

MAPPING LOCAL FEDERALISM IN NEPAL: AN EXERCISE IN CONSTITUTIONAL CARTOGRAPHY

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Introduction

On a clear spring morning in 2017, a small signboard arrived unannounced inside Pathakpur's local government compound in Kailali District in Far West, Nepal.¹ At a loss for what to do with the unexpected deposit, a peon took it promptly outdoors and propped it against the yellow walls of the office building. Petitioners moving in and out of the offices soon took notice of the little sign peaking up from the scruff of weeds at the building's foundations. Its glossy red letters outshone the graffiti proclaiming Pathakpur as part of a Tharu Autonomous Province and drew eyes away from the weathered painting on the lintel identifying Pathakpur as a Village Development Committee (VDC): "Pathakpur *Gāūpālikā*." The visitors tested the new syllables on their tongues before heading indoors to conduct their business.

The *gāūpālikā*, or rural municipality, was one of several kinds of new local administrative units created by Nepal's 2015 federal democratic Constitution. Although the powers of these novel structures were constitutionally defined, they were not geographically delineated until the government-appointed Local Level Restructuring Commission (LLRC) completed its final report in March 2017. The arrival of the rural municipality signboard in Pathakpur was one way of signaling the conclusion of this internal bordering process. But other ways of organizing Nepal's territory have continued to linger in the public imagination. They endure in "Tharuhat/Tharuwan Autonomous Province" slogans, such as those painted on Kailali's government office buildings, which promote the indigenous Tharu demand for a federal province raised during constitution writing. And they persist within the constitution in the form of as yet unimplemented Special, Protected and Autonomous Areas.

The informal and formal geographies Nepalis navigate today are indexical of the elliptical negotiations over the ordering of national space

¹ Pathakpur is a pseudo-toponym. All personal names with the exception of public figures have been anonymized.

which characterized the “post-conflict”² restructuring of the Nepal state after hostilities between the Government of Nepal and the Communist Party of Nepal-Maoist (CPN-M) cooled in 2006.³ Deliberations about Nepal’s internal politico-administrative boundaries colored constitution writing between 2008 and 2015 and effectively united two categories of rationalization: constitutionalism and cartography. The marriage of constitutionalism and cartography was somewhat unusual given that cartography, the science and practice of mapping, has played a limited role in constitution writing in Nepal historically. The 1962 Constitution of Nepal and the 1990 Constitution each referenced subnational administrative units and defined their roles and responsibilities. But, while constitution writers in 1962 and 1990 were clearly thinking about the internal map of the Nepal state, there is little evidence that decisions on the boundaries of administrative structures were essential to completing constitution writing.⁴ In contrast, by 2008 the delineation of subnational administrative structures had become critical to constitution writing and constitutional legitimacy. Indecisions about internal boundaries hindered constitution writing in the first Constituent Assembly (CA), leading to its dissolution without a constitution in 2012. The second CA, responding to public pressure, proceeded to define the number and boundaries of provinces and endorse a mechanism for delineating local federal structures before promulgating the Constitution in September 2015.⁵ As I will examine closely here, subnational boundary-making reappeared in the immediate

² Shneiderman and Snellinger (2014) question the framing of “post-conflict,” stressing that the punctuated “before” and “after” classification is most meaningful for members of the international community intent on instituting neoliberal reforms and rarely aligns with people’s lived experiences of enduring conflict.

³ For a comprehensive overview of post-2006 federal state restructuring please see Malagodi (2019).

⁴ Development districts and zones, for example, were delineated by a committee after King Mahendra announced in a New Year’s Address before the arrival of the 1962 Constitution that Nepal would be divided into seventy-five development districts and fourteen zones. The Development Districts and Zones Division Committee (DDZDC) under the National Guidance Ministry finished its work in parallel to constitution writing (DDZDC 1962). Upendra Man Malla, personal communication, August 2, 2016.

⁵ Article 295 of the 2015 Constitution specifies that a commission will be formed within six months of promulgation to define local bodies and its tenure will last one year.

years following the constitution's promulgation through the joint exercise of mapping local federal units and special, protected and autonomous areas.

Understanding why administrative unit delineation achieved such importance in the writing and implementation of the 2015 Constitution has been mainly studied in reference to the politics of territorial recognition (Shneiderman and Tillin 2015) and the history of state restructuring and federalist discourses in Nepal (Karki 2014). While these perspectives are important, I propose that federal mapping in Nepal can be further explored in relation to the ongoing international turn toward territorially sensitive constitutional design, especially observed in countries undergoing federal or devolved political transitions (Ginsburg 2018; Anderson and Choudhry 2019a). Briefly, in the years since the wave of de-colonial constitutions written in the Global South over the 1940s and 1960s and the breakup of the USSR in 1989, constitutional scholars have been keen to unpack the territorial basis of intrastate conflicts occurring within newer constitutional democracies (Amoretti and Bermeo 2004; Choudhry 2008). On this basis, throughout the 1990s and 2000s constitutional actors (Lazarus 2020) promoted different kinds of devolved power arrangements for countries experiencing internal conflicts associated with regionalized, i.e., spatialized, social and economic inequalities and territorial claims (McGarry and O'Leary 2005). Following this line of constitutional thought, state territoriality, what Winichakul (1994) identified as the affective "geo-body" of the nation-state, came to be regarded not simply as the *cause* of intrastate conflicts, but its potential *solution*. This shift in emphasis underscores scholarly and practitioner interest in working with the "political geometry" or "configurations of territorial cleavages" mobilizing politics in moments of constitutional transition such that the constitution making process as well as constitutional design could become a means for state endurance against future secessionism and dissolution (Anderson and Choudhry 2019a: xv).

In this light, federalism, a political system of shared and self-rule, is considered a classic model for accommodating subnational territorial difference (Ginsburg 2019: 353–354). Amongst countries that have experimented with federal forms of government, Ethiopia, Spain, Nigeria, and India undertook episodes of constitution making and amendment that formalized territorialized socio-cultural and linguistic difference into states and autonomous regions, while others, including Nepal, Bolivia, and Kenya, have sought non-territorial as well as territorial ways to recognize

claims to national space constitutionally. Importantly, although federalism is associated with subnational accommodations, it is not the only political system reached for in territorially sensitive constitution making moments.⁶ Regardless of what kind of model is adopted, stabilizing territorial cleavages remains, in the normative language of constitutional scholarship, a central goal of contemporary constitution writing, deliberation, and design (Ginsburg 2018, 2019; Anderson and Choudhry 2019a). On the one hand, territorial sensitivity in constitutional design foregrounds territory's role in "constitutional bargaining," that is as a means to "avoid exit and achieve a degree of loyalty" amongst constituents (Ginsburg 2019: 353). On the other, territorial sensitivity in constitutional design highlights sovereignty and territoriality's interdependence and how this relationship manifests at different scales to take on multiple forms.⁷ In Nepal, constitution writing's role in deciding the territorial arrangement of the state had the further unexpected effect of enhancing the constitution's power as a cartographic instrument, the outcome of which I explore in this paper.

Considering the constitution as a cartographic instrument, as a tool for delineating national territory, corresponds with what we know about cartography's significance to state-making and nationalism more generally. As the science and practice of mapping, cartography is argued to have co-emerged with territorial forms of state sovereignty in Western Europe (Pickles 2004) and contributed to the birth of the state's ideological offspring,

⁶ In the policy brief version of Anderson and Choudhry's academic publication (2019b: 49), the authors identify how territorial accommodations can be met through constitutional means other than symmetrical federalism, such as devolution, special autonomy for small regions in majoritarian systems, and highly devolved federalism with central power-sharing.

⁷ Nepal was not considered by constitutional scholars to feature a high degree of territorial division or cleavage because ethnic, caste, and language groups were spatially intermixed rather than concentrated as majorities in particular regions (Anderson and Choudhry 2019b: 42). Scholars of Nepal, however, will recognize that such a reading overlooks the historical context of state formation in Nepal which impacted the dispersion of peoples and contributed to demands for territorial recognition by various indigenous and regional groups post-1990. At a local and district scale, however, the majority areas of different groups were thought to be more straight-forwardly assessed using census data. Thus identifying "majority areas" or "territorial divisions" was revived in local mapping through the delineation of Special, Protected and Autonomous Areas.

the imagined national community (Anderson 1991[1983]). Following the circulation of cartographic techniques through Anglo-European colonialism and the epistemological fields of empire, cartography has become a ubiquitous feature of statecraft globally (Edney 1997, 2019; Craib 2004; Michael 2012). The cartographic imperative is observed in efforts to naturalize international borders (Sahlins 1989) as well as in exercises to make territory and populations legible to state elites for the purposes of management and governance (Scott 1998; MacArthur 2016). In today's world system of "cartographic states" (Branch 2014), it is arguably cartographers who manufacture power by generating subjects, binding objects, and fomenting social worlds in the filaments of representational space (Harley 2002). But despite the ubiquity of boundary-making in federal democratic constitutional transitions, there has been little written about the cartographic process accompanying constitution writing.⁸ I fill this gap through an ethnography of local federal mapping in Nepal.

