

Federalism and Ethnic Conflict Management in Multiethnic Country

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Abstract

Ethnic conflict is the product of a particular kind of socially, historically-shaped condition of specific country. Unequal access to resources, feeling of exclusion and hatred against each other on the basis of historical memories are main sources of the conflict. On the basis of the nature of the condition and sources of the conflict, different kinds of conflict-solving means are to be adopted. Federalism, the non-centralized form of government and division of sovereignty, in general and multinational federalism in particular is one among many. Since it assures self-rule and autonomy of minorities and excluded ethnic groups, it manages ethnic conflict so as to hold the country together.

Keywords: ethnic conflict, federalism, exclusion, autonomy, inclusion

Context

The ethnic diversity is a reality of the world, today. There are only handfuls of states which are ethnically homogenous. The world-wide prevalence of ethnic diversity like about 6000 languages (Grimes 1988) and somewhere between 900 (Murdock, 1967) and 1600 (Levinson, 1993) major cultural groupings are its example. There are different factors like migration, state-building process, and democratization process to be so, in general.

Diversity in terms of ethnicity, language, may become both a boon and a curse for a country. It depends on how the state deals with it. It may become a boon and beautiful like a multi-colored garland and source of attraction and prosperity if it is accommodated and managed well but a curse, since it may become as a seed of conflict and violence so that source of backwardness of the country, if they are not accommodated and managed. There are many heterogenous countries facing severe problem of ethnic conflict because of their exclusion and feeling of marginalization in the state.

Generally, ethnic conflict is between two or more contending ethnic groups. Actually, the source of the conflict is not ethnicity as such but may be political, social, economic or religious. In an unaccommodated condition of the diversity in terms of ethnicity or language becomes hostile to each another since one becomes dominant and another dominated or one is included and another excluded (Mohammadzadeh, 2016). Like, Canadian social life was disrupted in the late 1960 and early 1970 by the violence of French-Canadian separatist. Mexico has experience violent uprising by indigenous population in southern state of Chiapas and descendants of the indigenous people of central and south and South America continue to be violently subjugate and continue to fight back (Williams, 1994). Thus, multiethnic countries must accommodate and manage such diversity for preventing conflict and promoting peace and prosperity.

There are many kinds of institutional mechanisms to accommodate such diversities practiced in the world to prevent and manage conflict. Ethnic autonomy, confederation, right to self-determination, etc. are some of them. And, federalism is one,

though not penance, perhaps, pervasively applied throughout the world in multiethnic countries in recent decades. There are many multiethnic/national countries like Switzerland, Canada, India adopting federal form of government and have addressed more or less ethnic demands so as to prevent conflict though some of them are not fully successful.

Federalism/Federation¹ is one of the forms of government. The form of government is primarily determined by social and historical conditions. And, it is a non-centralized form of government. In political perspective, federalism is as multi-tiered government combining "self-rule" and "shared rule" (Elazar, 1987). Shared rule is for some purposes and regional "self-rule" for others. Self and shared-rule is for purpose of combining unity and diversity: It is, basically, based on the objective of combining unity and diversity: i.e. of accommodating, preserving and promoting distinct identities within a larger political union (Buhler, Hanns, Luther, Susanne, Siegner, Michael, eds. 2017). Therefore, Livingston is right to say that Federal government is a device by which the federal qualities of the society are articulated and protected (1956, 1-2). And, Federal institutions are merely the instrumentalities or expressions of federal societies (ibid). Thus, the relationships between a society, its constitution, and its political institutions and processes are dynamic and involve continual mutual interaction (Watts, 2007).

¹ Federalism and federation have different essence. Federalism (King, 1982), considers as an ideological disposition particularly with overtures of valance between self-rule and shared-rule (Elazar 1979) whereas federation is an institutional arrangement where the general government incorporates its sub-national units into its decision procedure on a constitutionally entrenched basis. But, here, I use them interchangeably.

Federal form of government is argued to be better for accommodating ethnic diversity in multiethnic countries. But there are federalisms of different kinds in its nature and structure. Some are national and other are multinational / ethnic on the basis of its composition of states/ province. Symmetrical and asymmetrical on the basis of power division among states.

