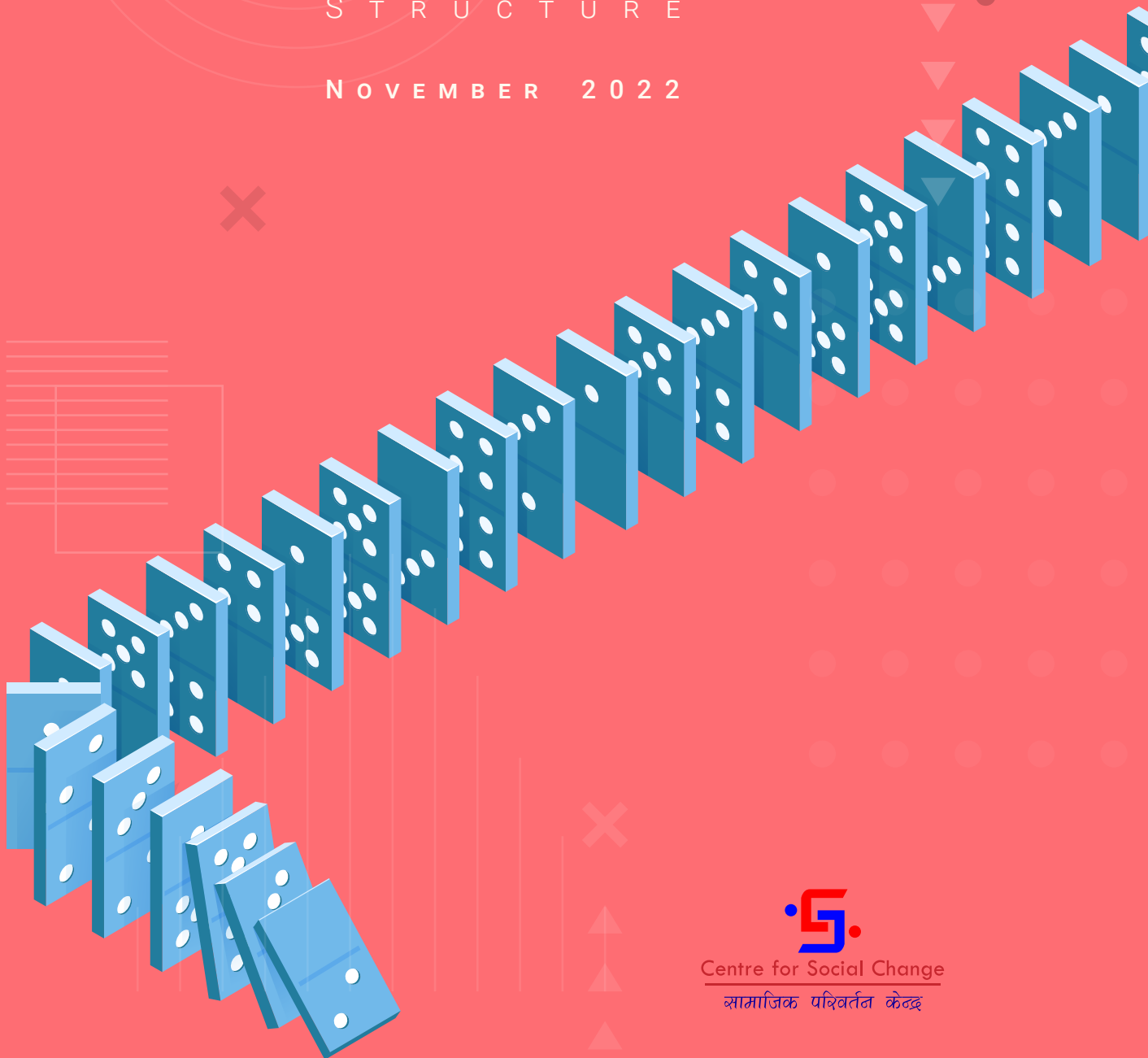


TRIGGERS

OF GOVERNANCE CONFLICTS IN FEDERAL NEPAL

A RAPID ASSESSMENT
OF CONFLICTS IN
NEPAL'S FEDERAL
STRUCTURE

NOVEMBER 2022



Centre for Social Change

सामाजिक परिवर्तन केन्द्र

Credits and Acknowledgements

This document is the product of work done by a number of members of the Centre of Social Change (CSC) team in various capacities. The information presented in this report were sourced and compiled by various members of Governance Monitoring Centre (GMC) Nepal Team.

GMC Nepal would like to extend gratitude towards all individuals and organizations who, formally and informally have contributed to the compilation and distribution of this report.

Authors

Shradha Khadka

Susmita Puri

Anish Khatri

Research Team

Prakash Bhattarai PhD

Shradha Khadka

Susmita Puri

Anish Khatri

Kalpana Rana Magar

Dibesh Sayami

Design and publishing: Rahul Roy

Photos: Anish Khatri, Dibesh Sayami, Shradha Khadka

Published by:

Centre for Social Change (CSC)

94 Pipal Bot Marga

Old Baneshwor 10 Kathmandu,

This report publication is supported by Bread for the World

Reproduction of this content for commercial/non-educational use is prohibited. All Rights Reserved.

© Centre for Social Change, 2022

About GMC Nepal- Phase II

Governance Monitoring Centre (GMC) Nepal is a research initiative led by Kathmandu-based social think tank Centre for Social Change (CSC).

Using a variety of investigative methods and the latest in qualitative & quantitative research tools, GMC Nepal is dedicated to strengthening the newly established federal democracy and empower its citizens through accurate & up-to-date information relating to the status of governance conflicts and peace in Nepal.

After overwhelming responses and support received from the success of GMC Phase-I which looked into the governance aspects of the Health, Education, and Migration sectors in Nepal, CSC now launches Phase-II of the GMC that dives into the issues and challenges triggered by governance conflicts in four major areas- Natural resource, Development, Ethnocultural and Political governance.

The evidences gathered and interventions designed under GMC initiative fundamentally aim to build cohesion between government organizations and citizens groups. In the long run GMC aspires to extract outcomes that benefit both federalism and contribute to peacebuilding in the nation.

CSC's efforts under GMC initiatives will be regularly updated in its websites GMC Nepal and Home | CSC (socialchange.org.np) and all its social media platforms.