In the remainder of this paper, I interpret Nepali constitution writing as a cartographic project demonstrative of Nepali politics of (sub)national ordering and territorially sensitive constitutional design. Specifically, I attend to what I call *constitutional cartography*, which I define as a state-centric cartographic practice mediated through acts of constitution writing and constitutional interpretation. To explore constitutional cartography's uptake in Nepal, I query how the 2015 Constitution guided the mapping of local level federal bodies and special, protected, and autonomous areas in the two years after the constitution's promulgation. I will demonstrate that local mapping heralded a distinctive *second phase of state restructuring*

⁸ Examples of internal federal boundary revisions, such as the formation of new states in India (Mawdsley 2002), have been written about, but the constitutionally-mediated exercise of internal boundary mapping is underexamined. There is no single reason for this oversight. However, based on a review of border studies literature in human geography, Ramutsindela (2019: 349) concluded that "research on borders at the subnational level is invisible in current debates on borders, and that there is no commitment among border scholars to include them into broader discussions and debates on borders." She proposes that this is due to many factors, among them a sense amongst scholars that theorizing about subnational borders is "irrelevant to contexts beyond particular localities" (2019: 350). I hope this paper refreshes perspectives on internal bordering as part of wider practices of state making and constitutionalism in South Asia and elsewhere.

grounded in episodes of constitutional interpretation, in contrast to the first phase's focus on constitution design and writing. I use *second phase of state restructuring* as a heuristic device and periodization to distinguish territorial and institutional changes completed through constitutional interpretation after 2015 from decisions, such as the three tiers of government and seven provinces, which were decided before the constitution's promulgation. While I acknowledge that a host of acts and laws accompanied the formation of subnational administrative geography during this second phase, discussing them is beyond the scope of the paper.⁹

From this basis, I proceed to ethnographically track constitutional cartography in process. My interest in the unfolding of local mapping has taken me across different layers of the Nepal state, from center (Kathmandu), to province (Sudurpashchim), to district (Kailali), to local unit (Pathakpur). The practices of constitutional cartography varied in these sites as actors were differently positioned to interpret the constitution and direct mapping decisions and held different relationships to the state and district space. For example, district-level bureaucrats were in key positions to take decisions on local mapping given the authority granted to them by the Local Level Restructuring Commission (LLRC) and their knowledge of district space. But their decisions were not undertaken in isolation. They were conducted in reference to the wishes of district political leaders representing local populations and the dictates of central and provincial level bureaucrats and politicians, amongst others. Furthermore, most people involved in the physical delineation of borders were not trained cartographers or geographers, although Geographic Information System (GIS) technicians did provide support to the LLRC and district technical committees. This paper makes visible "unlikely cartographers"—civil servants, politicians, lawyers and activists—facilitating local mapping in Nepal, broadening the study of constitutional cartography beyond formalized constitutional actors and institutions.

Unlikely cartographers finalized the federal map on schedule in March 2017. But they did so by discarding some administrative units provided for in the 2015 Constitution, namely Special, Protected and Autonomous Areas, known as "special structures." As I trace Nepal's constitutional cartography, I am attentive to the trajectory of special structures and their position as suspended

⁹ See Paudel and Sapkota (2018) for an overview of legal changes related to local level federalism and Steytler (2021) for detail about the formation of the National Natural Resources and Fiscal Commission.

geographies within the Constitution. I conclude the paper by discussing how special structures, symbolic of autonomy throughout constitution writing, constitute counter-sites (Foucault 1986) within the constitution where a different kind of Nepal state can be imagined, if not yet lived.

The material I present in this paper and its arguments are drawn from interviews graciously given to me by three members of the LLRC in 2017 and 2018 and from interviews and participant observation I conducted with Kailali research participants from 2016 to 2018. I have contextualized my interviews and participant observation with acts, rules, procedures, directives and press releases archived by the LLRC,¹⁰ as well as media reports and a historical review of Nepal's administrative geography. In the interest of anonymity and confidentiality at the district-level, I have employed pseudonyms for all Kailali participants. In the public interest, I have kept the names of LLRC members who generously gave of their time to speak with me about the complexities of creating local bodies for Nepal and Kailali District.

My ethnographic position in the research is reflected in my presentation of constitutional cartography as a distributed practice amongst unlikely cartographers. For, while I was granted interviews with some members of the LLRC, I was not permitted to attend meetings where local unit boundaries or designations for special, protected and autonomous areas were decided. There was a clear limit to my level of "participant observation" as a foreign anthropologist. Like most Nepali citizens at the time, I had to discern decisions at a distance. Numerous co-interpreters helped me in this. I am indebted to them all, but especially to Ujjwal Prasai and Gaurab KC who, over many hours in Kathmandu's more colorful neighborhood tea shops, facilitated my knowledge of the constitution's cartography and Nepal's administrative history. Any errors in interpretation are my own.

Assessing the Geo-body: Local Bodies and Autonomy in Nepali Constitution Writing

Five development regions, seventy-five districts, 967 *ilākās*, 3,157 VDCs, 217 municipalities and over 36,000 wards constituted the geography of governance and administration in Nepal at the dawn of constitution writing.

¹⁰ The LLRC maintained a website which included up-to-date government directives and memos, press releases, and a photo gallery: <https://llrc.gov.np>. I accessed the archived site using the Internet Archive's Wayback Machine (archive.org).

Lawmakers gathered at the inauguration of the Constituent Assembly on May 28, 2008 were tasked with transforming Nepal’s administrative geography into a federal system of government in accordance with the vision for the “progressive restructuring of the state” outlined by the Interim Constitution 2007.¹¹ Federalism, a constitutional system of shared and self-rule through which authority is consecrated in territorial subunits, has a homegrown history in Nepal as well as international appeal. Although it was not a condition of the two documents shepherding post-conflict restructuring and constitution writing—the Comprehensive Peace Agreement and the Seven Party Alliance-CPN-M Agreement—the idea of federalism has a legacy in the Tarai and eastern Nepal linked to the Nepal Terai Congress and Limbuwan, regional parties and movements active at the peak of democratic struggle in the late 1950s (Karki 2014: 4; Chemjong 2017). At the same time, it is also popularly known through the example of the Indian federal government and its episodic statehood movements, more recently the call for Gorkhaland in the Northeast (Middleton 2013). Constitutional lawyers and scholars meanwhile have come to appreciate federalism as a flexible and adaptable political system ideally suited to resolve conflicts in divided societies, especially territorial ones (Choudhry and Hume 2011). In this overlapping international and national context, the concept of federalism came to scaffold ideas about how Nepal’s national space could be arranged to 1) recognize the territorial attachments and histories of indigenous and marginalized peoples and 2) reform Nepal’s geo-body to reflect the ethnic mosaic of the nation-state (Ghai 2011; Watts 2011).

Suhrke (2016: 6) aptly described the constitution writing process as a “war of maps.” From 2008 to 2015, most maps proposed to constitution writers represented provinces (Sharma, Khanal and Tharu 2009). In response, scholars have mainly focused analysis on province debates and provincehood movements, particularly those linked to indigenous politics (Middleton and Shneiderman 2008; Maycock 2011; Chemjong 2017; Bennicke 2018; Johnson 2020). There has been less attention to what I refer to as the second phase of restructuring, which took place after the constitution’s promulgation

¹¹ The Madhesh *āndolan* pressured the government to change the Interim Constitution 2007. The First Amendment re-directed the tone and purpose of restructuring by securing the insertion of “federal” in the description of the future structure of the state (Article 138) and the promise of proportional inclusion in state organs (Article 33[d]).

in 2015 and involved the mapping of local bodies and special, protected, and autonomous areas.¹² In this section, I track how ideas about local bodies and autonomy developed through iterative episodes of constitution writing to become represented in the constitution's geography.

Local self-government, as an ideal political institution, looms large in the imagination of contemporary Nepal. Forms of local autonomy arguably pre-existed the modern Nepal state, leading Hachhethu (2008) to suggest that historical precedence in part explains the importance of local self-government and autonomy in Nepali political thought. The importance of local autonomy as a political concept and an administrative structure can be tied as well to the emergence of the Panchayat system after 1960. In this interpretation, King Mahendra's presentation of timeless, self-sufficient, local councils or *pañcāyats* provided an ideological justification for the dissolution of multiparty democracy and the promotion of partyless democracy organized around the image of the self-governing panchayat council (Kumar 1964). The idea of the panchayat gained spatial form when, in accordance with the 1962 Panchayat Constitution and the Nagar Panchayat Act of 1962, the Ministry of Local Development demarcated 3,800 Village and Nagar Panchayats (Sharma 2003: 376). In the same year, district-level Panchayat councils were established and the boundaries of the seventy-five development districts were delineated by the committee (DDZDC 1962).

After 1990, when the Panchayat government fell, Gaun Panchayats and Nagar Panchayats were carried over into the restored multiparty democracy system and renamed "Village Development Committees" and "Municipalities" through local government acts in 1992 (Hachhethu 2008: 46). At this point, local governments became part of a nation-wide strategy for decentralization. In theory, significant administrative powers passed to local governments in the Local Self Government Act of 1999. Consequently, programs and policies promoting decentralization and participatory

¹² Literature on local restructuring in Nepal is flourishing within political science and the development sector. However, these studies tend to be functional or prescriptive, oriented toward "good governance," democracy, and institution building (for a representation of literature in these fields, see TAF 2017 [research led by Krishna Hachhethu]; Acharya 2018; DRCN 2019; Pradhan 2019). They give little insight into the processual dynamics that brought about the form of the local federal system, which is my focus.

democracy at the local level colored Nepal's development scene throughout the 1990s and 2000s (Gellner and Hachhethu 2008).