Social and economic diversity as the reason for adopting federal political institution, rather than seeing these institutions are the cause of diversity (Proudho in Erk, 2007). But, different multiethnic countries in the world have adopted federalism of its particular kind to address their own problems and secure prospects. It depends on the nature and feature of the society. In this context, some countries are successful to address their ethnic problem through this form of government whereas others are not. It may be because whether federal institutions became expression of federal society or not as Livingston (1956) argued.

In this context, I, in general, in this paper deal with a question: what are the causes of ethnic conflict? And, can federalism serve as an effective instrument to manage ethnic conflict so as to build national unity and maintaining political integration in a multi-ethnic society? And, if yes, I, in specific, deal with another question how does it do so? I make some arguments that federalism may accommodate ethnic diversities. But all kinds of federalism may not accommodate diversities. For this, multinational federalism/ federation is to be adopted. Nepal, a multi-national country, may adopt multinational federalism to accommodate her diversities so as to prevent ethnic conflict and enhances national unity.

Perspectives on Federalism

The term "federalism" originates from the Latin word *foedus*, i.e. compact/agreement. The term represented a political compact between groups which have come together in an association, if it is studied historically. But understanding about it has been changed along with the time. Broadly, there are two distinct school of thoughts to study and understand what federalism really is. First school of thought understands federalism as institutional arrangement and legal management of power. They understand federalism as a useful instrument of power sharing creating the provinces (Burgess, 2017:46). They understand it merely from a legal and political perspective. They do not see its relationship with ethnicity and minority. But, the second is the sociological view which understands and interprets it in relation to society and social relationship. They study and understand federalism as a structural response and reaction in post-conflict new era of world politics. They interpret federalism in reference with ethnicity and minority, either. It is a form of government that reflects the federal quality of society (Livingston, 1956).

Largely, federalism is studied and understood as a kind of particular set of institutions established based on treaty or agreement. Definitely, federal arrangement/federation is one of partnership, established and regulated by a covenant. But more than that its internal relationship reflects (should reflect) the special kind of sharing that must prevail among the partners, based on a mutual recognition of the integrity of each partner and the attempt to foster a special unity among them (Elazar, 1991: 5). It is the combination of self-rule and shared rule. The self-rule is given to the local or state level

whereas the shared rule is practiced in federal level. Therefore, it is not simply a particular set of institutions but rather it is an institutionalization of particular relationship among the participants in political life (ibid:6) since federal structure of the state is a device by which the federal qualities of the society are articulated and protected (Livingston 1956: 1-2). And, therefore, federal institutions are merely the instrumentalities or expressions of federal societies (ibid). Hence, it is socio-historically constructed and determined form of government to address the particular kind of socio-historical condition.

Burgess (2009) takes federalism as in essence a multidimensional concept. He argues that it is a particular kind of liberal democratic state, which is characterized both by the formal written constitutional entrenchment and legal recognition of difference and diversity enshrined in various forms and levels of autonomy. In his view, the recognition of diversity and autonomy are inherent part of federalism.

What Watts (1966), explains about federalism is it is formal distribution of legislative and executive authority, the allocation of sufficient revenues to ensure the autonomy of each order of government, the representation of regional views in the central legislature, a constitutional amendment procedure requiring a substantial degree of regional consent, and an enforcement mechanism that included courts, referendums or a special role for the upper chamber. Together he further reasonably argues that federal systems are a function not only of constitutions, but also of governments, and fundamentally of societies. Consequently, federalism is not only the distribution of legislative and executive power or non-centralizing the power but, along with this, it is

also an articulation of federal qualities of the society. Understanding federalism from legalistic and center-periphery polity is a serious problem.