To engage with our team, please email us at gmcnepal@socialchange.org.np or contact@socialchange.org.np or follow us on Twitter at [@centre4social](https://twitter.com/centre4social).

To learn more about CSC, please visit socialchange.org.np.

Executive Summary

A general yet evident sense in peace and conflict discourses suggest that conflicts do not emerge in vacuum. They occur over a context, influenced by multiple elements and actors that may change over time. A global outlook shows that democratic institutions strengthened by economic development, successful policy implementation, bureaucratic quality and citizen's engagement are significant in managing and preventing governance conflicts¹. However, in developing nations like Nepal, a relatively young federal nation, effective governance faces several challenges and potentials for conflict.

With promulgation of the 2015 Constitution and adoption of a federal governance framework, three tiers of electoral and democratic participation across geographical and political jurisdiction were introduced in Nepal. With great potentials that foster inclusion of the historically marginalized communities, stable and sustainable government processes and efficient execution of designated responsibilities and functions involving citizen's engagement, Nepal ideally upholds universally recognized democratic values.

However, this scope for engagement of democratic values has also introduced possibilities of ideological as well as functional disagreements that brews potent grounds for conflicts. Also, working against the background of waves of political instabilities, authoritative power struggles, political agenda and societal as well as regional disparities, effective functioning of federal governance system currently faces some evident and some underlying conflict triggers.

To address these concerns, as an integral part of 'Governance Monitoring Centre (GMC) Nepal', an initial field assessment was conducted to map and understand such existing as well as potential conflicts triggered by governance related issues in federal Nepal with special focus on natural resources, ethnocultural, development and political governance. Conducted in Sunsari, Rupandehi and Bara districts of Nepal, the study was guided by mainly with three objectives:

1. Gain a contextual understanding of governance (mainly, natural resources, ethno-cultural, development and politics) related conflicts in the study areas, focusing on conflicts that have emerged since adoption of federalism in Nepal
2. Gain a contextual understanding of related conflict resolution or transformation mechanisms in practice in the study areas
3. Identify major causes of the existing governance (mainly, natural resources, ethno-cultural, development and politics) conflicts and major actors involved

This report hence provides a quick snapshot of relevant findings gathered from the field assessment which was obtained through a series of interviews with government representatives at all three levels and local citizens in the study areas. Consultations with a handful of experts and scholars associated with peace and conflict field have also guided this study.

¹ Further elaborated: How can effective governance prevent conflict? | The Morton Deutsch International Center for Cooperation and Conflict Resolution | Teachers College, Columbia University

Major highlights of the findings drawn by the study are presented as follows:

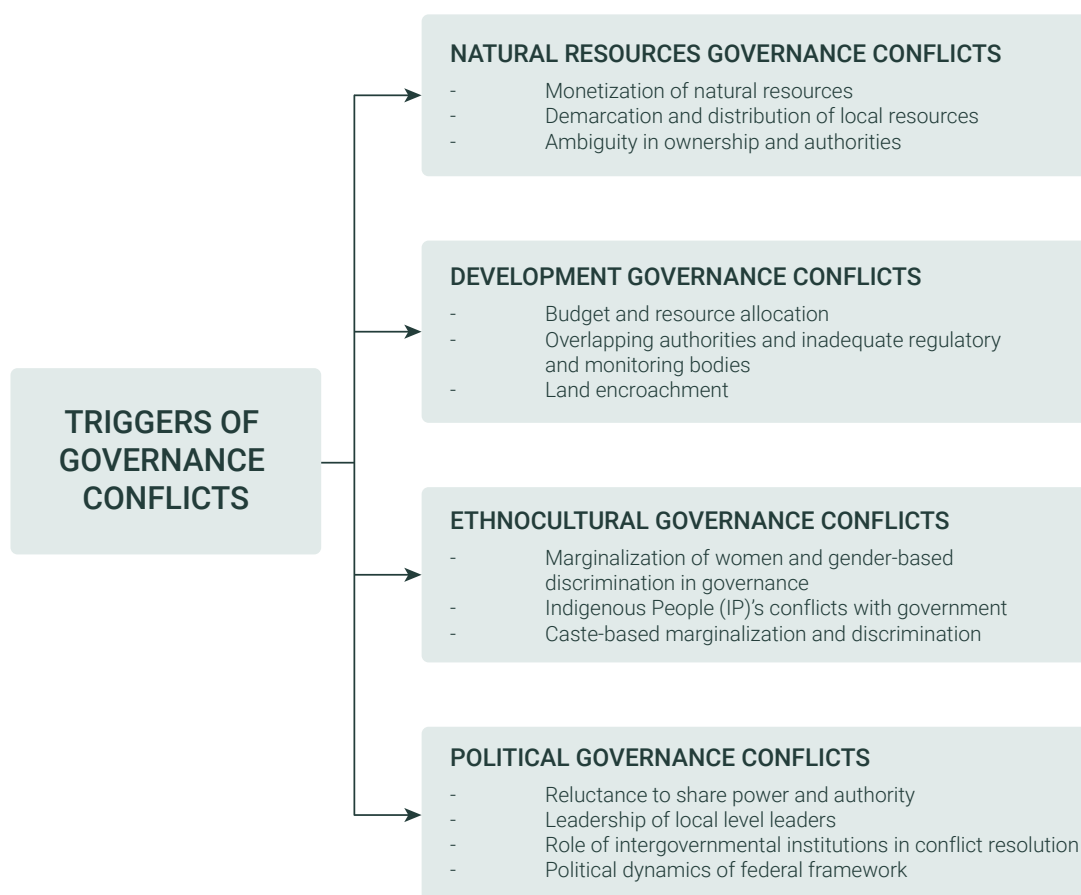


Fig: Major triggers of governance conflicts

Critical issues:

Through the evidences gathered from the field assessment, the study was able to identify critical issues existent in the governance framework in Nepal. Some of the major issues identified are as below:

1. Ambiguity in roles and responsibilities amid government bodies and the three tiers is a prevalent issue. This remains as one of the major factors that has triggered governance conflict in the four areas focused by the study. Hence the frameworks and guidelines need to be clearly defined for all three tiers of the government for well execution of planned activities and strong mechanisms are required in cases of conflict resolutions within the three tiers of governance.
2. Inadequate resources, lack of technical skills and minimum logistic support remain another issue that has hindered effective functioning of the government. These challenges are further aggravated by lack of support and consideration from representatives in positions of authority. Hence a strong need for strengthening of the capacities of government bodies and representatives was realized.
3. Budget and resource allocation, its usage, monitoring and accountability was identified as one of the major sources of conflict. Stronger mechanisms to monitor the budget activities at all three tiers of government is necessary and at the same time, involvement of citizens is also important in promoting transparency and accountability.

