

Social Implications of Demand for Identity-based Federalism in Nepal

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Abstract

Identity-based federalism is a form of federalism in which some or all the federal units/ provinces/ states are carved out based on ethnic or linguistic identity in an ethnically, culturally, or linguistically diverse country. It embodies the recognition of diversity and the accommodation of it to create unity in diversity. It fulfils the federal principle of self-rule and shared-rule. However, identity-based federalism has become a contested issue in Nepal. Indigenous nationalities of Nepal who have been socially, politically, economically, and culturally excluded have demanded identity-based federalism for the recognition of their indigenous civilization, inclusion, and self-rule in their historical territory. It is argued in this article that identity-based federalism can be an institutional mechanism for recognition and inclusion, addressing the structural exclusion and marginalization of indigenous nationalities of Nepal. It also helps alleviate deep ethnic divisions. Adopting the qualitative research and thematic analysis approaches to examine the implications of identity-based federalism in Nepal, this article argues that the implications of identity-based federalism are for recognition, inclusion, and self-rule of Indigenous nationalities. These claims have been made primarily based on secondary data and on the analysis of relevant discourses. This study contributes to the existing literature on federalism, adding its implications in the context of Nepal.

Keywords: Identity-based federalism, diversity, accommodation, inclusion, self-rule.

Introduction

The demand for identity-based federalism, particularly by Indigenous nationalities, in Nepal emerged from a long history of nation-state building, in general, and socio-cultural exclusion, erasure of their identity, in particular. Since the unification of Nepal under Prithvi Narayan Shah, the state adopted a nation-state - building process that privileged the language and culture of the dominant hill high caste groups. Bista (1982) described this process as “Nepalization process”. This process led to the marginalization of indigenous nationalities, Madhesi, Dalits, and other minority groups in terms of political representation and cultural recognition. Over time, this exclusion was institutionalized through state policies and national identity narratives. The political transformation following the 1990 democratic movement and the People’s Movement of 2006,

always called the second People's Movement, based on the ten-year-long Maoist insurgency, created a new avenue for marginalized groups to articulate their demands for recognition, self-rule and autonomy within the broader framework of state restructuring.

In Nepal, identity-based federalism is meant by federal units/provinces or states to be carved out based on indigenous/ethnic identity, comprising their historical geography. According to Kymlicka, such a federalism is named as multinational federalism (Kymlicka, 2007). Such federal units have the majority of national minority groups so as to ensure their cultural and political autonomy (ibid.). In a multiethnic and multilingual country, such federal units are formed to accommodate the ethnic and linguistic identity groups/communities who are historically, politically, socially, and culturally excluded and marginalized (Van der Beken, 2009, Assefa, 2008). Identity-based federalism is a device to ensure autonomy to historically excluded indigenous nationalities as well.

Autonomy for indigenous nationalities is a political arrangement that grants a degree of self-governance to them within a nation-state. Primarily, such autonomy aims to accommodate the distinct ethnic, and linguistic characteristics of these groups (Ghai, 2000). Such autonomy can be granted to accommodate conflicting rights (Hannum, 1996) of different minority groups (Malloy, 2015). If the state does not make provisions of self-rule and autonomy to historically excluded groups in multiethnic societies, there may be ethnic conflict and ultimately the movement of secession. The provision of self-rule and autonomy is a way to avoid ethnic conflict and secession in multiethnic societies (Ghai, 2000). In multiethnic, multilingual societies, it is a political apparatus for the unity of diversity (Van der Beken, 2012).

There are two opposing schools of thought / political parties in Nepal regarding this issue. Scholars like Shrestha (2070), Thapa (2070); Tamang (2068); Gurung (2070); Hachhethu (2070) argue that such a form of federalism can be an institutional mechanism for protecting and promoting identities of Indigenous nationalities. It can be the mechanism for providing self-rule and autonomy. Some political parties, along with *Nepal Communist Party (Maoist)* (CPN-Maoist), which is the proponent of this issue, and Tarai-based parties like *Janata Samajbadi Party*, *Loktantrik Samajbadi Party* supported such federalism. For them, such federalism helps to end age-long ethnic, linguistic, and regional disparities in the country.