What appeared to be a moment of local unit empowerment was cut short by the CPN-M's People's War and the declaration of emergency in 2002, two events which severely undermined political stability in Nepal and disrupted election cycles (Hachhethu 2008: 46). When the five-year tenure of local representatives elected in 1997 expired in 2002 local units nationwide were left in the hands of civil servants. Threats and violence led many civil servants to abandon posts amidst the rising influence of the People's War across the countryside and cities. Many local governments operated only in consultation with a committee of self-nominated political party representatives, formalized as the All-Party Mechanism (Byrne and Klem 2015). In the absence of elections, All-Party Mechanisms worked with civil servants to govern local bodies, setting priorities for budget allocation and planning. Although officially disbanded in 2010, political party representatives carried on advising civil servants on local governance and directed local affairs in an unofficial capacity (Gellner 2014).

The Comprehensive Peace Agreement signed on November 8, 2006 between the CPN-M and the Government of Nepal intervened in this national malaise by prompting the writing of a constitution that would reflect a new social contract between the people of Nepal and the state. Article 139 of the Interim Constitution 2007 described how the soon to be elected Constituent Assembly would organize local bodies on principles of decentralization and devolution of powers. In the meantime, based on the agreement signed between the Seven Party Alliance and the CPN-M on November 7, 2006, the Interim Constitution made provisions for "interim local bodies" to function at village, municipality and district levels. Article 139(3) of the Interim Constitution further stated that the territorial boundaries and responsibilities of local bodies would be provided for in the law, hinting at the role the constitution would play in determining the authority and geography of local bodies.

A 2007 constitution writing conference organized by UNDP's Constitutional Advisory Support Unit is noteworthy for creating a forum where prescient questions about the federal system could be debated and analyzed amongst Nepali intellectuals, politicians and activists. The report of the conference proceedings offers some insight into thinking about local bodies and autonomy prior to the election of the CA. For example, a group

of participants envisioned establishing a four-tier federal system consisting of a central government, region, districts, and VDCs/municipalities (UNDP 2008: 27). The issue of how to prevent ethnic conflicts at the local level included discussion about granting autonomy over local concerns, “where, within a region, a minority is concentrated in a rural area or township,” citing that “this is becoming standard practice” (UNDP 2008: 59). Although the conference was only opening dialogue on substantial constitutional issues, not resolving them, the ideas generated were like those contemplated by lawmakers in the first and second CAs.

The first Constituent Assembly (CA) divided into thematic committees to write the constitution. The work of defining criteria, number and borders of local bodies fell to members of the State Restructuring and Distribution of Powers Committee (SRDPC). The SRDPC would become the most contentious of the first CA thematic committees and disagreements over federal units would spell the end of the first CA in 2012. But despite uphill challenges, the SRDPC endeavored to provide a federal model for CA members’ consideration. Concerning local bodies, in its official report to the CA delivered in 2009 the SRDPC recommended that local units be constitutionally recognized and guaranteed powers which would enable them to be “effective and practical” in governing matters of local concern. However, the SRDPC stopped short of outlining what those powers might be. They also demurred to make recommendations about the boundaries of local bodies, although they were clear that the procedure for their arrangement should be charted in the constitution. To this end, the SRDPC recommended that each province form a separate commission to demarcate and name the local units within their borders. As part of the proposed provincial commission’s mandate, VDCs and municipalities would be reviewed with an eye to decreasing their overall number and giving them uniformity across the country. They advised that village units, referred to in the report as *gāūpālikā*, and municipalities, or *nagarpālikās*, would be appropriate scales for local governance. The Committee advised that decisions on local unit formation should be taken within one year of the opening of the provincial government.

The SRDPC’s report further recommended including a constitutional provision enabling provinces to endorse “special structures.” This would allow for lawmakers, “to carve out a special region/autonomous region/protected region characterized by uniform or multi-cultural identity, wherever it is so deemed necessary, based on the density of caste/language/community

as recommended by the province, proposed by the federal government and approved by the federal legislature” (RSDSPC 2066 v.s.: chapter 3 part 4). Special structures were nested within the provinces as territorial accommodations for localized ethnic, linguistic, and remote or impoverished communities. In essence, the idea replicated the concept of identity-based provinces at a smaller scale. In the SRDPC report, special structures were classified along different criteria: autonomous regions represented localities with a clear majority of one ethnic or linguistic group; protected regions represented localities of marginalized groups; and special regions encompassed areas that were geographically distant and/or economically disadvantaged. As with local bodies, the SRDPC refrained from outlining the number or size of special structures. These critical features would be determined by provincial law after the constitution’s promulgation.

The SRDPC’s recommendations for the state structure did not receive unanimous approval within the CA, which halted overall progress on constitution writing. To break through the deadlock, the Government of Nepal invoked Article 138(2) of the Interim Constitution and formed a High-Level State Restructuring Commission (HLSRC) to advise criteria and boundaries for federal structures. Disagreements within the HLSRC, however, led to the finalization of two reports, popularly known as the majority and minority reports. It is worth citing here the contrasting views on local bodies and special structures between the reports. Whereas the majority report promoted a strong provincial government with local bodies subservient to provincial law, the minority report recommended local governments be given the power to create their own rules and regulations (Adhikari 2012). The minority report likewise stated that decisions on the number and boundaries of local bodies would be taken by the central government and any alterations could only be made by two-thirds majority of the central legislature. Autonomous areas were also discussed in the reports. The minority report recommended they be created in places where one group had a demographic majority. Although the chairperson of the HLSRC expressed confidence that the majority report would settle the debate on state structure within the CA (INSEC 2012), it ultimately could not. The first CA was dissolved on May 28, 2012 without drafting the constitution.

In the vacuum that followed the first CA’s dissolution, numerous scholars and pandits presented ideas for how to get constitution writing back on track. Amidst the swirling sea of white papers circulating at this time

decentralization economist Jameson Boex presented a report to constitutional actors in the UNDP outlining a model for federal local government below the province level. In his seven-page policy brief he argued, amongst other points, that if the constitution did not transform districts into local bodies, which he advised for reasons of economies of scale, it could compromise by creating, “a future elected local government level below the current district level, but well above the current VDC levels” (Boex 2012: 6). In his proposed three-tier federal Nepal, the local government would consist of between “150 to 250 urban and rural local authorities” that would “double or triple the number of jurisdictions at the current district level” (Boex 2012: 6). His suggested arrangement would position the local level as a robust provider of services without becoming a “political threat” to the provincial level. While it is difficult to trace the effect his ideas had on individual members of the second CA elected in November 2013, they were cited by members of the LLRC in interviews.

Thus by the time the second CA convened in January 2014 the landscape of constitution writing had shifted dramatically. Demands for territorial recognition through provinces continued to be raised. However, the idea fell out of favor with the more conservative membership of the second CA. This did not mean that compromise on Nepal’s administrative form was within reach. In fact, although the second CA agreed to promulgate a constitution within one-year, old problems resurfaced and the deadline slipped away, returning Nepal to political uncertainty. Against expectations, lawmakers moved ahead with constitution writing in the summer of 2015, using the Gorkha Earthquake of April 2015 as a catalyst for “fast-tracking” consensus (Hutt 2020). The second CA promulgated Nepal’s Constitution amidst protest on September 20, 2015.

What did Nepal’s subnational space look like in the new 2015 Constitution? Following the federal maxim of “shared and self-rule” Nepal became a three-tier federal system comprised of a central or federal level, provincial level and local level. Part 5 Article 56 elaborated the structure of the federal tiers. The provincial level included seven provinces formed from seventy-seven districts enumerated in Schedule Four of the Constitution. The local level contained seventy-seven district coordination committees and an undetermined number of local bodies, identified as rural municipalities (*gāūpālikā*) and municipalities (*nagarpālikā*). Local bodies included an as yet unspecified number of wards (see Figure 1). The distribution of powers

amongst the federal, provincial and local bodies were defined in Schedule 6 of the Constitution. Vague and duplicated areas of authority were clarified after the Constitution’s promulgation by the Federalism Implementation and Administration Restructuring Coordination Committee (FIARCC 2073 v.s.). Overall, the Constitution conferred a strong federal level while granting significant powers to the local level. As a result of this arrangement, the scope of provincial power diminished.