4. This study reveal that, some communities were found to be more vulnerable to risks of natural disasters than others. Displacement, landlessness, loss of income, loss of lives, health insecurities were some of the prominent issues faced by local communities. In many instances, lack of government aid and slow government response created hostility and distrust towards the government. Hence strong post crisis response mechanisms at local as well as national level is important to reduce conflicts triggered by natural disasters.
5. Equitable distribution of natural resources and equal distribution of benefits derived from the use of natural resources remains a challenge for federal management. Plans, policies and regulations supporting proper allocation of resources to federal states and local units must be prioritized. Also, clear identification of ownership and authority over the use as well as protection of public and government properties, public spaces, natural resources, cultural heritages, etc. was realized as a significant aspect of governance that can reduce conflict and increase societal peace and cohesion.
6. Gender-based, ethnic and indigenous representation and participation in government processes was found to be lacking in the study areas. Their empowerment and meaningful engagement in governance is essential to address the existing ethno-cultural prejudices and increase their access to justice.
7. Unacceptance of each other's perspectives, backgrounds, ambitions and potentials was realized as one of the major factors triggering political conflicts. Dismissal of values and sentiments was also a factor that generated conflict between locals and development contractors. Hence meaningful exchange of viewpoints through effective dialogues among such stakeholders, political leaders, locals and relevant representatives is one of the more important needs of the hour.
8. Clearly defined functional roles of the elected local government representatives and local government officials seems vital to minimize jurisdictions related governance conflicts. Role of citizens in governance processes should be clarified to make them further responsible/accountable in the local development processes.
9. Development projects and activities at local and national levels need to consider the heritage factors and local values associated with the areas of development projects as well. A thorough study of the physical as well as social dynamics of the area is crucial in achieving sustainable development.
10. This study strongly suggests the need for multi-stakeholder dialogue spaces at the local and provincial level to resolve the ongoing and forthcoming conflicts and tensions observed at the local level. Such dialogue spaces can be established in both formal and informal capacities. Civil Society Organizations in this case can play a vital and impartial role to bring conflicting parties to common space and facilitate the dialogue processes.

Table of Contents

1. OVERVIEW	1
2. METHODOLOGY.....	2
Objectives	2
Study areas.....	2
Data collection	2
Scope of the assessment	3
3. FINDINGS.....	4
I. Natural Resources Governance and Conflicts.....	5
i. Monetization of natural resources	5
ii. Demarcation and distribution of local resources	6
iii. Ambiguity in ownership and authorities	7
II. Development Governance and Conflicts.....	8
i. Budget and resource allocation.....	8
ii. Overlapping authorities and inadequate regulatory and monitoring bodies	9
iii. Land encroachment.....	9
III. Ethnocultural Governance and Conflicts.....	11
i. Marginalization of women and gender-based discrimination in governance	11
ii. Indigenous People (IP)'s conflicts with government.....	12
iii. Caste-based marginalization and discrimination	12
IV. Political Governance and Conflicts	13
i. Reluctance to share power and authority	13
ii. Leadership of local level leaders	14
iii. Role of intergovernmental institutions in conflict resolution	14
iv. Political dynamics of federal framework	15
Critical issues identified.....	16
References.....	18



1. OVERVIEW

Over the last three decades, Nepal's ever-transforming socio-political grounds has been characterized by some of the most radical changes witnessed in its history. Following these decades of transformations amidst great political and socio-economic instabilities, one of the most significant outcomes arrived with the adoption of the new Constitution in September 2015 which laid potent foundations for the establishment of a federal governance framework, outlining the devolution of power from the central governing bodies, represented by elements of the historic unitary seat of power in Kathmandu. Establishment of 753 local government units, each with their own governing systems brought greater potentials in bringing Nepali citizens closer to their elected leaders and their endeavors. Additionally, the Constitution imparted various provisions and mandates promoting systemic inclusion for members of historically marginalized communities and ensuring their ability to contribute to growth in space for democratic participation in the social and political processes.

In concept, Nepal, a fairly young federal nation holds stronger and more diverse democratic power than ever before in its history. With introduction of three tiers of electoral and democratic participation across geographical and political jurisdiction, Nepal acquires great potentials that foster inclusion of the historically marginalized communities, stable and sustainable government processes and efficient execution of designated responsibilities and functions involving citizen's engagement.

However, this scope for involvement of citizens abiding by democratic values has also introduced possibilities of ideological as well as functional disagreements that brews potentials for conflicts. Also, working against the background of authoritative power struggles, political agenda and societal as well as regional disparities, effective functioning of federal governance system currently faces some evident and some underlying conflict triggers.

An initial field assessment was conducted to map and understand such existing as well as potential conflicts triggered by governance related issues in federal Nepal, with special focus on natural resources, ethnocultural, development and political governance in Sunsari, Rupandehi and Bara districts of Nepal.

A short summary of major findings gathered from the study areas are highlighted in this report, including a glimpse of the major methodological components that guided this assessment.