While others oppose such a form of federalism. Some of the major political parties like the *Nepali Congress (NC)*, and *Nepal Communist Party (United Marxist, Leninist)* (CPN- UML) also disregard this issue and argue that such federalism may be a curse for the country since it divides the country into different indigenous/ethnic communities, while other political parties such as *Nepal Communist Party (Maoist)* (NCP, Maoist), *Janata Samajbadi Party* support this form of federalism in Nepal.

The existing body of literature has examined identity-based federalism in Nepal from theoretical, empirical, and policy perspectives. Theoretically, scholars have drawn on frameworks of recognition and inclusion to explain the demand for recognition and self-rule. Empirical studies have documented patterns of exclusion, the rise of ethnic movements, and political mobilization in

shaping federal debates. Despite these contributions, much of the existing literature tends to focus either on the normative justification of identity-based federalism or on its political feasibility, often overlooking its actual social implications for indigenous communities in a multiethnic society at multiple levels.

This article aims to contribute to this body of knowledge by providing a theoretically informed and empirically grounded sociological analysis of the social implications of identity-based federalism in Nepal, particularly from the perspective of indigenous nationalities of Nepal. This article also seeks to demonstrate that while the demand has opened a new avenue for recognition and inclusion, it has also generated new tensions. Some scholars (Bunce, 1999, 2004; Roeder, 1991, 2007, 2009; Cornell, 2002; Brubaker, 1996) take such federalism as inappropriate mechanism to manage ethnic issues. In Nepal, it is termed as castist (*Jatiye*) federalism and could be a seed of conflict and, probably, may reach the point of secession since it includes a group of people and excludes others, as Selassie (2003) argues.

To achieve the objectives, this study adopts a qualitative research approach based on thematic analysis of secondary sources and media narratives. The scope of this research is limited to examining the perspectives of indigenous nationalities within the federal framework, with particular attention to issues of identity, inclusion, and self-rule. This study critically analyzes existing knowledge to provide a comprehensive sociological interpretation of the implication of identity-based federalism in Nepal.

Identity-based Federalism in Nepal: Sociological Discourse

Identity-based federalism is a form of federalism in which federal units are structured based on ethnic, linguistic, or cultural identities (Hale, 2004). Such a form of federalism is structured in response to the struggle against the nation-state-building process, in general (Watts, 1996), and structural and historical exclusion and marginalization and to promote inclusion of indigenous nationalities/ethnic groups, in particular, in a multiethnic society. It, therefore, reflects the struggle for recognition (Taylor, 1994; Honneth, 1995), the redistribution of power (Bourdieu, 1991), and the connection between identity and space (Lefebvre, 1991).

The form of government in a particular society is necessitated by the particular social and historical conditions of that society (country) to address the needs and aspirations of the general people of that country. It is, therefore, the historical and social structural condition that demands a particular kind of governance. Such a form of government is a product of an identity-based federal society since federalism is a political mechanism to manage a federal society (Livingston, 1952). As federalism is a function of society rather than of the constitution only (*ibid.*), such a form of federalism is needed for a federal society to function well.

As a form of federal government, identity-based federalism, in an ethnically, culturally, or linguistically diverse country, helps address the socio-political issues of nationalities that are historically and structurally excluded. Such federalism is, particularly, supposed to be appropriate to accentuate the aspiration of recognition and accommodation of socially, politically, culturally, and linguistically excluded communities in a nation-state (Kymlicka, 2007;

Fessha, 2007; He, 2007). The recognition and inclusion of excluded communities in state apparatuses help to exterminate social rupture created by social, political, ethnic, and linguistic disparity and generate unity in diversity. Such federalism also meets the principle of self-rule and shared rule (Elazar, 1987) of different communities that existed in the country. So, in essence, such federalism is one of the genuine mechanisms to alleviate deep ethnic divisions (McGarry and O'Leary, 2005; Wolff, 2010) and create unity in diversity (Burgess, 2006).

