

# Why Federalism is Necessary?

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The political scenario is facing crisis to attain legitimacy. Over the last one year, the crisis is mainly deepening owing to obstinate decline to understand the 'gravity of the problem'. The game hatched to 'prolong the uncertainty' of the course of unfolding resolution of the crisis is thwarting the positive transformation of the 'politics to progress'. The safety of the society is vulnerable. The breakdown of law and order is serious. The diversity of the population, culture, geography is gradually marching towards adversely affecting the unity of the country.

In India, for instance, over two dozen civilizations and many languages and ethnic groups have been able to 'create it a nation'. Prior to British colonial consolidation, the India as a nation was not in existence. In fact, several kingdoms existed independently. British rulers unified Indian states for the purpose of 'facilitating the revenue collection' by creating a 'centralized government system'. However, the independence movement utilized this development as a boon to oust 'empire', as the colonial domination educated 'Hindustani' of importance of unity and necessity to fight for independence emerging above the 'regionalism'. Political leaders from many parts of India under leadership and guidance of Gandhi united to 'fight against the colonial rule' with commitment to 'build India a democratic' nation. This scheme thus made 'democracy' as the basis of 'unity of various civilizations, languages and ethnic diversity'. India in the wake of fight against colonial rule realized that the 'co-existence and harmony' of different civilizations and other diversities could be protected only if the 'democracy' was made a common platform. It was the most prudent 'vision' of Ghandi and other leaders. India was thus declared as a 'secular state', which did not recognize any religion or culture as the 'religion or culture of India'. Indeed, all civilizations, religions and cultures as well as languages were recognized as assets of India nation. The democratic principles and institutions were thus made the 'basis of India as nation state'.

Another example is the 'Switzerland'. Switzerland too is a secular state, which has made the 'democracy' as the basis of the unity of the nation. Now the question is why Nepal cannot make the 'democratic principles and institutions' as the basis of 'nation state'. Most importantly, the political parties have failed to 'consider the restructuring mission' from this perspective. Political parties have failed to 'win over the trust' of population with ethnic, linguistic and other diversities. There are two important issues to consider for 'giving the discussion of restructuring of the state' a definite and meaningful shape. Firstly, the political parties must be aware and clear on 'the principle of federality'. Are they going to adopt 'asymmetrical or symmetrical' approach while implementing the plan of 'federalism'? India has followed the 'symmetrical model'. In this model, the powers, authority and privileges of constituent provinces or states are 'clearly outlined by the Constitution', and thus 'constituent provinces or states' can possess only those powers, authorities and privileges that are clearly spelt out in the Constitution. All other residue powers remain with the 'central authority'. Canada has adopted 'both symmetrical and asymmetrical models. Some provinces in Canada can enjoy only those powers, authority and privileges that 'outlined by the constitution'. While some provinces have all those powers, authorities and privileges' except those that specifically spelt out as powers, authorities and privileges of the central authority. In asymmetrical model, to simplify, the central authority's powers, authorities and privileges are determined, and outlined precisely, and rest other powers, authorities and privileges are left for the constituent provinces or states. USA has followed this model. The concept of 'autonomy largely follow' the asymmetrical model.

Another important issue relate to 'demarcation of the geographical boundaries of provinces'. There may be several principles to follow while demarcating the 'boundaries' of the provinces. However, while doing so, the question as to why 'the province's boundaries are set in that shape must have a clear answer in the minds of people. Creating a province is thus not merely a matter of 'political decision'. One of the most important principles to consider while creating provinces is the 'sentiment' of the people. A territory generally has a 'sentiment of people' for connectivity of the people. It might be a 'history', culture, language, civilization, unique character of geography, and so on. However, the creation of a province, without any sentimental connectivity, might be doomed to function or 'emerge as a unit of the state'. The political parties have also failed to analyze the situation from this perspective.