2. METHODOLOGY

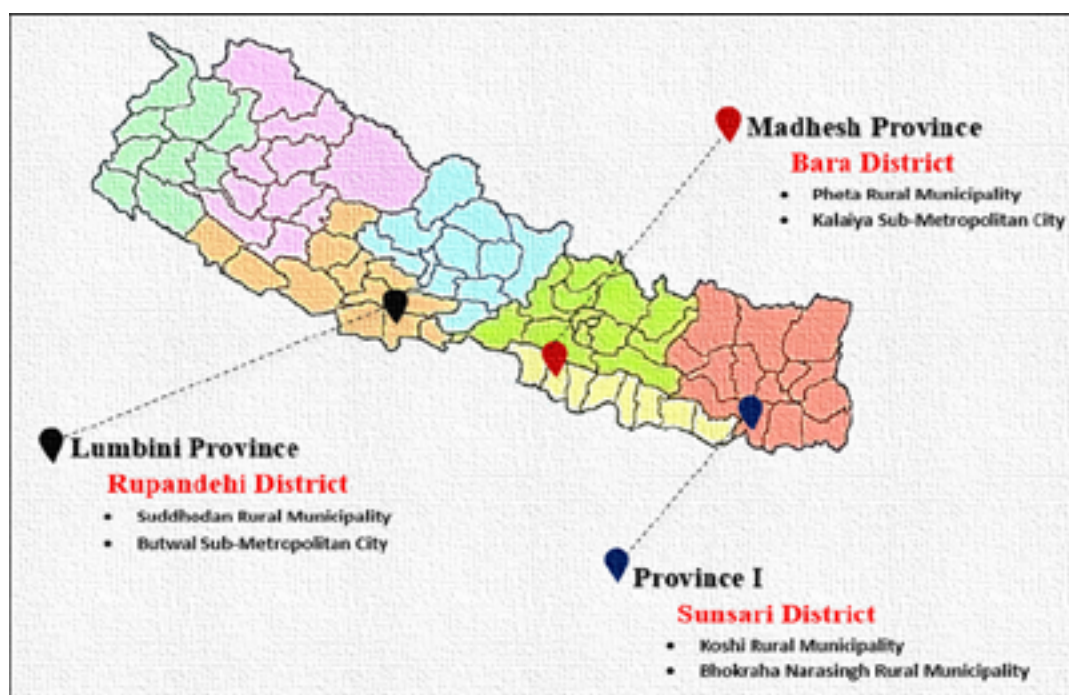
Objectives

This study was guided by following main objectives:

1. Gain a contextual understanding of governance (mainly, natural resources, ethno-cultural, development and politics) related conflicts in the study areas, focusing on conflicts that have emerged since adoption of federalism in Nepal
2. Gain a contextual understanding of related conflict resolution or transformation mechanisms in practice in the study areas
3. Identify major causes of the existing governance (mainly, natural resources, ethno-cultural, development and politics) conflicts and major actors involved

Study areas

This study majorly grasps the governance context of Terai belt of Nepal. Following are the areas covered by the study:



Data collection

The findings gathered through the study was obtained through a series of Key Informant Interviews (KII)s, Focused Group Discussions (FGD), Observations, especially through community field visits and consultations with a total of 93 individuals. Consultations with experts and practitioners in the field of peace and conflict have also guided this study.

Scope of the assessment

This initial level of conflict assessment has been able to draw significant information regarding the prevalent governance (mainly natural resources, ethnocultural, development and political governance) related conflicts in the study areas. Further investigation and analysis of these findings will be conducted to gain a better understanding of the components and characteristics connected to governance related conflicts, which will serve as a strong base to strategize interventions that are specific to the needs of the respective areas. For instance, based on these findings, dialogue trainings and facilitation at local, provincial and national level will be conducted that will aid to foster meaningful dialogues and discussions among relevant authorities and stakeholders, reduce existing governance conflicts and advocate for peaceful governance in Nepal. Also, wide dissemination of these findings aims to sensitize policymakers, government bodies and relevant stakeholders to recognize and address the roots and characteristics of conflicts brewing within federalism. Using a rigorous model and research tools of media monitoring, creation of an accurate and informative database of the governance related conflicts in federal Nepal is also ongoing under this GMC initiative.

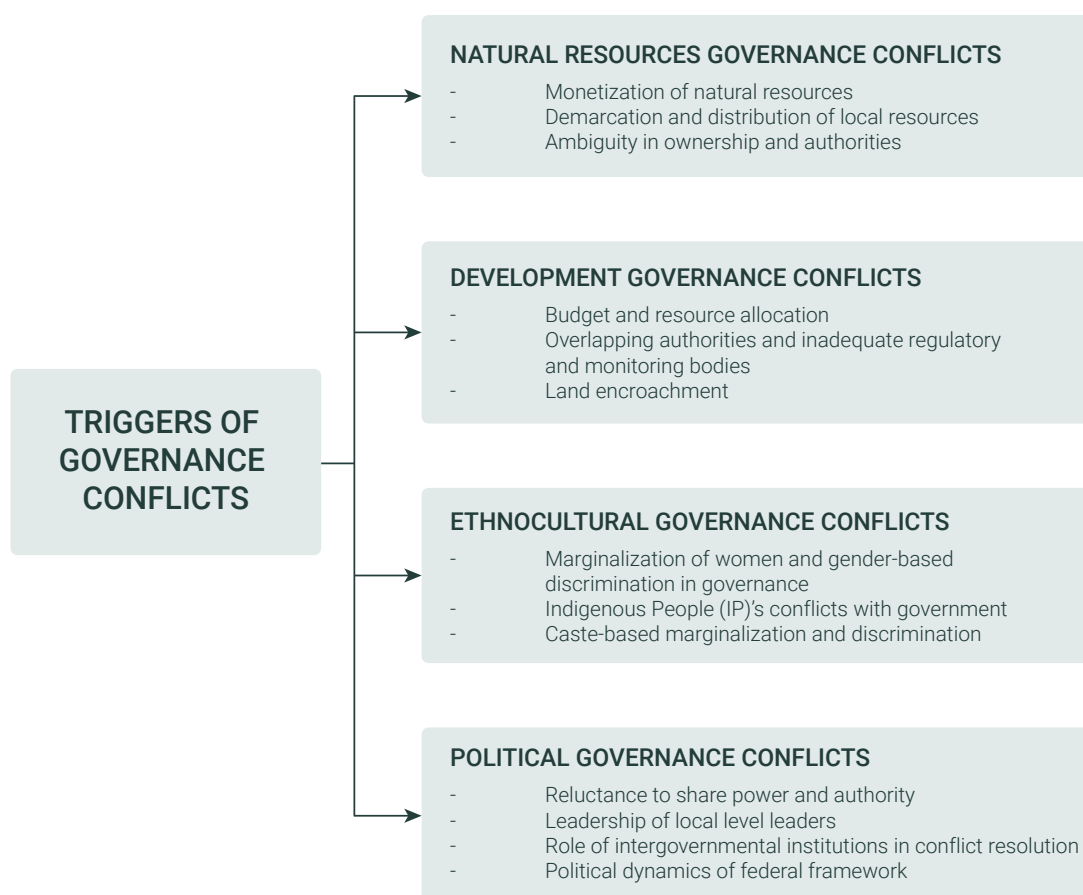
Also, this study only captures governance conflict issues observed in selected districts and municipalities from three provinces from Terai region of Nepal. Governance conflicts persistent in the hill and mountain region of Nepal are beyond the scope of this study, but those areas will also be covered through a series of qualitative and quantitative studies planned to be conducted in the days to come.