In such a federalism, the province or state, with recognition, is named based on its ethnic, linguistic identity or historical legacy. The national minority is made the majority while carving out the state to exercise their autonomy and self-rule (Kymlicka, 2007) in their province, at least in social, cultural, and linguistic issues. Some scholars (Lorwin, 1968; Nordlinger, 1972; Roeder, 2009), unlike others, argue that self-rule and autonomy lead the country to conflict and secession since they prepare the ground to propagate only particular socio-cultural and political values (Selassie, 2003). They argue that rather than unity among different communities, such a provision may divide them and compartmentalize the country and pave the way for secession (Bunce, 1999; Brubaker, 1996, 2004; Cornell, 2002; Roeder, 1991, 2007, 2009). But Ghai (2000), in contrast to the above views, argues that rather than promotion, autonomy helps prevent conflict and secession in a multiethnic and multilingual country. For Subedi, adopting the federal form of government is always for identity management and accommodation (2080). Therefore, such a federalism may contribute to the maintenance and development of cultural diversity by granting self-government (Karmis, 2010).

There are other viewpoints as well to analyzing identity-based federalism. According to the first viewpoint, there is no single but multiple identities of the people (Sen, 2006), and they are fluid (Barth, 1969). Ethnicity or ethnic identity itself is a fluid concept (Barth, 1969; Mishra, 2012). Making a base on ethnicity for creating the province in a federal country is against the democratic norms (Mishra, 2012) since it favours one and ignores others (Roeder, 1991). Hence, such a federal form is not a suitable form of government in a multiethnic, multilingual society.

The second viewpoint supports the identity-based federal form of government. According to this viewpoint, such a form of federalism is the political mechanism for the institutional recognition and accommodation of historically and structurally excluded communities (Levy, 2007; Wolf, 2010; Hechter, 2000; Fessha, 2008). From this viewpoint, identity is not a fluid concept that changes overnight. Everything is changeable and fluid; it also is changeable; however, it should not be treated as if it changes overnight since it remains unchanged for a long period (Chai, 1969; Gurung, 2004).

For this viewpoint, such a form of federalism is a political device to ensure the autonomy of national minority groups at the provincial level in cultural, linguistic, and academic issues (Kymlicka, 1992, 1995, 2007). Identity politics itself is a politics of recognition (Kymlicka, 1995). Besides, identity politics is the struggle of unrecognized identity groups that are historically excluded, fighting for their recognition and accommodation in the state apparatuses. It is a struggle for their self-rule and autonomy. To accommodate socially, politically, and culturally excluded communities/ nationalities, the identity-based form of federalism is an alternative. In

essence, it may be a tool for ethnic conflict resolution (Keil and Alber, 2021) and a means to generate unity in diversity (Van der Beken, 2009), one of the aims of federalism, in a country having multiethnic, multicultural, and multilingual characteristics.

In Nepal, there are two distinctly different viewpoints towards identity-based federalism. Generally, indigenous nationalities who have demanded such federalism take it as a political mechanism for their self-rule and inclusion in the state (Gurung, 2012; Mabuhang, 2008; Hachhethu, 2008; Lawoti, 2005). On the other hand, there is another viewpoint that takes it as a castist (*jatiya*) agenda. Adopting such a form of federalism may generate conflict and divide the country into different castes. It is against the democratic value (Mishra 2012, Dahal 2012).