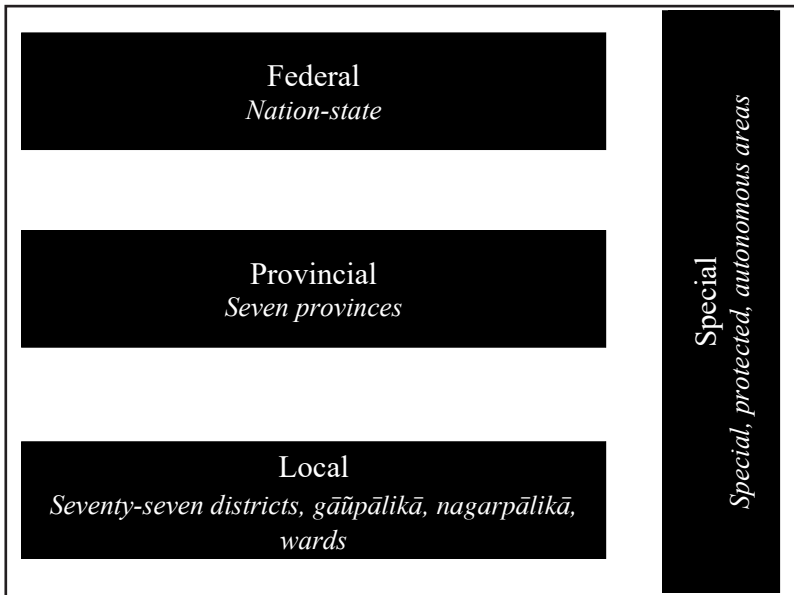


Figure 1: The Constitution’s cartographic design. Notice that while the 2015 Constitution outlined the cooperative relationships for administrative geographies at the federal, provincial, and local levels, such relationships between the three tiers and special structures were undefined.

The 2015 Constitution did not forget special structures. Article 56(5) provided for special, protected and autonomous regions to be determined by federal law for “social, cultural protection or economic development.” However, it was silent on how these structures were to interact with the three-tier federal system; that is whether their powers overlapped with provincial or local levels or were parallel and independent? The nebulous nature of special structures was underscored by the absence of special, protected,

and autonomous areas from Schedule 6. Later, the report produced by the Federalism Implementation and Administration Restructuring Coordination Committee advised that laws and policies for the organization and operation of special, protected, and autonomous regions would be concurrent between the federal, province and local levels (FIARCC 2073 v.s.).

Echoing strategies advocated by the SRDPC report and the HLSRC, the constitution stipulated that decisions on the number, boundaries, and names of local bodies and special structures would be made after promulgation. Articles 295(3) and (4) introduced provisions for convening a commission to finalize local bodies and special structures within six months of the Constitution's promulgation. The Constitution further instructed that decisions on boundaries would be made within one year from the start of the commission and in accordance with criteria set by the Government of Nepal. Until then, following article 303, existing local bodies (VDCs, municipalities, and wards) would remain in operation for service delivery.

Immediately, the Constitution faced criticism from numerous parties angered by the provinces created and the curtailment of provincial-level powers. However, even as the Constitution's provincial structure was under stress, there was demand to move ahead with the implementation of local level federalism. In part, elections for all levels of government logistically depend on the prior delineation of local bodies. The fact that local bodies had been without elected governments since 2002 exacerbated urgency to finalize the new units and commence elections.

This was the scenario facing Nepal when, on March 14, 2016, the Council of Ministers mobilized the LLRC to finalize the number and boundaries of local bodies and special structures in accordance with article 295(3) of the constitution (CoM 2016a). The LLRC was chaired by former Secretary Balananda Paudel (see Figure 2) and consisted of seven members and a member secretary.¹³ To support the LLRC's mandate, the Council of Ministers created District Technical Committees (DTCs), effectively devolving decision-making on local mapping to the districts (CoM 2016a). The LLRC would be responsible for guiding the work of the seventy-seven DTCs, interpreting the criteria for local unit and special structures as defined by the

¹³ Members: Dr Shyam Krishna Bhurtel, Dor Mani Paudel, Madhav Adhikari, Niraj Shah, Sunil Ranjan Singh, Sabitra Subba Shrestha and Laxmi Kumari Chaudhary; Secretary: Dr Hari Paudel (Ministry of Federal Affairs and Local Development [MoFALD]).

Constitution and the Council of Ministers (CoM 2016b) and implementing a consensus-building process for map proposals at the district-level (LLRC 2016a). Working conditions and procedures for the DTCs were circulated by the LLRC on July 17, 2016 (LLRC 2016b). These instructions set the tone for local mapping nationally, idealistically guiding Nepal toward a rationalized and uniform interpretation of the constitution's federal design. In the following sections, however, I discuss how the LLRC unfolded its rationalized approach to local mapping amidst the allure of antecedent, and now extra-constitutional, administrative structures and the fraught political landscape of the newly federal Nepal.

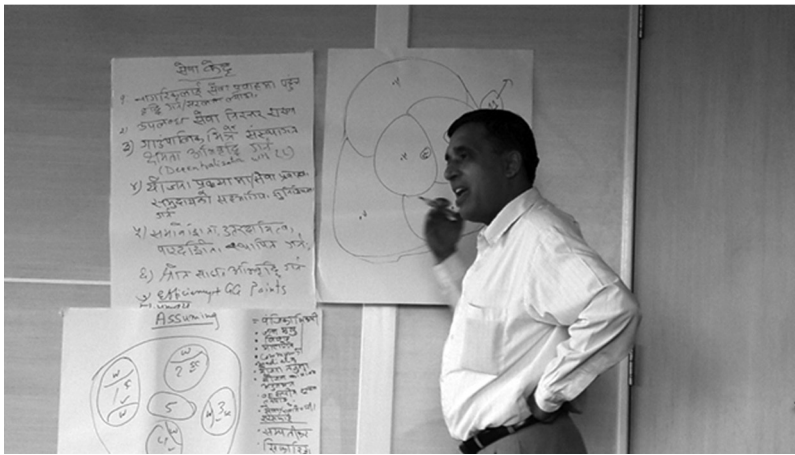


Figure 2: Chairman Balananda Paudel participating in panel work at the LLRC (Source: LLRC website photo gallery, May 23, 2016).

Entering Phase Two: Organizing Local Mapping at the LLRC (March–August 2016)

If we consider the nation-state as a spatial field of power organized and managed to the requirements of government, internal administrative boundaries appear as furrows guiding the direction of governance for present and future administrations. Over time and repeated use, the geography of administration sinks deeper into social memory, generating lasting impressions on the ways the nation-state is represented, imagined and lived. In this regard, internal boundaries of the nation-state can be approached as

spatial and social markers of state power. However, as I will argue, it would be wrong to regard them as static or passive signs of the state. Instead, the mapping of local level government reveals how administrative geographies are dynamically involved in the social and ideological consolidation of political systems as they become available for reference and rearrangement at moments of political transformation.

Soon-to-be cartographers in the LLRC and districts thus did not start drafting local bodies and special structures with a blank slate. The mental map of Nepal they consulted carried signs of previous governments, with some, such as districts, wards and *ilākās*, imprinted more deeply than others. Those enrolled in local mapping at the LLRC approached antecedent administrative structures carefully, mindful of the ways local bodies mediate relationships to place and the state and organize the operation of bureaucracy and democracy. They were sensitive to the political divisiveness embedded in their task and grew concerned that ill-devised criteria or restructuring procedures might reignite the territorial and cultural politics of constitution writing. In reference to these concerns and the Constitution's cartographic vision, they promoted a *nakhalbalyāune*¹⁴ approach to state restructuring, which emphasized uniformity and, as far as possible, non-disturbance as principles for local mapping across the seventy-seven districts.

In this manner, LLRC members and colleagues in the government and DTCs were encouraged to interpret the constitution's cartography with an eye toward preserving antecedent administrative structures. Deciding which structures would be favored and why became contentious topics. In some respects, the constitution's instructions were unambiguous. Province boundaries could not be modified, nor could district boundaries (CoM 2016b: 1).¹⁵ Pragmatically, the solidness of provincial and district borders ensured that local bodies and special structures would not overlap multiple district

¹⁴ The term *nakhalbalyāune* appears in the criteria for delineating local bodies and special structures provided to the LLRC by the Council of Ministers (2016b) in relation to the injunction not to change province and district boundaries (point 2). As a negative of *khalbalyāunu* (to disturb), I find the word succinctly communicates the working culture of the LLRC, which tried to instill uniformity and a methodological structure for local mapping in the face of a tinderbox political climate.

¹⁵ Indeed, the inability to change province boundaries to restructure local units initially delayed the formation of the LLRC. The constitution includes provision for a Federalism Commission to give advice on the boundaries of provinces (Article

or provincial spaces, forming units without clear administrative homes. At the same time, the hardness of these borders had the unforeseen effect of elevating the district as the arena for local mapping, converting the task of reassembling national space into reassembling district space.

As the variegated qualities of district space gained importance in the local restructuring process, it became necessary to search outside the constitution's official cartography for administrative structures and procedures that could measure and represent the socio-cultural, economic, and environmental diversity within districts. For this reason the ward, the smallest unit of administration in the VDC and municipality system, slid into the federal map as a way to maintain the ease of service delivery (CoM 2016b, point eight) and ensure new local bodies did not disturb the spatial contiguity of established linguistic, ethnic and caste communities (CoM 2016b, point four).

The Council of Minister's decision to retain wards in local restructuring effectively made the wards of the obsolete VDCs and municipalities building blocks for federal local bodies. As Chairman Paudel explained, even though the ward was unmentioned in the constitution, it was a pragmatic choice for local restructuring. Because the record-keeping system for the VDCs and municipalities was structured by wards, enclosing them within rural municipalities and municipalities ensured some bureaucratic continuity when transitioning to the federal structure. Additionally, the Election Commission advised the LLRC that if the former wards were divided, new voter lists would need to be created, which would delay elections.