3. FINDINGS

This section highlights the major findings gathered from the field assessment in the respective governance areas focused by the study, i.e. natural resources, development, ethnocultural and political governance in Nepal. It is not the entirety of the findings, rather an attempt to swiftly provide an overview of the primary knowledge gathered from the study areas that are clustered thematically. A quick snapshot of the findings is presented below, followed by its thorough description:

Fig 1: Major triggers of governance conflicts





I. Natural Resources Governance and Conflicts

In natural resource governance, this study has especially focused on governance of water, land, wildlife and forest. Extraction of rocks, sand, minerals and stones were also observed during the study to understand the influence/ impact of development activities led by government. Major highlights of the findings are shared as follows:

i. Monetization of natural resources

Using ponds and lakes for fisheries, community forests, wetlands and swamps for harvesting raw materials for consumption and production of goods and extraction and trade of rocks and sand from riverbanks were some of the common practices in the study areas that principally supported income generation through use of natural resources. Consumption of natural resources for revenue generation was realized as economic contribution of nature and its services for development and upliftment of the local communities. However, implementation of clear guidelines and environmental policies prohibiting overharvesting and exploitation of natural resources were not well implemented. On the other hand, strict monitoring mechanisms were prevalent in the forest conservation efforts (mainly led by Nepal Army), but the local users of the natural resources were met with stern and often harsh encounters, even within the buffer zones. Accountability of such conducts were often unseen and local users were deprived of access to file complaints or seek justice and were demotivated in conserving the natural resources.

One of the local fishermen during an FGD in Koshi Tappu expressed, "Koshi is our home. It is our life and our livelihood. But the interference from authorities in the name of conservation is disallowing us to use our own resources. When we

are not able to consume resources that belong to us, then why should we help the authorities in its conservation? Who is the conservation benefitting? Shouldn't it benefit the locals first?"

Illegal consumption and trade of natural resources like poaching, hunting, illegal logging and timber trafficking fueled by systematic corruption and poor governance was another large issue that needs greater attention of the governing authorities.

A local basket maker at Koshi Tappu shared, "Authorities prohibit us from entering the forest areas. Even if we are starving or left without income, they don't seem to care. But a much bigger problem is the illegal trades that occur inside the forests. They make a ton of money within one night, which is all illegal money. How can they let that happen under their nose while extremely strict rules are applied to us?"

Perceiving natural resources as an income generation source is one thing but its malicious trades are often exploitative and criminal in nature. When such activities are largely unmonitored or systematically unaccounted by the government authorities, tensions are bound to escalate, as shared by the communities in the study areas.

ii. Demarcation and distribution of local resources

Adoption of federal governance framework in 2015 in Nepal made way for geographical demarcation of seven provinces and 753 local units. The context of these new demarcations was a complex spatial boundaries-restructuring process that intended to foster socio-economic and political balance between geographical regions. The study revealed that one of the reasons for conflicts between local units in the study area was the displacement of natural resources post the demarcation process. For example, a pond located in Devtal Rural Municipality, Bara district has the potentials for local tourist attraction and income generation for local government but currently is stagnant and unused due to unclear instructions on authority and usage of the pond. Previously, a local school was responsible for its usage but post demarcation, the school now falls in a different municipality.

Elected representative of the Rural Municipality remarked, "It is a good sized pond and I, as a representative of this area have many plans to convert this area into local attraction. It can help increase our internal revenue. But who uses it and how, is a different story. Our hands are tied, and the pond area that was once beneficial to the community is now useless".

The study showed that natural resources were also connected to the local communities' identities. Hence some of the rivers, ponds and forests that fell under different territories post demarcation were still desired by the previously owning territories. Another aspect observed was the lack of natural resources existent in certain areas versus abundance in others as a result of demarcation.

A local resident at Bhokraha Narsingh Rural Municipality, Sunsari expressed, "If you look at our neighboring wards, they are rich in natural resources. Some have rivers, some have forests. They have access to wood and sand, stones from river. We have nothing. They should have prioritized equal distribution of natural resources during the demarcation, but they didn't."

The findings demonstrated that, unequal distribution of natural resources was associated with unequal income generating opportunities by the communities and post-federalism demarcation was one of the factors that has triggered such conflicts. It was observed that absence of legal mechanisms to resolve such cases have contributed to existent animosity between the local units.

iii. Ambiguity in ownership and authorities

One of the central identifications of the assessment is that natural resource governance not only refers to access to its usage but also the governing rules, institutions and social relations that determines who is allowed to use the natural resources, how and for how long, under what conditions and also who hold the rights to own and rights to transfer the ownership to others. A major finding of the study was existing ambiguity in access and ownership rights that have ultimately affected the rightful and sustainable usage of the natural resources in the study areas. This was primarily observed in cases of forest conservations where the conservation objectives of the government in the form of wildlife reserves or national parks contradicted with the needs of the local communities.

Koshi Tappu Wildlife Reserve's ranger officer shared, "We are generally in between the needs of locals and efforts of the government. Primarily, the locals are highly depended on natural resources for their livelihoods and since their lives depend on it, they are well capable of preserving it too. On the other hand, the government efforts to convert forests into protected areas is also very important for the overall development of our nation. So, maintaining balance between both sides and understanding the actual needs of both sides is the main key."

Constitutionally, the state holds the authorities over natural resources in Nepal², which are significant contributors to the national economy. At the same time, locals especially communities that live close to the forest or river areas, are the ones highly depended on them. Nonetheless, the study highlighted that they were also the ones most exposed to wildlife attacks, floods, landslides and other natural calamities, which made them further vulnerable to risks of landlessness, displacement and loss of lives and livelihoods.

A local woman during FGD at Koshi Tappu shared, "We go inside ponds to collect the materials to make rugs. They grow on water bodies. There are many incidents when women were bitten by snakes. We go inside waters always fearful of such accidents. In case of animals' attack, we go to the wildlife reserve but talking to them about compensations is always complicated. Bigger cases like elephant attacks may get their attention but not all of them."