The federalism of India, Switzerland, Canada, and Belgium are some examples of identity-based federalism. Some of the federal units are carved out and named based on the ethnic and linguistic identity of a particular community in India. For example, Nagaland is an identity-based state of the *Naga* people. Tamilnadu is another state which is formed and named based on the ethnic identity of *Tamil* people. In Switzerland, four linguistic groups (German, French, Italian, and Romansh) have significant cultural autonomy at the canton (province) level (Kymlicka, 2007). Federalism in Belgium recognizes the linguistic and cultural diversity that exists in the country. The regions are divided based on cultural and linguistic groups: Flemish or Fleming, and Walloon. Flemish are Dutch-speaking people. Walloon is another distinctive cultural and linguistic community in Belgium (Erk, 2007). Likewise, the federal form of Canada also recognizes the distinct identity of its provinces including the recognition of French language rights in Quebec (Smith, 2010; Erk, 2007).

According to Sharma, one of the essential works to be done by federalism in a multiethnic, multilingual society is to manage and accommodate diversity based on ethnicity, language, and region (2023). The diversity of Nepal is also to be institutionally recognized to create unity in diversity through federalism in Nepal, as Elazar (1987) argues. So, identity-based federalism is both a device to recognize and accommodate diversity to achieve the goal of creating unity in diversity.

The demand for such a form of federalism in Nepal has, chiefly, been made by indigenous nationalities, Madhesi, of Nepal, who are politically, socially, economically, and culturally excluded from state apparatuses (Neupane, 2005). It is because they have a grave feeling of statelessness. Ethnic communities of Madhes term their condition not only marginalized but also as internally colonized. In the nation-state-building process known as *Nepalization* process as well (Bista, 1982), distinct communities, particularly the indigenous nationalities, have been structurally excluded and marginalized. This process, predominantly, started with the advent of the modern Nepali state and continued throughout the Rana (1846 to 1951) regime, panchayat (1961-1990), and democratic (1990-2006) periods. Aiming to make Nepal a special Hindu nation-state, Prithvi Narayan Shah envisioned it as *Asali Hindustan* (pure land of Hindus) and a common garden of four Varna, thirty-six Jaats rather than ethnic groups (Panta, 2073).

The nation-state-building process, dominated by the Hindu high caste, proceeded further during the Panchayat period. The adoption of the policy of “One language (Nepali), One form of costume (*Daura Suruwal* for male and *Guneu Choli* for female), One Nation”, for creating

shared national identity at the cost of diversity, and declaring Nepal as the Hindu country constitutionally by *Panchayeti system* are the highpoint of the nation-state-building process. Such a process tracked indigenous nationalities' identity under vulnerable conditions.

Though it has a long history, the demand for such a form of federalism was enunciated by indigenous nationalities of Nepal, along with some political parties, after the success of the mass people's movement, known as *Janaandolan II* in 2062/63, that overthrew the aged-long monarchical system, in the context of the restructuring from the unitary system of governance to the federal system of governance. In the comprehensive peace agreement signed between the then state and the rebellion CPN (Maoist) agreed to restructure the Nepali state to end all forms of disparities based on caste and ethnicity, gender, culture, region, and language and change Nepal into a new Nepal (*Naya Nepal*) based on democratic values.

Since the consensus could not be built on the issue of identity-based federalism among political parties of Nepal during a new constitution-making process through a historical Constituent Assembly, the historical first Constituent Assembly was dissolved in 2012 without fulfilling its duty of drafting a new constitution of Nepal. The second Constituent Assembly, formed in 2013, drafted a new constitution with federalism based on territory. Thus, identity-based federalism remained a contested and unsolved issue.

Method

This study adopts a qualitative analytical research design to examine the social implications of the demand for identity-based federalism in Nepal made by indigenous nationalities, particularly. Since this article seeks causes of the demand for identity-based federalism and its effects or social implications, this design is appropriate (Creswell, 2014). This research is primarily based on secondary data, including academic literature like books, journal articles, and reports related to federal restructuring. Narratives of Indigenous people/organizations are analyzed as a primary source of information. The thematic analysis approach has also been employed to identify recurring patterns related to inclusion, identity politics, and inequality, drawing on the theories of recognition and redistribution. The themes of the article are inclusion, symbolic ownership, territorial identity, and spatial justice. The themes have been interpreted through the theoretical framework, such as recognition theory, symbolic power and identity theory, and spatial theory.