As attention focused on the diversity within district spaces, the LLRC set out to ensure uniformity in how decisions would be made when establishing a local unit across the country's varied Himalayan, Hill and Tarai environments. The LLRC's working conditions and procedures outlined population ceilings for rural municipalities and municipalities according to their location in Himalaya, Hill, inner Tarai-hilly, inner Tarai-flat, or Tarai environments. Population ceilings for municipalities were capped lowest for Himalayan regions and highest for inner Tarai and Tarai areas. Although devised to ensure consistency in local bodies across Nepal's various environments, they later caused some districts such as Kailali, which feature Hill and Tarai areas, to reevaluate proposed maps to ensure that local bodies did not overlap different environments and confuse population ceiling criteria.

295[1]). The idea of the Federalism Commission held out promise that the provinces in the constitution could be changed.

Terms of reference, criteria, operation procedures, and working conditions focused mainly on the demarcation of local bodies. However, some instructions were given on how to assign special, protected, or autonomous area status to a local body. Definitions for the special structures provided in the constitution were repeated in the various materials produced by the Council of Ministers and the LLRC. But they remained a challenge for district cartographers to delineate in an apolitical way. Different kinds of data were marshalled by the LLRC to moderate decisions on special structures and prevent their politicization. 2011 Nepal Census data was one resource suggested as a reference for constructing “cohesive” local bodies (CoM 2016b). To the LLRC’s resource library was added the “Small Area Estimation of Poverty 2011,” a white paper report published jointly by the Central Bureau of Statistics and the World Bank (GoN-CBS and WB 2013). The report was notable because it contained only the *ilākā* and sub-*ilākā* level data on poverty (LLRC 2016b: 8). There were admittedly problems with both data sets. However, DTCs were advised to consult them to justify their proposed special structures. DTCs were also instructed to hold meetings with a variety of stakeholders to center community opinions in map proposals and lower tensions about possible special, protected and autonomous areas in the districts.

Despite efforts to rationalize and depoliticize local-level federal mapping the second phase of restructuring was disruptive. In Kailali, unlikely cartographers associated with the DTC endeavored to create meaningful local bodies amidst raw memories of state violence and communal clashes experienced during constitution writing. The messiness of Kailali’s restructuring provides insight into the situated practice of constitutional cartography, underlining how interpretation of the constitution’s geographical intentions unfolded in the context of district administrative history and uneven state-society relations.

Restructuring Kailali

When a map is broken down into individual lines, each stroke can be linked back to a decision about representation, hinting at what was included, excluded, obscured and elevated to construct an image of the world satisfying to the mapmaker and their audience. In the case of local-level mapping in Nepal, the mapmakers were multiple, indicative of the devolved and participatory elements built into the second phase of state restructuring. Their audiences

were likewise fragmented, involving district actors, LLRC members and the Nepali public, each with discrete positions on what they expected district space to look like in a federal system. Uniquely, the instrument used by mapmakers to project a new image of district and, by extension, state space was the 2015 Constitution and the various legally-binding instructions that grew out of it, such as directives issued by the Council of Ministers, the LLRC, and the Ministry of Federal Affairs and Local Development (MoFALD).

In this sense, cartographers in Kailali and Kathmandu constructed Nepal's local map through an act of double interpretation: firstly, interpretation of the Constitution's intent and secondly, interpretation of the district's socio-political, environmental and economic landscapes. The lines delineating local units and appointing special structures ultimately married a legal-textual representation of space to a subjective and intensely political geography. Those brought into the work of constitutional cartography in Kailali would navigate the contradictions of these two spatial fields, guided by their individual relationships to the district, the Nepal state and the Constitution.

The director of the Dhangadhi-based Jupiter Research Center, Mr Budhathoki, was one of the unlikely cartographers influencing Kailali's restructuring. Ordinarily, Budhathoki's consultancy business performed background research for development projects, sometimes at the behest of Kailali's District Development Office. Over the years, he and his staff earned a high reputation amongst development partners because of their exhaustive knowledge of VDC- and municipality-level statistical profiles. Their familiarity with the intimate details of district space endeared them to the District Development Office and for this reason Budhathoki was invited to become an informal advisor to Kailali's District Technical Committee, the official group of bureaucrats appointed by the Council of Ministers to expedite local mapping. For Budhathoki and his staff, this honor translated into many months of work disaggregating the VDC and municipality statistics they knew so well so that they could be reconciled with the different local bodies proposed by the DTC. Over the afternoon I spent in his office in August 2016, Budhathoki explained that the process proceeded smoothly once the LLRC allocated a maximum of ten local bodies for Kailali in July. With a target to work toward, the DTC determined they would delineate four rural municipalities, five municipalities, and one sub-metropolitan city for the district. Now, it was a matter of deciding where to draw the lines.

At this point in our conversation, Budhathoki pulled his desk drawer open and slapped a thick stack of forms onto his desk. The LLRC had sent templates of local unit profiles to the DTCs along with their mid-July directives. DTCs were instructed to fill them out for each local body they proposed and return them to the LLRC with their map proposal. This was the assignment that preoccupied Budhathoki and his staff over the summer. At the top of the form was a table listing the proposed local bodies with space provided to identify special, protected and autonomous areas and reasons for their recommendation. There were also several pages devoted to describing the proposed local bodies' infrastructural, environmental and social features, with tables outlining available government health services, schools, forest areas, bank access, furthest settlements, vegetable selling points, religious centers, bus parks, airports, house size and population density. While Budhathoki flipped through the forms, I asked whether, given the small amount of blank space I could see remained on the pages, there was consensus on Kailali's map proposal? I was assured that there were only minor disagreements. The map, in Budhathoki's mind, was set.

But, despite the near completeness of the LLRC forms there remained concern in the district about what was to become of Kailali under the federal system. On the one hand, there was a feeling of excitement about the prestige and resources that came with being transformed from a VDC to a municipality. But would this imply higher taxes? The public was unsure. At the same time, Special, Protected, or Autonomous area status gestured toward exclusive opportunities that, on the surface, appeared attractive. Yet, they were also bitter reminders of the loss of autonomous provinces during the first phase of restructuring and were looked upon with suspicion by Tharu activists in Kailali, as I will describe.

Smoothing trepidation in the district was Devendra Devkota, Program Officer at the District Development Office. Like Budhathoki, Devkota was situated on the outskirts of the DTC, not officially a member but supporting the work of restructuring nonetheless. He was the DTC's designated go-between for local restructuring, responsible for communicating with GIS technicians, arranging feedback sessions and consultations with district stakeholders and liaising with Budhathoki and other unofficial district cartographers. He also handled sundry queries about the DTC's progress, including mine.

In one of our earlier meetings in August, soon after I left the company of Budhathoki at the Jupiter Research Center, Devkota meticulously explained the progress of local restructuring in the district. His outlook was optimistic. In an oddly similar gesture to Budhathoki, Devkota underscored his arguments with paper, taking a hefty file folder from a locked storage cabinet. Inside the file were handwritten suggestions about district mapping elicited from VDC and municipality secretaries, local intellectuals, politicians, and civil society members. With enthusiasm, Devkota described the volume of meetings he had coordinated over the last few weeks and the many he had planned for the following days, including a second meeting with VDC secretaries and a meeting with members of parliament where recommendations for the proposed local bodies would be refined. By Devkota's account, Kailali's DTC was doing everything possible to meet the LLRC's expectation for consensus building and transparency in district restructuring.

Emboldened by discussions at district-wide interaction programs, the DTC prepared two maps with ten local bodies each for the LLRC's consideration. Devkota promised to have the GIS officer send me them electronically. When I looked them over later at my laptop, the proposals differed in the degree of connectivity between Hills and Tarai geographies within local bodies. That afternoon in his office, however, Devkota sidestepped my questions about what disagreements might have led the DTC to propose two maps (see Figure 3). Devkota emphasized consensus. He highlighted what the two maps had in common: a Tharu Autonomous Area in a cluster of VDCs east of Dhangadhi. Using the criteria provided by the LLRC, this local body had a Tharu population of 85 percent, easily meeting the LLRC's recommended majority for an Autonomous Area. Devkota portended that even if other units changed, the Autonomous Area would feature in Kailali's local map.