Generally, federalism/ federations come about in two ways, either through the aggregation of independent state like that of American federation or the devolution of power to sub-national units like that of Spain (Burris, 2001; Duchacek 1970; Weinstock, 2001). Federation through aggregation is a result of a constitutional pact between two or more independent political entities whereas federation through devolution comes restructuring unitary state into federal. Urwin (1982:11) calls these processes organic and mechanical federalism. Alfred Stepan calls these two processes as coming together and holding together. Stepan (1999:23) adds one more category observing the limitation of these two is putting together. According to him, coming together federation is almost synonymous with notion of federal integration and unions. But, holding together federation refers to those multi-ethnic federations established through a process of democratic bargaining (ibid). Such federalism implies the primacy of maintaining the unity of the nation. It must adopt asymmetric characteristic because, in order to hold the country together, the center makes a special deal with one group or subunit, and this special deal carries with it the asymmetrical distribution of power and rights with regard to the rest of the country (He, 2017:16). Asymmetric federalism², so that, can be employed as a means of conflict resolution to deal with secessionism and ethnic division (ibid). The Flemish in Belgium or Quebecois in Canada are some examples of

² In asymmetric federalism ethnic minorities are given special rights to protect their identity like language opposite to symmetric federalism where there is equal devolution of power to all ethnic groups.

it. In contrast to this, putting together federations like the former Soviet Union established through a “heavily coercive effort by a non-democratic centralizing power to put together a multinational state” (ibid).

It is true that federalism is a result of unique historical and political circumstances. But it emerged as an important instrument of nation/ state building after the collapse of European colonial empires in the immediate post World War II period (Watt 1994:2). In this respect, many post-colonial multi-ethnic countries of Asia and Africa have adopted federalism. The role of federalism in balancing the competing and perhaps conflicting demands for autonomy and unity in such countries as India, Malaysia and Nigeria could not be doubted (Rothchild, 1966).

Elazar (1991:6), argues that in the 'modern and postmodern epochs federalism has emerged as a major means of accommodating the spreading desire of people to preserve or revive the advantages of small societies with the growing necessity for larger combinations to employ common resources or to maintain or strengthen their cultural distinctiveness within more extensive polities'.

Kymlicka (2005:269), argues that there is the value of federalism in accommodating national minorities. He further says that it respects the desire of groups to remain autonomous, and to retain their cultural distinctiveness. That's why, multinational countries should adopt federal system.

Federal states that comprise what are now frequently called 'internal nations'-and whose justification of existence- is the protection, preservation and promotion of these

nations as nations (Burgess, 2007). May be, because of this, federalism is supposed to be an engine of prosperity (Filippov, Ordeshook, Shventova, 2004).

Thus, there are different kinds perspectives on the nature and kinds of federalism formed through different processes in different historical epochs. The difference in kind and process are basically pinned in history/historical condition and nature of society. For example, the historical condition of forming American federalism is different from the historical condition of Spain and Nepal.

Federalism: National or Multinational

Federalism can be classified on the basis of whether it has recognized the ethnic and linguistic diversities or not. It also is related with its ideology and structures. In this respect, there are mainly two models of federalism: national (regional/ territorial) and multinational (non-territorial).

National or regional or territorial federalism can be characterized as the universal protection of individual rights, the neutrality of the state with regard to different ethnic groups, the absence of an internal boundary for ethnic groups, the division and diffusion of power within a single national community, and region rather than ethnicity being the basic unit of federal polity (He, 2007:10). American and Australian federations are some examples of such type. The origin of non-territorial federalism as a solution to persistent sub-state national and ethnic conflicts within a single democratic state framework can be traced back to late 19th and early 20th century (Burgess, 2007).

Opposite to regional federalism, multinational federalism accommodates concentrated ethnic groups; internal boundary is drawn to enable minorities to exercise minority rights and self-determination, and achieve an ethnonational homeland (He, 2007:10). Kymlicka (2006: 64-5), argues that those countries 'in which internal boundaries have been drawn and powers distributed in such a way as to ensure that each national group is able to maintain itself as a distinct and self-governing society and culture' as multinational federation. He (2007:44), further defines 'multinational federalism' as 'creating a federal or quasi-federal sub-unit in which the minority group form a local majority, and so can exercise meaningful form of self-government', and where 'the group's language is typically recognized as an official state language, at least within their federal subunit, and perhaps throughout the country as a whole'(Kymlicka and Baogan, 2005, 23-24; Kymlicka, 2006). Canada, Spain, and Belgium can be seen as examples of multinational federalism.

National or territorial federalism is a process of devolution of power to regional/local level. It is symmetrical in nature. But multinational federalism emerges in response to the assertion of substate national identities, but it also tends to reinforce and institutionalize those identities, and to reinforce the sense of boundaries (geographical and cultural) between groups (Kymlicka, 2007:44).

