Federalism Dialogues: Voices from Below in State Restructuring in Nepal

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Background

The UNDP Support to Participatory Constitution Building in Nepal (SPCBN) project has been conducting a series of Federalism Dialogues in each of the proposed new federal provinces of Nepal since March 2010. A total of 14 three day Federalism Dialogues will be organized (one per province) concluding with a national seminar in Kathmandu in September 2010. Each Federalism Dialogue includes 50-60 local civil society leaders, political party representatives, ethnic and caste leaders, as well as representatives from human rights, legal and business communities. A rigorous effort is made to ensure proportional caste/ethnic diversity and gender representation. To-date, eight Federalism Dialogues have been conducted in Limbuwan, Kirat, Mithila-Bhojpura-Koch-Madhes, Sunkoshi, Tamuwa, Narayani, Magarat and Lumbini-Awadh-Tharuwan provinces.

The three-day workshops provide the opportunity for community leaders and opinion makers to learn more about the actual content of the Constituent Assembly State Restructuring and Power Sharing Committee (CA SRC) Report, as well provide their feedback on the report and assess the potential for their social harmony and economic prosperity of their proposed province. The workshops are facilitated by Professors Krishna Khanal and Krishna Hachhethu of Tribhuvan University, while the
logistics are organized and individuals invited by UNDP with the assistance of a capable local NGO partner.

The research seeks to assess whether this dialogue form of outreach and participation in the process of national constitution drafting provides an effective means of both democratic civic education, as well as conflict mitigation by creating a safe, respectful space for diverse community leaders to engage publicly and openly on critical and sensitive issues of state transformation during the process of drafting a new constitution.

Methods
The research methodology will depend primarily on dialogue, discussion, interviews and an assessment form. Detailed noted are taken during each of the Federalism Dialogues that have been collected and will be presented in individual reports on each of the Federalism Dialogues, along with a two page summary of each Dialogue. Each participant also fills out an evaluation form at the end of the three day Dialogue assessing the three day workshop and providing recommendations. In addition, more detailed interviews will be conducted with individual participants to assess their thoughts on the effectiveness of the dialogue methodology for gaining knowledge on the Constituent Assembly process and addressing potential local conflict(s) while creating a new federal state from the current unitary state of Nepal.

Results
Between March and May 2010, six Federalism Dialogues have been completed. The additional eight will be conducted by September 2010. In the first six Dialogues, 312 individuals have participated to-date including: 69% (215) men and 31% (97) women. The caste/ethnic breakdown includes: 45% (142) from the hill indigenous communities, 27% (83) from the Brahmin/Chhetri communities, 7% (22) Dalits, 6% (18) Terai Middle Castes, 4% (13) from various Terai indigenous communities, 3% (10) Tharu, 3% (8) Madhesi Brahmin, 2% (7) Terai Dalit, plus others. These percentages will shift as we complete the Federalism Dialogues in all fourteen proposed provinces.

Among the results identified to date from the Federalism Dialogues, we may include:
- Recommendations on CA SRC report changes: e.g. provincial houses to include ethnic/caste representation and clarification between various forms of minority rights;
Identification of unresolved territorial claims by various proposed provinces;
Lack of clarity on structure and feasibility of the Autonomous Regions;
Lack to-date of CA or political party outreach to districts/provinces on CA Committee reports;
Urgency of conflict mitigation or resolution clauses for inter-provincial relations and the provision of mediation services at the local level; and,
Final questionnaire results to be tabulated and compiled.

Conclusions
Greater consensus on the cultural names for the provinces, e.g. Limbuwan and Kirat;
Increased desire by provincial representatives in decision-making on federalism issues;
Agreement to increase the authority and responsibilities of the provinces vis-à-vis the center;
Expansion of proportional representation and minority protection at provincial level;
Emphasis on increasing social, cultural and linguistic rights at local and provincial levels;
Strengthening affirmative action and reservations for the Dalit communities; and,
Extensive listing of economic opportunities by province, esp. natural resources and new tourism sites.