Devkota's pride in identifying a single space for an autonomous area in Kailali was reflective of the intense cultural politics generated in the district in the first phase of state restructuring. During this period, Kailali became a battleground for dueling provincehood movements and a fount for anti-federalism sentiment in Nepal. For the district's indigenous Tharu population, state restructuring widened the possibility for creating an autonomous province in the western Tarai districts that recognized Tharu history and

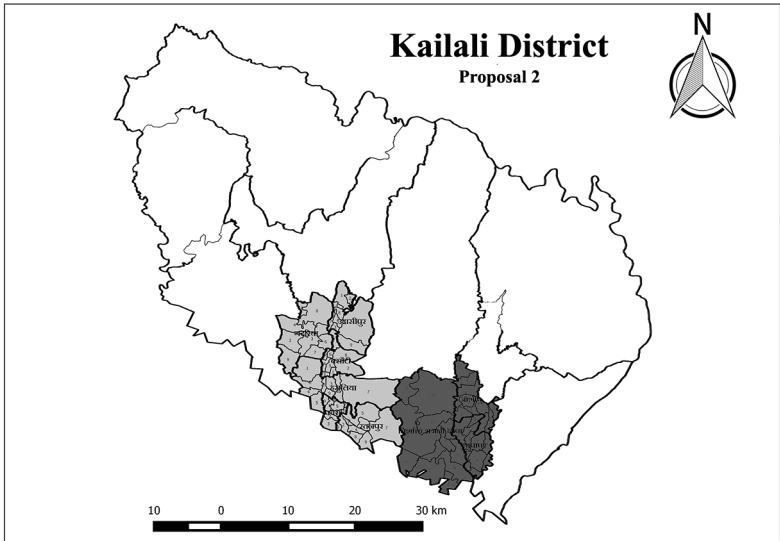
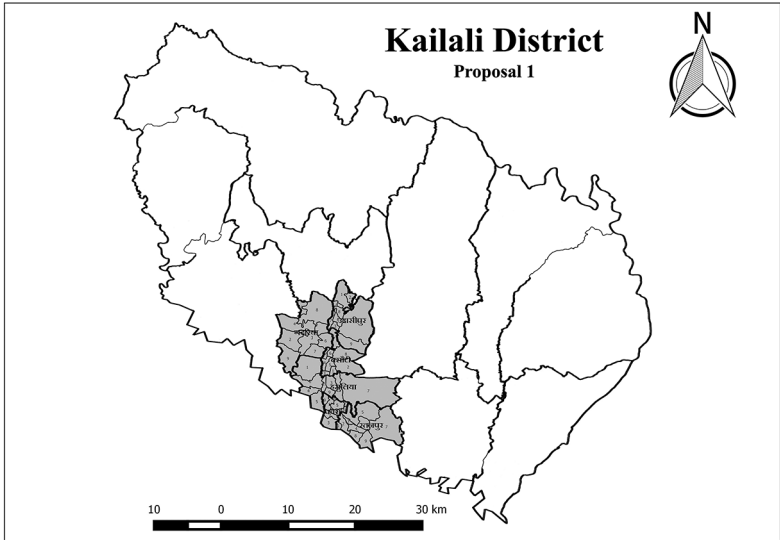


Figure 3: Kailali dual proposals for ten local bodies with the proposed Tharu Autonomous Area highlighted in grey scale (source: personal communication with the author).

connections to the lowlands (Tharu 2020). This province, called Tharuwan by Maoist-affiliated political leaders and activists and Tharuhat by Tharu political leaders and activists unaligned to the Maoist movement, had extensive grassroots appeal amongst Tharus in Kailali (Maycock 2011). Growing support for Tharuhat/Tharuwan within and beyond Kailali prompted district residents with Hill backgrounds, known popularly as Pahadi and predominately Bahun and Chhetri caste, to push forward demand for a province mirroring their twin relationships to the Tarai and Hills and preference for converting the existing Far West Development Region, which incorporated nine Hill and Tarai districts between the Mahakali and Karnali Rivers, into a federal province. Known as Akhanda Sudurpashchim, or Unified Far West, this movement amplified anti “identity-based” federalism sentiments throughout Nepal, promoting Chhetri-Bahun identity and regional belonging through the language of apolitical “capacity-based” federalism (Adhikari and Gellner 2016; Johnson 2021).

The LLRC’s initial deadline for submitting map proposals in late summer 2016 unwittingly coincided with two unpleasant anniversaries for Kailali’s Tharu community. First, the mass exodus and detainment of Tharu citizens and political leadership after the Tikapur incident on August 24, 2015, a Tharuhat/Thaurwan rally that ended in the deaths of six security personnel, a Senior Superintendent of Police, and a child, and unleashed mob violence against Tharu people and property in the villages and towns surrounding the eastern Kailali city of Tikapur. Second, the creation of Province 7, identical in form to the Akhanda Sudurpashchim demand, through the promulgation of the Nepal Constitution in September 2015. In light of these events, Devkota’s confidence in the proposed Tharu Autonomous Area morphs into naivete. For no local body granted “autonomous” status by bureaucrats could be congruous with the aspirations for a Tharu province articulated by Tharu activists and political leaders during constitution writing. However, those who supported Akhanda Sudurpashchim publicly and privately, and who found their values reflected in the outline of Province 7, hoped it could be accepted, if only to move forward from memories of violence haunting the district.

Hari, one of Akhanda Sudurpashchim’s staunch supporters, reflected the mood enveloping Dhangadhi’s Pahadi population over the summer of 2016. Looking out from his shop window at the Tharu and Pahadi passersby, he was pensive about what he perceived as the deterioration of Tharu-Pahadi

brotherhood since the Tikapur Incident and the Constitution's promulgation. Hari was disappointed that disagreements over restructuring in Kailali and other Tarai districts delayed the implementation of the constitution and local elections. There was no reason, to his mind, that Tharu should be disappointed with the outcome of the federal map. Because, as he described, "Tharu here are much closer to Pahadi shopkeepers than other Tharus in different regions who are not kin." He argued that Kailali's Tharu community belonged with Pahadi in Province 7, not with strangers in neighboring Province 5, Tharu or otherwise. Back at the Jupiter Research Center, Budhathoki forwarded a similar argument when explaining his tepid support for delineating Special, Protected and Autonomous Areas. Ethnicity, he reasoned, should be the last source of identity, not the first line for restructuring.

This line of thinking, however, was not shared by Tharu activists I met in the lobby of one of Dhangadhi's luxury hotels a few days before the LLRC's mid-August proposal deadline. The hotel restaurant was unusually busy for a Friday morning and we carried our conversation over the voices of our fellow diners. As we discussed the post-constitution future for a Tharu province, a large group of men entered the restaurant. Paresh, Lal and Prem, three of Kailali's most active Tharu community leaders, immediately stood up to greet them, a signal, I surmised, that these were important men in the district. Amidst the banter, the guests revealed they were at the hotel to attend a program organized by the Dhangadhi Municipal Association to discuss local restructuring. The faces around my table stiffened. Prem yelled to a journalist seated nearby, who was now revealed to be covering the Association's event for the local paper, that he should report that Tharus had been excluded from the meeting. He shouted to the diners that his group would release a press statement about the exclusion of Tharus from this meeting and other local restructuring related events.

With much chair scrapping and sour looks Prem and his colleagues returned to their seats. Venting their frustration, they described feeling that the entire process had been predetermined. "Decisions are made at the top," Lal stated. "They decide ahead of time how to cook the district, how to make it sweet." Nodding in agreement, Lal, Prem and Paresh insisted that they had visited the District Administration Office to complain about the limited consultations on local units. They were suspicious that the criteria being used was designed to, "cut us apart," to use the boundaries of local bodies to divide the contiguity of Tharu places. They stressed, correctly, that the DTC

had been instructed to divide Kailali into ten units and had no choice in this matter. Someone raised the point that if the units were smaller, and therefore greater in number, there would be more areas with clear Tharu majorities.

This statement did not mean that the men and women at my table supported the creation of Protected, Special, or Autonomous Areas. These structures were constitutional compromises. “It’s like they are taking one type of fruit from my basket and putting another in,” Lal surmised. The feedback sessions at the VDCs, which presumably gave purchase to the idea of Tharu Autonomous Areas, were a sham in the eyes of my interlocutors. They were filled with “yes men,” defined as teachers and unemployed people with nothing better to do than drink tea. Industrious people, who should be consulted they argued, work and do not have the opportunity to give their thoughts in these forums. Because of the method of consultation and the manner of local restructuring, Paresh speculated that there could be another Tharu movement. “People know that their demand was for a province, and they are being cheated by the government.” If things continue as they are, Paresh and the others grimly surveyed, there will be a secretary ruling over the ten local units. He will have his own authority and staff, and Kailali will again be controlled by bureaucrats, alluding to the Panchayat and Rana regimes and the stagnation of local government after the end of elected representatives terms in 2002. “Our democracy, our federal republic will go away on the wind. It will be but a dream.”

Cartographic Compromises

Compromises pull people into uneasy alignments. The 2015 Constitution’s cartographic vision laid out a path of interpretation that took surprising directions as the LLRC’s mandated timeline drew nearer. At the end of August, Kailali’s DTC delivered two maps to the LLRC (see Figure 4). The first followed the LLRC’s guidelines from July and demarcated ten local units. The second reflected the preferences of national and district politicians and Tharu activists for higher numbers of local bodies. This maverick map delineated thirteen local bodies with three identified special structures: a Special Area in the district’s northwestern hilly region, a Tharu Autonomous Area outside of Dhangadhi, and a second Tharu Autonomous Area in the southeast, which included Pathakpur.

The two maps produced in Kailali joined the stack of proposals from Province 7 waiting evaluation by LLRC member Laxmi Kumari Chaudhary,

a Communist Party of Nepal–Unified Marxist Leninist (CPN–UML) politician and CA member from Kailali. Like her colleagues, Laxmi Kumari had been appointed to the constitutional body knowing that she would be “fixing boundaries” but unclear about how she would do so. “In the Far West there was a demand for Tharu–Pahadi unity,” she told me as a way of explaining her appointment to the LLRC. “The Committee received the demand that they should have a Tharu woman member. Bhim Rawal (a senior CPN–UML politician) suggested me.”