The study also incorporates selective qualitative insights from media reports and public discourse to capture contemporary developments and debates on federalism, in general, and identity-based federalism, in particular, in the context of Nepal.

Findings and Discussion

Recognition and Misrecognition

Nepal is a multi-ethnic, multi-linguistic, multi-religious country. According to the Nepal Population and Housing Census 2021, there are 142 castes and ethnic groups (indigenous nationalities) and 124 mother tongues in Nepal. There are ten religious groups residing in Nepal.

59 groups among 142 caste and ethnic groups are state-recognized indigenous nationalities with their own mother tongues and indigenous social and cultural identities. About 38 per cent of the population in Nepal is of indigenous nationalities. However, they are misrecognized according to the concept of Taylor (1994). There are multiple forms of misrecognition, such as cultural domination, denial of territorial identity, political underrepresentation, linguistic marginalization, stereotyping, social hierarchy, and knowledge bias. Their misrecognition led to their exclusion and marginalization.

The implicit implication of identity-based federalism is the recognition of the indigenous/ethnic identity of indigenous nationalities of Nepal. Though Nepal is, constitutionally, a multiethnic, multilingual, and multicultural country, a single ethnicity (Khas Aarya/ Brahman. Chhetri), language (Khas Nepali), and culture (Hindu religion-based culture) have prevailed since the advent of modern Nepal. The constitution of Nepal in 1962 declared Nepal a Hindu Kingdom. The Khas Nepali language became the national/official language, and the rest of the languages became the language of the nation without any other recognition and practical use. Declaring the cow as a national animal is another symbol of the dominant prevailing condition of Hindu religion-based values in the country. Such conditions marginalized other cultures and cultural values, particularly of indigenous nationalities, in the country.

Indigenous nationalities of Nepal have been struggling for their recognition, protection, and promotion of their language, culture, and cultural identity for a long period of time. For the same purpose, they have made different types of social welfare societies. *Tharu Kalyankarini* Shava of Tharu people, *Mangkhala* of Newari people, Tamang Ghedung of Tamang people, *Kirat Rai Yayokha* of Kirat Rai people established in 1990, and *Yakthung Chumlung* of Limbu people are some examples. As these organizations have been working to protect and promote their culture and language, they raised voices for their cultural and linguistic recognition in the country in the context of state restructuring. Declaring their language also as the official language, education in their mother tongue, etc., are their long-standing demands. Identity-based federalism is supposed to be the political device to meet their demand.

Territorial Identity and Spatial Justice

Along with the advent of the centralized modern nation-state, indigenous nationalities were denied their territorial identities and spatial justice through administrative restructuring, socio-political domination, and state policies. It has weakened their connection to land, identity and power. Consequently, their autonomous regions, such as *Limbuwan*, *Kirat* were incorporated into a centralized nation-state and their identities were erased. Their territorial identities were erased through the replacement of indigenous place names and the abolition of the traditional land system (Regmi, 2014). Their customary institutions were abolished. Their traditional cultures and rituals were disregarded. It caused their culture and identities weakened.

The spatial injustice is evident in the unequal distribution of resources, political marginalization, and imposition of non-identity-based federal boundaries, as Soja (2010) and Bourdieu (1991) argue. The demand for identity-based federalism has been fueled by the condition of political marginalization.

