to accommodate all the nationals in unity.

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