In this way of thinking, multinational federation corresponds to the state and multinational federalism corresponds to society.

The question of which model of federalism to be adopted is based on the nature of the society since federalism is an institutionalization of the social nature and character as Livingston said it is a reflection of federal quality of society. Largely, multinational kind of federalism is adopted by multinational / multiethnic country to address the demands of self-rule and autonomy.

Sociology of ethnic conflict and its management

Ethnic conflict has got its own certain and unique social, historical contexts. There is not a single but numerous social and historical causes behind ethnic conflict in different parts of the world in different time of the history. Some causes are more prominent than the others. Like in Rwanda, one of the causes of ethnic conflict was Tutsis were favored in terms of education and employment over the Hutus who were neglected (Batware, 2012). And, such a conflict has got an unlike democratic way of resolution like provision of ethnic autonomy, inclusion, self-rule, etc., either based on the socio-historical condition of the country. Federal form of government is among them.

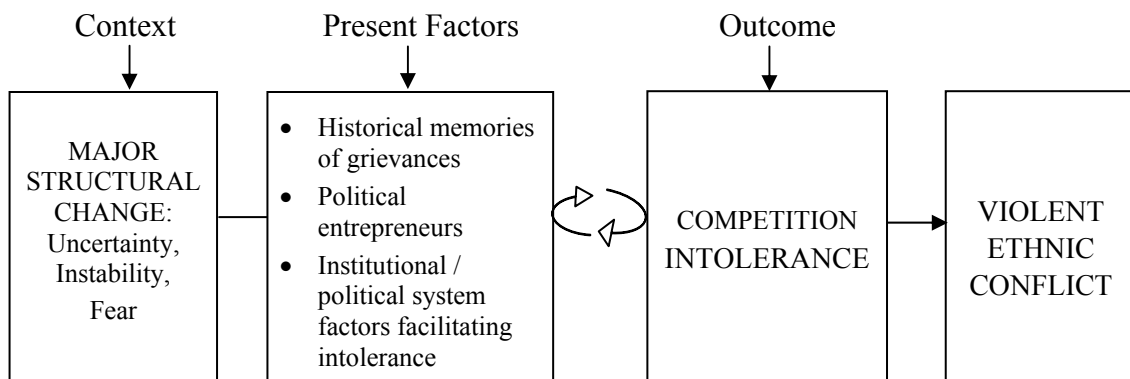
Ethnic conflict is between two or more contending ethnic groups. Ethnic diverse societies carry various degrees of conflict potential. Blagojevic (2009) argues that ethnic emotions, rooted in historical memories of grievances, are at the core of conflict potential. Since WW II ethnic conflicts have been facilitated by the rise in the number of new multiethnic states, by state-building activities, increased resources for mobilization, mass communication, diffusion of ideologies and by external

interventions, too. Particularly, the failure to recognize an ethnic group or deny the right of a group has often resulted in ethnic strife (Fessha, 2010).

There are different theories and approaches of ethnic conflict: primordialist, institutional, political entrepreneurs, and competition over resources. They have primarily focused upon intra-societal processes: split labor market (Bonacich 1976), economic competition (Banton 1983), internal colonization (Hechter 1975), and assimilation (Gordon 1964; Hirschman 1983). Yet such domestic processes manifestly are strongly affected by economic and political rivalries among national states and by many other transnational and international influences.

According to the primordialist approach, biological factors, the emotions are responsible for ethnic conflict. Since primordial approach deals with the things as static, biological, and natural, it explains the role of emotions and the conflict potential of ethnicity (Blagojevic, 2009). Unlike this approach, the institutional, political entrepreneurs and competition over resources approaches give attention on how the interaction of institutional and political factors with ethnic emotions lead to ethnification, ethnic intolerance, competition, and eventually – violent ethnic conflict since ethnic conflict is not because of the biological factors but because of the competition over resources or unequal access to resources. Thus, ethnic conflict should be studied in multidimensional approach.

Bojana Blagojevic (2009) proposes the following multidimensional framework for ethnic conflict.



According to him, in the context of structural change which causes uncertainty, instability, and fear there are historical memories of grievances, political entrepreneurs, and institutional / political factors facilitating intolerance results competition intolerance that causes violent ethnic conflict.