The struggle over identity-based federalism is spatial justice and territorial identity-driver, rooted in historical relationships between community and their ancestral land rather than merely political. The Indigenous nationalities have demanded territorial identity, rather than merely identity. Since the territory or space is socially produced and symbolically meaningful (Lefebvre, 1991; Nora, 1989), territorial identity reflects the deep historical, cultural, and political attachment of indigenous communities of Nepal to specific regions such as *Limbuwan*, *Tamsaling*, *Mvgarat*, *Kirat*, etc. However, they have felt their historical territorial identity has been lost during the modern nation-state-building process. At the same time, indigenous nationalities of Nepal have demanded spatial justice for equitable recognition and distribution of power across these territories, addressing historical patterns of exclusion and centralization as Soja (2010) explains.

For indigenous nationalities of Nepal, territorial recognition affirms not only their identity and culture, but also historical belonging. It leads to an increase in collective dignity and self-respect. Taylor (1994) insists that recognition is an essential human need for identity formation. The territorial identity is closely linked to inclusion and empowerment, also. According to indigenous nationalities, territorial identity opens an avenue for representation in governance and decision-making bodies. Importantly, since territorial identity reinforces the connection between people and land, identity and space, it creates a strong sense of belonging.

On the other hand, spatial justice demanded by indigenous nationalities becomes a tool for fairer distribution of resources and development opportunities. It helps reduce regional inequalities since spatial justice is linked with self-rule and autonomy in the federal framework. It, thus, ends the historical exclusion and marginalization.

Inclusion and Symbolic Ownership

Inclusion refers to the meaningful incorporation of historically misrecognized, excluded and marginalized communities, particularly indigenous nationalities and national minorities, into political institutions, governance structures, and public decision-making processes (Honneth, 1995). And, symbolic ownership denotes the sense of belonging and legitimacy within the state. It is the ability of a group to see its identity reflected in state symbols, narratives, and spaces (Nora, 1989; Alderman, 2008).

Indigenous nationalities in Nepal are politically, socially, and economically excluded communities (Gurung, 2007; Lawoti, 2005; Neupane, 2005). There were multiple institutional mechanisms for the exclusion and marginalization, such as centralized governance, dominance of Khas-Nepali culture, and limited access to state power. The excluded and marginalized conditions weakened the symbolic ownership of Indigenous nationalities over the state. The symbolic ownership, generally, is expressed through recognition of indigenous histories, use of language and cultural symbols in public space, and naming places or provinces based on identity (Bourdieu, 1991; Alderman, 2008). As the modern nation-state-building process disregarded these processes and created a shared national identity based on the dominant ethnic identity, the symbolic ownership of indigenous nationalities was weakened within the state. They often said that it was their country, but not the state.

For indigenous nationalities, inclusion and symbolic ownership are central to the social implications of identity-based federalism in Nepal. Since inclusion involves the meaningful participation of historically excluded and marginalized communities in political and institutional structures, identity-based federalism is supposed to open a new avenue for the inclusion of Indigenous nationalities of Nepal. Inclusion is supposed to be the institutional mechanism for enhancing symbolic ownership. And, symbolic ownership reflects the ability of these groups to see themselves represented in the naming and cultural symbols of the state. The debate over the border of the province and its naming illustrates this in Nepal.

The demand of indigenous nationalities for proportional representation, self-rule, and autonomy in an identity-based federal framework is supposed to be the institutional mechanism for their inclusion, ethnic and territorial recognition, spatial justice, and symbolic ownership of the state.

Conclusion

The demand for identity-based federalism, a form of federalism, has social implications. The demand made by the indigenous nationalities of Nepal reflects the struggle for their recognition, inclusion, and spatial justice since they are historically misrecognized, excluded, and marginalized. This study has critically analyzed that federal structure is a social and political transformation of identity, territory, and power relations, rather than merely an administrative reform. The identity-based federalism has social implications for political inclusion, cultural recognition, and symbolic ownership, enabling excluded and marginalized indigenous nationalities to assert their historical, territorial identities and demand representation in the state structure. It also leads to spatial justice. Though these demands generated a new form of contestation, particularly around identity boundaries, naming provinces, it opens a new avenue to correct historical misrecognition and exclusion.

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