It was observed that national guidelines and policies were followed in cases of natural disaster/ wildlife attack related compensations by the authorities, but ease in access, awareness and timely deliverance of justice was still an issue. It was also observed that the lack of clarity in ownership resulted in negligence and degradation of natural resources. For example, river pollutions caused by locals, hospitals or private factories were prominent issues that needed serious attention. Amid such circumstances, involvement of Community Forest User Groups (CFUG) contributed greatly to forest conservation efforts and wellbeing of the community that depended on the forests.

2 Ministry of Forests and Environment. Government of Nepal



II. Development Governance and Conflicts

To understand the conflicts existing in development governance, various government led development (infrastructure) projects and activities were observed during the study. Although the overall initiative aims to look at both infrastructure and social development governance conflicts, this field study was more focused on projects related to infrastructure development. Major findings derived from interviews and consultations with concerned authorities relevant to these projects in the study areas are highlighted below:

i. Budget and resource allocation

Since the adoption of federal framework in 2015, central government of Nepal undertook the responsibilities of delegating power to the local levels. Mobilization of local resources, equal distribution of budget and development strategies and provision of necessary authority to local bodies for budget planning and implementation are some of the federal bodies' major roles that empower local bodies and fosters accountability. In the study areas, it was observed that local governments often faced difficulties while allocating budgets for development activities across wards. Local representatives were mostly dissatisfied with the allocated amounts and demanded larger budgets. Some also suggested the provincial budget could be reduced so more could be allocated to local levels.

One of the local representatives at Pheta Municipality, Bara stated, "There is so much to do with limited money. As a leader of my community, I feel like I have a lot of potential to make my area better. But my hands are tied as budget is limited and we have to work according to priorities."

High levels of corruption, misuse of development funds, forgery in expenses, politicization and favoritism in development project tenures were also prominent issues that hindered development activities in the study areas.

A local resident of Koshi Municipality shared, "There is a lot of money in development projects. Contractors can make huge profits overnight. But that profit comes as the cost of quality. More profit means less quality."

It was observed that personal agendas and corruption within development projects often resulted in poor quality infrastructures and required more time to complete than allocated. Such issues have contributed to raising conflicts between communities, contractors and government authorities.

ii. Overlapping authorities and inadequate regulatory and monitoring bodies

A decentralized governance framework ensures involvement of local level governments in planning, implementation and management of development projects and allows participation and representation of local stakeholders in the development processes. In the study areas, it was observed that local initiatives often conflicted with federal guidelines and vice versa. For example, in cases of roads that are used by the local communities depended upon federal level even for maintenance. While the contradiction often hindered the functioning of local government, on the other hand, development activities also drew overlapping interest and authority of all three tiers of government.

As shared by a journalist in Sunsari district, “You can see it especially in construction activities. There have been instances where involvement of federal, provincial and local levels have overlapped. Imagine how the budget and resources can be maltreated in such cases.”

As stipulated by Local Self-Governance Regulations, District Coordination Committees (DCC) should conduct monitoring and evaluation of development projects including local user groups and respective federal level departments. However, observations showed that in the study areas, role of DCC was limited in monitoring activities and federal level lacked to provide support to strengthen their functions.

A district level representative at Butwal stated, “Strict monitoring based on budget, expenses, quality, timeline and other factors can result in timely completion of projects. We need federal as well as local support if we want development that is sustainable. But perhaps federalism is still a new concept to us all and we are trying our best to make it work.”

Hence, a strong need was realized to strengthen federal capacities for monitoring and evaluation of the development projects, its outputs and outcomes. Furthermore, responsible bodies and relevant mechanisms need to be participatory in order to fulfil the local needs as well as national objectives. Also, clarity in guidelines and regulations are necessary for smooth execution of development activities.

iii. Land encroachment

In the study areas, encroachment of public land and forest areas were widely observed. The locals perceived that construction companies were often insensitive towards the customs, traditions, livelihoods and general lives of the local people. Many of the religious rites and rituals and ancestral values of various ethnic and indigenous groups were connected to the forests and lands in their area. For example, celebration of festivals like Dashami and Chhat needed open public spaces for celebrations. Also, burial grounds needed forest areas for the rituals and graveyards. However, construction projects often overlooked the sensitiveness of such land areas and aggressive development activities were often experienced by the locals.

A Kirat youth leader expressed “The burial grounds are places where our ancestors since many generations are resting. These areas are often disturbed for development activities, especially road expansion projects. We are all for development but at the same time we also don’t want to lose our traditions and customs that go back hundreds of years for the sake of development.”

In cases of private land acquisition, government provided compensations in the study areas. However, the compensation amount was not adequate as reported by the locals. Haphazard development projects have been major sources for landlessness and illegal inhabitation (Sukumbasi) as suggested by the respondents. It was observed that mostly marginalized populations and Dalit groups were inhabitants of such Sukumbasi areas. Displacements caused by massive seasonal floods were also one of the major existent issues that have increased demands for better national and local level crisis coping mechanisms.





III. Ethnocultural Governance and Conflicts

Ethno-cultural governance conflicts were observed in the study areas based on experiences and perceptions of different historically marginalized and subordinated groups. The observation and categorization of ethno-cultural governance conflicts is further based on the deep grievances stemming from the systematic exclusion and marginalization of populations based on class, caste, gender, ethnicity, religion, language, and geographical isolation. Major highlights of the findings are shared as follows:

i. Marginalization of women and gender-based discrimination in governance

Under ethnocultural governance, this study asserts the importance of focusing on the status of women's awareness and participation in governance processes. It was found that after seven years of the promulgation of constitution (2015) providing women the rights to participate in governance decision making and implementation processes, the actual execution of the constitutional provision and relevant laws and policies is still lagging.

As stated by a women's rights activist in Bara district, "In paper, the laws are very strong. It is almost perfect. But in practice, there are very less efforts to include women in governance. Lack of confidence to work among men is a major challenge for us women. I am often required to work with women who are victims of domestic violence, and I can be called to police stations even during late night hours for such cases. I am one of the lucky ones because my family and male colleagues have been very supportive regarding my work and contribution to the society."