The idea of creation of provinces in any nation state is necessitated by the need of 'vertical distribution of the powers', which in turn is necessary to 'consolidate the democracy and prevent the circumstance of central authority as despotic nation or tyranny'. At this point the remarkable point to remember is that 'the restructuring of the nation should be governed by two important needs, the first being the need 'of consolidating democracy through vertical distribution of powers', and the second being the need of 'maintaining the secular character of the nation'. The federalism therefore is not a 'concept of dividing the nation into communal units'.

The democracy, however, does not function in failure of recognizing the 'diversity' as a basis of the unity of nation. In this context, the restructuring policy of Nepal is a 'drive to transform the Nepal from its feudal, monolithic and static characters to a 'democratic, divergent and progressive' nation state. The constitutionalization of the recognition of cultures, languages and other attributes of population is the only basis of the 'unity of Nepal'. The restructuring policy therefore must give attention generous and deep attention to these issues. The character of a territory to have been settled by a 'particular ethnic group' might provide a basis for 'sentimental' basis for 'boundaries of the province. Obviously, there is no danger to 'determine the basis of federalism' on such sentimental grounds. The determination of federalism on this ground can never mean that 'the creation of federal unit' on such ground is going to give a 'special power to a group of people'. It is so because 'the democracy does not allow to 'exclude people' on any ground. The determination of the boundaries of a 'province is to mean a process of vertical distribution of powers of the state on the basis of ethnic sentimental connectivity' of people, but it should never mean in any sense an idea that the 'vertical distribution of state powers based on sentimental connectivity' of the people provides 'a basis for a group to isolate or exclude others' residing in that territory'. The concept of 'ethnic federalism' with a sense of special privilege to a group at the cost of exclusion of other is defective on the basis of principles of democracy as well as 'integrity' of the nation. The powers to devolve to a 'provincial or state unit' are not the 'special privileges of a group of people', rather they are the powers of constituent province to 'consolidate democracy, progress and protect heterogeneity' of the society.

The 'constitutionalization of the heterogeneity of culture, languages and other similar attributes with a view to prevent the State being autocratic, discriminatory and monolithic power center, and to 'consolidate the freedoms of people with all powers to rule themselves democratically' are the basic needs for 'restructuring the Nepalese state'. Historically, Nepal has been stubbornly ruled by a 'elite group' to the complete exclusion of entire population. The elite group has imposed a typical culture and religion as the fundamental attribute of the Nepal's identity. The federalism is therefore necessary to empower people to 'have self-governance'. The right to self-determination of a group within a nation thus must be understood as a right to 'socio-economic and political empowerment' as an essential population constituent of the nation. Within a nation, as opposed to a colony, the group of people has no right to 'self-determination' meaning the right to secede the country. The federalism thus cannot be prelude to 'a movement to secede' the

nation. The concept of federalism in Nepal is thus an idea of ‘breaking or eliminating the political domination of an elite group’, which, by centralizing the powers with a so-called central authority, has been monopolizing the governance powers to the exclusion of cultural and linguistic indigenous communities. The scheme of the restructuring should therefore adopt some principles as indispensable elements for national integrity. Firstly, it should recognize that the ‘equality of all cultures and languages’ is the only basis of the national unity, and for this the federalism is indispensable. Secondly, in society like Nepal which has been exclusively ruled by a centralized form of government captured by a group cannot transform to ‘democratic society’ by devolving the powers vertically so as to enable to all groups to exercise the powers to rule. The federalism is thus necessary to transform Nepal into a ‘nation state’, belonging to every Nepali equally. Thirdly, the federalism is basis for ‘consolidating the democracy’, without which the ‘protection of individual liberty is impossible’. Finally, the federalism is means of ‘promoting the individual liberty and freedoms’. To see from this perspective, the scheme of federalism must be agreed by all population, and its characters need to be set forth by consensus. Without consensus the ‘scheme of federalism’ might be a source of conflict among people.

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