Figure 4: Kailali delivers report to LLRC along with Chitwan, Tanahun and Kaski districts (source: LLRC website, undated).

Throughout the spring and summer, Laxmi Kumari Chaudhary learned alongside her colleagues about the LLRC’s mandate and grew more confident in her role facilitating the DTC’s work. “You can’t separate boundaries from Kathmandu,” she reflected when we met over tea in Dhangadhi in January 2018. “Local people know best which places fit together.” As she described, the LLRC was not established to draw the boundaries for local bodies. They were empowered to evaluate the proposals coming from the districts against the published criteria. The major challenge of her work, she admitted, was trying to fathom the reasons behind many of the DTC’s proposed local bodies and wards, which, like Kailali’s, were often idiosyncratic. In Chairman

Paudel's words, Kailali's second map was one of several "compromise documents" submitted to the LLRC, which, while not to standard, reflected local people's sentiments. By sending in multiple proposals the DTCs were attempting to push the final decision on the organization of their districts onto the LLRC's desk, removing them from responsibility if the non-standard requests were denied. But, in such cases, they were unsuccessful. The LLRC demanded conformity with the criteria and consensus on proposals within the districts. Sunil Ranjan Singh, coordinator for Province 2, recalled that they returned Kailali's two maps and asked for the DTC to resubmit a single proposal.

However, by the time Laxmi Kumari Chaudhary went to evaluate the Far West's district proposals at the end of summer 2016, the criteria she would use to judge them had rapidly changed. From the beginning of the LLRC's tenure there had been tensions surrounding the appropriate number of local bodies. The LLRC had first considered creating 300–500 local bodies after reviewing advice from scientists and consultants,¹⁶ including an unpublished report prepared for UNDP by the aforementioned decentralization economist Jameson Boex. Boex's report applied an economies of scale analysis to emphasize 300 as the ideal number of "viable" local bodies for Nepal.¹⁷ Based on internal discussions, the LLRC members, while sympathetic to the lower number, issued a target of 565 and used it to calculate the total local bodies assigned per district (LLRC 2016b). International advisors, Chairman Paudel recalled, were well meaning, but ultimately unfamiliar with the geography of Nepal and thus could not appreciate the challenges of terrain, road networks and access to services which would arise with establishing only a few, relatively large, local bodies.

There also continued to be confusion over the constitutionally defined meaning of local federalism. Chairman Paudel explained how difficult it was for actors in Nepal to step outside of the unitary mindset and conceive of local bodies as powerful units of self-government that existed alongside of,

¹⁶ The LLRC had sufficient budget and provision to hire consultants, but Chairman Paudel reflected that the government timeline for recruitment did not fit with the timeframe of the LLRC's mandate. For this reason, they accepted offers of expertise from the Staff College, the UNDP and DFID. Later, the LLRC hired eighteen GIS engineers.

¹⁷ I have not read a copy of the report, but it was referenced consistently by my interlocutors in the MoFALD and LLRC.

rather than beneath, provincial or federal levels of government. Politicians across the party spectrum continued to interpret local level government in line with more established ideas of “service delivery” and “subsidiarity” that had featured in the decentralization initiatives of the previous decades. As a result, they favored creating many small local bodies, which also had the added benefit of providing more positions for party cadres. Cooperative federalism was an altogether new idea, and it was being tested through the local restructuring process.¹⁸

Dueling tensions over numbers and meaning of local bodies handicapped the LLRC’s ability to implement its preferred *nakhbalyāune* approach. At the end of August 2016, twenty-seven districts, including all eight districts from Province 2, still had not submitted proposals. Their reticence was attributed to dissatisfaction with what was perceived as the low number of local bodies allocated to them by the LLRC. With the issue of numbers becoming intractable, national political leaders reached for an antecedent administrative structure to suture gaps between the constitution’s provisions for restructuring and political will. This time it was the *ilākā* that gained attention. The *ilākā* is a subunit of district space used primarily to coordinate development activities and service delivery. But for political actors looking to expedite restructuring, the *ilākā* presented a conciliatory structure that could instantly raise the overall number of local bodies and streamline the implementation of local federalism by removing any need to evaluate district proposals (Pradhan 2016).¹⁹ On September 28, 2016, the MoFALD unilaterally made the *ilākā* the basis for local bodies by modifying the criteria for local body formation (MoFALD 2016a), upending months of work and throwing the validity of proposals already received by the LLRC into dispute. At an internal meeting, the LLRC rejected the change, declaring it unconstitutional. As Chairman Paudel clarified, the constitution provided that

¹⁸ Chairman Paudel explained this issue also in a media interview, “The VDC offices would remain as the service centres, so service delivery would not be affected. Instead, the authority of the existing central, regional, zonal and district levels would also go down to the units. The commission is still wondering why the political parties do not seem to have understood these facts. I think the criticism of our work is merely a reflection of the inability to differentiate existing local bodies from the local level with greater power” (Pradhan and Ghimire 2016).

¹⁹ The Nepali Congress, CPN-UML, and CPN (Maoist Centre) led the government at this time and approved promoting the *ilākā* as the basis for local restructuring.

“the boundary and numbers will be fixed by, determined by, the Commission, not by the government.” After threatening to dissolve the LLRC, political leaders relented since, according to the Chairman, they had not intended to cause the LLRC’s collapse.

Debates over the use of the *ilākā* subsided at the end of October and *ilākās* were relisted as one basis, not the basis, for local bodies (MoFALD 2016b; LLRC 2016c). Revised operations and working directives were then issued to DTCs. They raised the limits on the total local bodies in districts, with more bodies assigned to districts with higher numbers of *ilākās*. However, the disagreement had cost time, delaying the LLRC report and local elections (Sangroula 2016a).²⁰

Proposals from most of the outstanding districts arrived at the LLRC in early November (Sangroula 2016b). Political leaders in the eight districts of Province 2 nonetheless remained resolutely uncooperative on the grounds that participating in local restructuring would validate the constitution before key political demands of the Madheshi Loktantrik Forum, namely the alteration of province boundaries and the placement of local bodies under provincial authority, were met. Meanwhile, people across Nepal protested the proposed maps for their districts, intensifying the call to again raise the number of local bodies by making them smaller in size and population (MyRepública 2016a, 2016b).

As it became clear that Province 2 districts were unable to complete local mapping in the current political climate, the LLRC relented and delineated local bodies for Province 2 from their meeting room in Kathmandu (Sangroula 2017). The LLRC subsequently released its report on January 6, 2017 recommending 719 local units. Dissatisfaction with the way local bodies in Province 2 had been delineated and what was still perceived as too few units overall stopped the report’s ratification (Sangroula 2017). At this point Advocate Sunil Ranjan Singh, the LLRC Member coordinating restructuring for Province 2, resigned, stating to reporters that, “there is no meaning of being in the commission when the government has flouted the constitution” (The Kathmandu Post 2017a). A ministry level task force guided by the MoFALD advised adding twenty-five local bodies to the LLRC report, increasing local bodies for districts in Province 2, Kathmandu, Bajhang and Manang, and bringing the total number in the country to 744

²⁰ Local elections had been provisionally scheduled for December 2016 (Giri 2016) and later postponed to April–May 2017.

(Neupane 2017). On March 10, 2017 the LLRC resubmitted the report and it was accepted. Later in May the Supreme Court vacated its interim order against adding more local bodies to Province 2 and provided for nine local bodies to be added within the eight districts (The Kathmandu Post 2017b). This judicial decision brought the number of local bodies to its present total of 753. None were designated Special, Protected, or Autonomous Areas.

Special Structures as Counter-sites

Until the publication of the LLRC's final report in March 2017, it was fully expected that special, protected and autonomous areas would be granted through local level restructuring. They were constitutionally guaranteed. When we spoke a month after the LLRC's term ended, Chairman Paudel gave two reasons why special structures were not implemented despite being part of the LLRC's mandate. As a career civil servant, Paudel valued order and regulation and had tried to instill these principles in local restructuring while negotiating the influences of senior politicians and ministry officials. For him, it was important that the boundaries for local bodies be agreed upon first before deciding which local bodies qualified for special, protected, or autonomous status. Rather than viewing the delineation of local bodies and special structures as an iterative process, they were approached separately. He stated that when the government declined to make the LLRC report public in January, LLRC members were unable to travel to districts to carry out discussions on the final maps and clarify locations for special structures. As time passed, he saw the window of opportunity for identifying special structures closing, and they were subsequently locked out of the federal map.

The LLRC was further impacted by the spontaneous changes made to the criteria for local bodies and special structures over the autumn of 2016. For, at the same time that the *ilākā* was proposed as the basis for defining local bodies, the criteria for special structures was modified. Whereas earlier only a local body could be designated as a special structure, later the government determined that a ward within a local body could be granted special, protected, or autonomous area status (MoFALD 2016a, 2016b). In Chairman Paudel's words:

They [the government, Council of Ministers] told us you can determine special, protected and autonomous region not only in the VDC and municipality but within the VDC you can determine

the ward also. This ward is special, protected, or autonomous. Ho! Without consulting us they mentioned this, the ToR [Terms of Reference] they changed it, and that time we communicated to the government that it is difficult for us because we don't have data. Disaggregated data at the ward level, we don't have, even at the VDC level it is very difficult to disaggregate the data. So we didn't have disaggregated data down to the ward level. So if you are ready to produce them, we will think on it. Otherwise it will be very difficult for us. And the Secretary of the Ministry of Federal Affairs and Local Development he commented that "we will give you data down to the ward level." "Really?" I asked him, in front of the Prime Minister. "Yes, yes, very easily" I was told. "Okay if government is ready to produce this data then we don't have any problem and we will work on that." Then I wrote the letter to the Minister of Local Development and sent it because the Secretary had already promised on this in front of the Prime Minister. But they never gave it to us. They don't have data! I know that. Because I served on the Planning Commission and I know about the data.