Among women government representatives, it was observed that their appointment was pseudo in nature while their male counterparts were allotted the ability to make decisions on their behalf. Involvement of women in politics in general, also symbolized mere fulfillment of endorsed quotas. Other than such appointments through quotas/ reservations, government led interventions to enhance inclusion and effective participation of women in governance and efforts to remove barriers that marginalize women were non-existent in the study areas. Relating these situations to existing literature, such kinds of continuous societal, political and constitutional neglect towards discriminations, marginalization and insecurities experienced by women or any particular group have the tendency to trigger conflict sooner or later which can tremendously hinder peace processes in the country.³

³ Hudson, V. M., Ballif-Spanvill, B., Caprioli, M., & Emmett, C. F. (2012). *Sex and world peace*. Columbia University Press.
Barnes, K. (2009). 'Building an Inclusive Security Sector: How the EU can support gender-sensitive security sector reform in conflict-

ii. Indigenous People (IP)'s conflicts with government

According to the Constitution (2015), "special, protected, and autonomous regions" that are intended to enhance the "socio-cultural protection or economic development" of IPs must be conserved. However, aggressive development activities in the study areas were one of the major factors that instigates conflicts between government and IPs. It was found that sentimental and cultural values of IPs were often overlooked by government led development projects.

One of the locals in Sunsari district shared, "During a road expansion project, the burial ground of Kirats was destroyed. This had special importance for particular indigenous group. We locals protested against this and were successful in stopping the damaging activities. We were promised that the place will be restored to attain its original state as much as possible, but it was never done. Also, according to Kirat traditions, we bury the dead's jewelries with them. Those jewelries and other artifacts that were dug up during the project were also stolen and never returned."

Another case demonstrated that development activities through a drinking water related urban development project in Sunsari tampered an archaeological site of great traditional and historic value. Public outcries demanding immediate halt of the project and Department of Archeology's interference was able to stop the activity.

iii. Caste-based marginalization and discrimination

In the study areas that are primarily located in the Terai belt of Nepal, endorsement of bill amending the Citizenship Act (2006) was one of the most talked about issues. According to the respondents, one of the main fault lines in this bill is that it entirely skipped the 7-year wait period to obtain Nepali citizenship after marriage. They stated that the bill was unjust towards people who are born and raised in Nepal and have the right to citizenship but are still struggling to obtain legal recognition by the state, especially the perceived 'lower-caste' and Dalit groups.

Also, caste-based discriminations are punishable by law in Nepal, but their issues in general were observed by their local Panchayat ⁴. This practice of conflict resolution in many cases deprived the marginalized groups of the legal provisions and forced them to accept the decision of Panchayat, even in cases of heinous crimes like rape and violence.

A lawyer in Bara shared, "Anti-discriminatory laws has given Dalit people basic rights, but they are still looked down upon in the society. Whenever there are issues or conflicts associated with Dalits, it is generally solved by the Panchayat. Their rights to access legal justice system is not even respected."

Although development plans and projects for infrastructure development as well as social upliftment in areas inhabited by Dalits and other marginalized groups were prevalent, lack of access to such plans and projects was widely observed. On one hand the Dalits and marginalized groups were perceived as potential vote bank and were often easily manipulated by political leaders during elections, on the other, they were on of the last communities to receive any development projects, budget or support from government representatives. Experts say that such instances of systematic exclusion and exploitation of specific groups often result in deep grievances and lead to gross inequalities contribute to continuous social, economic, political and cultural obstructions in overall development of nation.⁵

affected contexts. Initiative for Peacebuilding and International Alert.

4 Panchayats consisted of elderly and wise people chosen by the local community, who used to settle disputes between individuals and villages Mostly they are the upper class and influential people.

5 Bhattachan, K., & Webster, S. (2005). Indigenous peoples, poverty reduction and conflict in Nepal. ILO.



IV. Political Governance and Conflicts

Recognizing the political instabilities that occurred since the beginning of armed conflict (1996) in Nepal and the significance of political processes and interests within the current federal framework of governance, this study attempted to gain understanding of the major elements that contribute to conflict within political governance. The following sum up the major findings drawn from the study:

i. Reluctance to share power and authority

According to the Constitution (2015), the central and provincial government in Nepal evidently share authorities over public and police administration. However, the District Administration Office (DAO) and Nepal Police are working under direct command of the central government. Additionally, national policies/acts related to police personnel and civil servants' management (federal and provincial police) that provide authority to provincial government for formation and execution of administration and police at the province level are yet to be enacted by the federal parliament.

A former provincial assembly member stated, "Our top priority is to make the province as functional as possible; we cannot function as a central government entity without our own regularity and ownership on administration and security. Constitution gives us these authorities, but the federal government is reluctant to share those powers with us. Without those power, we will always be dependent on federal government and the national political actors."

As perceived by the provincial government representatives, central government's reluctance to share chief administration and security-related authorities suggests its' strong intention to set up a parallel governing structure at the district level. The issue was further aggravated by frequent and ad-hoc transfers and management of high-level government officials at the provincial ministries and DAO. It was observed that such disruptions have affected the administration and development projects at the provinces and has contributed to creating channels for inter-governmental political conflicts.

ii. Leadership of local level leaders

Constitutionally, local government is a collective form of executive, legislature and judiciary functions and each elected officials have multiple roles in the respective organs at the local governance unit. Hence, local level governance highly depends on cooperation and coordination between the elected representatives. However, findings show that the elected mayors were found to be acting on their own jurisdictions, often trying to assume roles of other elected representatives as well. For instance, Municipal Mayor and Village Chairperson are administered as the head of executive organ of the Municipality and Rural Municipality respectively. Hence both Mayor and the Chairperson are involved in preparation, approval and implementation of laws/policies/programs at the local units. However, according to the respondents, Mayors often tries to single handedly influence the policies/programs/events without proper consultations with the Chairpersons or other elected representatives of the local government.

A ward chairperson shared, "Mayors think themselves as kings rather than people's representative, this attitude has made them act without consultations with other elected officials."

According to the Constitution (2015) and Local Government Operation Act (2017), Deputy-Mayor/Vice-Chairperson is responsible for coordinating the Judicial Committee, Local Revenue Advisory Committee, and Budget and Program Drafting Committee and also fulfil duties in absence of Mayor/ Chairperson. However, study shows that frequent confrontations occurred between the Mayor/Chairperson and Deputy-Mayor/Vice-Chairperson occurred since Mayors often tried to influence the functioning of these committees by asserting their authority. As the Deputy Mayors in the study areas were unanimously females, a patriarchal perception of dominance was prevalent in governance system that immensely hindered execution of Deputy Mayor's duties and rights and disrupted the cohesion in teamwork between the two elected representatives.