Actually, ethnicity results from interethnic relations, whenever two different groups or societies come into contact and establish various modes of spatial, political-economic, cultural and social relations (Tepfenhart, 2013). Essentially, discriminatory kind of social relation among the ethnic groups may create conflict. Some (Tepfenhart, 2013, Williams, 1994, He, 2006) argue that the root causes of ethnic conflict do not involve ethnicity but rather institutional, political, and economic factors. More than that, ethnic is a different culture and a core for conflict is discrimination politics. The primary factors in ethnic conflict are unequal access to resource, or competition over resource, or state actions, or internal colonization, or economic inequalities, or social strains and anomie- and so on (Williams, 1994). Such processes may raise antagonistic feeling against one another among the ethnic groups. Among these factors, particular country may have particular primary factor and other secondary for the conflict.

There are many other causes as well of the conflict. Usually, there may be high chance of conflict in fragile states where there is a kind of situation of anomie in Durkheim's term. The state can be fragile because of rapid population growth in the less-industrialized country where there is pervasive poverty and economic inequality. But still the primary conditions for ethnic conflict are ethnic distinctiveness, geographic concentration, interethnic inequality, "alien" state penetration (and fear of exclusion), ethnic organization, and external support (Williams, 1994). Along many other political centralizations, different narratives of grievances are the causes of ethnic conflict in the case of Indonesia (Sukma, 2006). In Thailand, because of the assimilation and selective integration process taken by the state was the root causes of ethnic conflict (Vaddhanaphuti, 2006). Among these conditions primary and cotangential condition may vary in different countries. Some of the conflicts are ethno-regional, either. Such conflicts are directed against the state in efforts to gain or restore to control over a homeland: as in Quebec, Scotland, Southern Sudan, Tamil Eelam (Sri Lanka) Kosovo (India), etc. It may be an outcome of seeking autonomy and self-rule because of their feeling of exclusion and exploitation of the state.

Therefore, ethnic distinctiveness and geographical concentration only are not the causes of conflict rather the special intensive so evident in many ethnic conflicts frequently arises from a sense of victimization (Zaslavsky 1992), arising from loss of autonomy, loss of historically claimed territory, infringement of prior rights, or generally, treatment thought to be unfairly discriminatory (Williams, 1994). Cultural and

economic causes are other factors of ethnic rivalry. What Esman (1990: 58-59) argues that ethnic rivalries include participation in political decisions, cultural status, economic opportunities. Likewise, Gurr (1993) insists that ethnic grievance is main cause of conflict. The notion of grievance is often conflated with related concepts of dissatisfaction or deprivation. Ethnic grievances are created by poverty and political and economic differentials among groups, and that restricted political access and a history of lost autonomy. Restriction on political access and loss of autonomy, it is against the spirit of democratic principle, are in the core of other discriminatory process and grievances. Such grievances, in a long run, create the conditions for not only rebellion and conflict but also for separatist demand. Therefore, such grievances should be addressed so as to hold the country together.

Since 1990s and early 2000s confirmed the 'new awakening' of identity politics, federalism became a structural response and reaction (Burgess, 2017:45) in a new age of post-conflict management and resolution of ethnic conflict. It is because it may provide an opportunity of self-rule or autonomy to minorities in their own land making their population a majority (Kymlicka, 2007:44). Also, such federalism (multi-national federalism) assures the protection of their identity and allows groups to create 'parallel societies', coexisting alongside the dominant society. Such federalism promotes inter-group equality so as to minimize inter-group conflict (ibid.). Such federalism is based on the principle of ethnic autonomy and self-rule which reduces the separatist demand, either (Ghai, 2000). Also, Baogang (2006) argues that federation is the mechanism to

solve ethnic conflict. Countries such as Switzerland and Canada use different methods to prevent ethnic conflict and achieve equality: democracy, such as power sharing; greater autonomy for certain regions; and veto power for all communities (Tepfenhart, 2013).