What politicians perceived as a method to widen options for special, protected, and autonomous areas was incompatible with available data. According to Sunil Ranjan Singh, there was simply no time to create data that could have matched the LLRC and DTCs needs. Both he and Chairman Paudel agreed that secondary data sets used to recommend special structures, such as the Census 2011 and the Small Area Estimation of Poverty 2011 report, had flaws in terms of the freshness of the data and completeness. Distrust of available data and lack of new data exacerbated confusion about an already controversial aspect of the constitution's geography.

The methodological challenges Chairman Paudel and Advocate Singh described, however, cannot be divorced from nation-wide conflicts over local mapping that emerged towards the end of the second phase of restructuring. Chairman Paudel and LLRC members planned to travel to districts to discuss the boundaries of local bodies and special structures with district stakeholders in order to ameliorate disagreements over the proposed maps. When district consultations became improbable, the LLRC refrained from authoritatively designating special structures from Kathmandu. However, the LLRC's decision overlooked the work accomplished by DTCs in places like Kailali,

which already identified meaningful special structures using the forms and criteria provided by the LLRC in July and October (The Himalayan Times 2016). For what had Devkota's numerous, fractious, facilitation meetings been for if not to achieve consensus on Kailali's map, including special structures? (Nepalekhabar 2016).

Or was the constitution responsible for the neglect of special structures? Laxmi Kumari Chaudhary, reflecting on her role evaluating proposals for Province 7, stated that if special areas, "had happened it would have been good because the constitution gives them. But they were so difficult to make. The constitution was not clear, so it was hard to make any decisions." Even if an area had a majority of one population, she reasoned, there was always the presence of other groups. In Kailali, "there are many Tharu areas where we hear talk that this or that [other] group is not good." Special areas would only create problems within communities, which after the Tikapur incident, she commented, the district did not need. Chairman Paudel similarly stressed the constitution's vagueness about special structures as a reason for widescale indifference. For him, proportional representation was the guiding principle of the constitution, not territorial recognition. The constitution's silence on the relationship between extraterritorial constitutional commissions for marginalized groups, including the Tharu Commission and special structures signaled ambiguity about their need and function. These were, he stated, "geographical units, not political units." LLRC Member Sunil Ranjan Singh, however, argued persistently for the implementation of special structures as a constitutional right.

There are no mechanisms outside the LLRC to create special structures. They have consequently become suspended geographies of the Nepal's 2015 Constitution, reminders of the tumultuous negotiations over national space that dogged the restructuring of Nepal and transformed constitution writing into a cartographic project. Since the publication of the LLRC's report there has been one documented legal attempt to compel the creation of special structures. In 2017, the Baramu of Gorkha district petitioned the Supreme Court to force the government to implement a special area for their community (The Kathmandu Post 2017c). The Supreme Court favored their petition and instructed the government to provide a special area for the Baramu. However, the Government of Nepal ignored the Supreme Court's decision and to date there have been no further attempts to implement these

remaining features of Nepal's constitutional geography (LAHURNIP 2020: 6).²¹

Without special structures, territorial recognition and autonomy, which had been driving forces for state restructuring, officially fell out of Nepali federalism, disenfranchising many indigenous, Dalit and caste communities who are now without a province or local body reflective of their territorial belonging and attachments. I have demonstrated that this outcome occurred in the context of competing interpretations of the constitution's cartography, the allure of antecedent administrative structures as expedient political solutions to a protracted bureaucratic process, and apathy about the role of special structures within the federal system. My analysis does not dismiss or undercount wider social practices of exclusivity, as well as communal and state-directed violence, that were at play in the era of constitution writing and its first two years of implementation. Rather, I have aimed to show how the constitution operated as an instrument for territorial rearrangement in Nepal and thus how administrative geographies in Nepal enacted and substantiated power at local and national scales.

Because administrative geographies are inescapably political geographies, I propose that even as special structures lie dormant in the constitution they remain productive counter-sites for imagining an alternative Nepal state. Interpreting special structures as constitutional counter-sites engages Foucault's concept of the heterotopia, "a kind of effectively enacted utopia in which the real sites, all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted" (1986: 24). I suggest that special structures remain unimplemented because they reflect and refract "real sites" of the Nepal nation-state which, while important to the country's present cartographic form and history of state formation, are critical of its normative interpretation. These sites are referenced through the autonomous regions and identity-based province models which dominated discussion of federalism within the first phase of restructuring. They also recall indigenous polities which preceded the consolidation of the modern Nepal state. And they hint at more powerful self-governing localities,

²¹ There has been reported agitation for local autonomous status in Dolpa surrounding local government elections in 2022, but as I understand the claim has not been brought before the Supreme Court. Personal communication, Logan Emler, June 12, 2022.

invoking strands of Nepali political thought that elevate the idea of self-sufficient, autonomous, communities in the face of a centralized state.

As I described earlier in the paper, the powers imagined for special structures diminished significantly over the course of constitution writing. But their symbolic purchase remained acute for actors enrolled in the second phase of restructuring. Partially for this reason, the LLRC elected to abandon them. Yet, I argue that they have not been lost. They remain constitutionally real. As such they offer a platform for imagining a different Nepal than the one represented on the national map and live on as references for future political transformation.

Conclusion: Observing Constitutional Cartography in Practice

Nepal's 2015 Constitution served as an instrument, albeit a blunt one, for resolving territorial claims and demands for autonomy within the framework of a federal democratic nation-state. Concerns over the organization of Nepal's territory I have argued, converted constitution writing into a cartographic project in line with an international trend toward constitutional cartography, observed particularly in countries, like Nepal, which engage constitution writing as a means to resolve internal territorial conflicts amidst the adoption of federal and devolved power arrangements. As I have shown, the unfolding of constitutional cartography in Nepal did not take a predetermined path. In regard to local mapping, its path responded to changing ideas expressed during constitution writing about autonomy and the form and function of local administrative units and special structures. In the end, the administrative geography promulgated in the Constitution on September 20, 2015 provided a partial image of what local units and special structures might look like. With the Constitution as guide, the LLRC and DTCs worked to fill in the national map. The devolution of mapping to DTCs elevated the importance of district space in the production of local federalism. But it also encouraged the LLRC to standardize and centralize mapping. As observed in Kailali, the complex political, social and physical landscapes contained within district space challenged the neat, undisruptive, approach to local mapping advocated by the LLRC. Instead, constitutional cartography moved ahead tumultuously as mapmakers tried to balance the wishes of district constituents against their individual preferences for delineation, the constitution's vision, and the directives of the LLRC, the Council of Ministers and MoFALD. The maps that made it into the LLRC's final revised report

on March 10, 2017 gave Nepal a local level administrative geography. Yet, the report crucially lacked special structures, in part because of the LLRC's discomfort with the constitution's vagueness on their form and function and anticipated tensions surrounding their implementation. For now, these special structures remain dormant within the constitution, ready for revival if the political will for a different kind of Nepal nation-state surfaces.

As I end the paper, I find it important to note that the imprint of special structures remains discernable on the local map, if one is aware of where to look. Pathakpur, the rural municipality which opened the paper, was identified by Devkota as one of three special structures recommended for Kailali by the DTC. It is, in essence, a Tharu Autonomous Area in form if not in name. Ultimately, the participatory and consensus-building process for local mapping created by the LLRC and Council of Ministers ensured a shadow of local autonomy flickers in federal Nepal. I wonder how many more such places are stamped on Nepal's national map? And how will Pathakpur's residents respond to this suspended geography and the rights denied them?²²

In this paper, I made the methodological choice to focus on the second phase of state restructuring, which centered on acts of constitutional interpretation, as opposed to the writing of the constitution and the formation of federal provinces in the first phase. My reason for doing so concerns what I perceive as an academic oversight regarding internal border-making and the integration of constitutionalism and state territoriality. But it also concerns my interest in populating the state by bringing forward actors engaging constitutions to produce and reproduce the nation-state in its institutional, cartographic, and affective dimensions. In writing about Nepal's experience with local mapping and the people who became the nation's unlikely cartographers I have aimed to fill these gaps ethnographically. In doing so, I seek to give ethnographic traction to elements of state making generally closed from direct observation. I encourage others to extend this exercise further and in new directions, expanding knowledge of current state making practices, the tools used to execute them, and the actors who wield them.

²² At the time of writing, the Nagarik Unmukti Party chaired by Ranjita Shrestha, the wife of jailed Tharu political leader and Tharuhat/Tharuwan advocate Resham Chaudhary, won the 2022 local government elections in four municipalities, including what I call Pathakpur. The overnight electoral success of the party is arguably evidence of the sustained enthusiasm for Tharu autonomy in localities originally delineated as special structures.

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