Federalism and Demand of Self-rule in Nepal

Nepal, one of the multi-ethnic and multi-lingual countries, has got one hundred twenty-five caste/ethnic groups, one hundred and twenty-three languages, and ten religious' communities (Census, 2011). Though Nepal is multi-ethnic and multi-lingual country, the nation-building process adopted encroachment and the policy of assimilation so as to create a single national identity through national language, national uniform, national animal, etc. Such a process not only made susceptible the identity of different ethnic groups but also escalated their exclusion and marginalization.

Federalism in Nepal is inseparably linked to resist against political and economic exclusion on the basis of caste, ethnicity and regional identity. The different ethnic groups of Nepal have been demanding self-rule and autonomy for a long period of time. For them, it is a political system of inclusive democracy. Their voices were more vocal after democratic change in Nepal in 2046. It became louder during the democratic struggle of 2062-63 under the slogan of 'identity politics'. It was raised under the broader context of restructuring of the old unitary state into new one. Since the old 'Kathmandu-centered' unitary state, according to them, became exclusionary, hegemonic, could not address their demand and desire of self-rule and autonomy, it

should be changed into new inclusive democratic state (Sherchan, 2014, Tamang, 2068, Sundar, 2008)). They demanded their democratic right of self-rule in broader of theme of identity politics. In this context, they raised voice for federalism based on their identity as a means to establish inclusive state.

In point of fact, voice for federalism was first raised in early 1950s along with the advent of democracy overthrowing the century-old family oligarchy (Khanal, 2014). It shows that it has come along with the democratization process of the country. Some of the Tarai elite who felt excluded in the new power structure had formed a party called Tarai Congress on the regional basis claiming to represent the Tarai region, the southern part of Nepal bordering India, which is now popularly called a "Madhes", and demanded for a separate province comprising that region as "autonomous Tarai state" comprising the part of southern Nepal below the *Chure* hills (Devakota, 1959; Yadav, 2003). About the same time, the Limbu reform activists in the eastern hills also demanded for "Limbuwan Autonomous Province" (Baral and Tigela Limbu, 2064 in Khanal, 2014). Their demand was not in the form of federal state but autonomy of Limbu nation. Likewise, some of the political parties formed after 1990 such as Sadbhawana Party, Rashtriya Janamukti Party and raised the voice for federal state. However, it was Janajati (ethnic nationalities) who were the most vocal in engaging the federal state in their demand for federalism (Thapaliya, 2010). Ethnic and regional demands were important parts of the Maoist agenda during the civil war. And, so that state restructuring became a central component of the 2006 peace deal.

The decade-long Moist insurgency, in the background, provided fertile ground for federalism though they might have instrumentalized it. The interim constitution 2007, guaranteed federalism through its first amendment responding the agitation of ethnic-regional forces particularly, Madhesh mobilization. But the different levels and kinds of mobilizations took place and compelled the government to amend the constitution to include federalism were immediate cause. The genuine and compelling causes of federalism were the democratic rhetoric of participatory democracy, inclusive state, social relationship based on equality on which the ethnic and regional mobilization was based (Khanal, 2014, Gurung, 2012, Mabuhang, 2012, Shrestha, 2012). Provision of self-rule and autonomy may be a mechanism for political inclusion and participation of excluded groups.

Conclusion

Federal form of government is not an end but means. It may be a means to solve the problem like ethnic conflict appeared in the context of particular kind of socio-historical context in particular country. As Livingston (1956) precisely argues that federal institutions are merely the instrumentalities or expression of federal society, multi-national federalism can manage ethnic conflict providing opportunity of self-rule, autonomy to minorities in their own land making their population a majority and promotes inter-group equality as Kimlicka (2007) argues so as to minimize inter-group conflict. Such federalism (multi-national federalism) assures the protection of their identity and allows groups to create 'parallel societies', coexisting alongside the

dominant society. Likewise, Burgess (2009) and Watt (1966) argue that autonomy is inherent part of federalism which may be the mechanism to manage ethnic conflict. Provision of autonomy and self-rule reduces the separatist demand, either (Ghai, 2000).

Federalism in Nepal is inseparably linked to resist against political and economic exclusion on the basis of caste, ethnicity and regional identity. As different ethnic groups of Nepal who have felt to be excluded in the state, have been demanding self-rule and autonomy for inclusion for a long period of time, federalism was supposed to be an appropriate form of government to achieve the same. Federation based on identity (multinational) was their aspiration for inclusive state.

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