A newly appointed female Vice-Chairperson of Rural Municipality shared, "I am struggling to work here as a vice-chairperson because I am expected to be a subordinate of the mayor."

Furthermore, the findings show that the Chief Administrative Officers were frequently transferred in the local units. As a result, municipals often had to rely upon the acting administrative officer for execution of day-to-day activities. It was also observed that elected Mayors and Chairpersons often tried to influence the staff management, financial management and day-to-day activities of the municipal, which generally fall under the responsibilities of the Chief Administrative Officers. Also, high levels of corruption was a major factor that led to frequent transfer of government employees. Such factors have heavily affected effective governance at the local levels and have raised several trigger points that cause conflicts within the local government units.

iii. Role of intergovernmental institutions in conflict resolution

Several formal structures such as National Coordination Council (NCC), Inter-Province Council, Province Coordination Council (PCC) and District Coordination Committee (DCC) are established to take the roles of coordination and management of inter-governmental conflicts as per the Constitution (2015)⁶. However, findings showed that these structures were not fully functional. It was observed that NCC and Inter-Province Council were mostly ineffective in their operations and some of the major reasons for their inefficiency were irregularity in conducting official meetings and delay in accommodating delegations submitted by provinces to the councils by responsible authorities. The study also found

6 As described in Federation, Province and Local Level (Coordination and Inter-relation) Act (2020) Federation-Province-and-Local-Level-Act-2020-.pdf (lawcommission.gov.np)

that the local governments doubted the effectiveness of provincial government (PCC). Similarly, District Coordination Committee (DCC) lacked resources and authorities to function effectively. Overall, their authority was often restricted or influenced by federal laws, political parties and actors, which hindered their capacities to effectively respond and resolve intergovernmental struggles and conflicts. In absence of well-functioning conflict resolution mechanisms or bodies, the existing or potential governance conflicts had tendency to worsen over time and circumstances.

A DCC representative shared, "I am a part of the DCC but, I myself think that the position has no real meaning. In writing it is clear that DCC has monitoring and coordinating duties, but in reality we lack proper human resources to monitor development projects, and local units look after political leaders for coordination of any kind. Even if we somehow perform our monitoring tasks and report to higher government units, it is not prioritized by them. We do not have the authority to regulate any illegal or unwanted activities happening at the local units. We are given stick/baton to hold without the authority to use it."

iv. Political dynamics of federal framework

The Constitution (2015) provides executive, legislative and judiciary authorities to local governments and does not envision ruling and opposition parties at the local levels. However, in practice, it has been observed that the elected local representatives act like ruling and opposition actors solely based on their political differences. Due to lack of cooperation/coordination between elected representatives, especially representatives that are affiliated to different political parties, many local governments are forced to postpone their city/village council meetings several times. This has directly led to delay in tasks (administration, governance and development) that are handled by the local level governments, resulting into poor local governance.

A former elected municipal member stated, "Our political culture is very negative; we have a culture of leg-pulling of those who are doing better than you. This is the reason we cannot uphold to the needs and wants of our people. It takes several months for us to decide even a single policy or development project because we look for our political interests in it instead of looking into benefit it could provide to the public. This is not how local units are supposed to work."

Additionally, in case of Nepal, political parties are highly influenced by national political leaders who are majorly involved in decision-making processes at the local and provincial governments. In a highly politicized country like Nepal, such culture of political whip works very strongly. Additionally, representatives at the local or sub-national levels in general adhere to their political affiliations and decisions who often end up providing discriminatory benefits to particular group of peoples. These factors have tremendously contributed to creating tensions in the society regarding resource allocation and distribution, making ways for larger group conflicts and public frustrations towards the government.

A journalist stated, "There's a political struggle between two prominent political actors behind the conflict of provincial capital of Lumbini Province. They want capital in their area for their political aspirations. We saw major protests in the province regarding this matter and will continue to see it even in the future until it is resolved properly."



Critical issues identified

Abiding by the fundamental aim of this study, evidences gathered from the assessment have been able to highlight some of the critical factors existent in the federal system of Nepal. These factors reportedly act as catalysts that fuel the underlying as well as evident layers of conflicts and hinder efficient and peaceful governance. In efforts to draw attention of relevant bodies to address such existing and potential triggers of conflict in governance, some of the major issues are highlighted and stated as below:

1. Ambiguity in roles and responsibilities amid government bodies and the three tiers is a prevalent issue. This remains as one of the major factors that has triggered governance conflict in the four areas focused by the study. Hence the frameworks and guidelines need to be clearly defined for all three tiers of the government for well execution of planned activities and strong mechanisms are required in cases of conflict resolutions within the three tiers of governance.
2. Inadequate resources, lack of technical skills and minimum logistic support remain another issue that has hindered effective functioning of the government. These challenges are further aggravated by lack of support and consideration from representatives in positions of authority. Hence a strong need for strengthening of the capacities of government bodies and representatives was realized.
3. Budget and resource allocation, its usage, monitoring and accountability was identified as one of the major sources of conflict. Stronger mechanisms to monitor the budget activities at all three tiers of government is necessary and at the same time, involvement of citizens is also important in promoting transparency and accountability.
4. This study reveal that, some communities were found to be more vulnerable to risks of natural disasters than others. Displacement, landlessness, loss of income, loss of lives, health insecurities were some of the prominent issues

faced by local communities. In many instances, lack of government aid and slow government response created hostility and distrust towards the government. Hence strong post crisis response mechanisms at local as well as national level is important to reduce conflicts triggered by natural disasters.

5. Equitable distribution of natural resources and equal distribution of benefits derived from the use of natural resources remains a challenge for federal management. Plans, policies and regulations supporting proper allocation of resources to federal states and local units must be prioritized. Also, clear identification of ownership and authority over the use as well as protection of public and government properties, public spaces, natural resources, cultural heritages, etc. was realized as a significant aspect of governance that can reduce conflict and increase societal peace and cohesion.
6. Gender-based, ethnic and indigenous representation and participation in government processes was found to be lacking in the study areas. Their empowerment and meaningful engagement in governance is essential to address the existing ethno-cultural prejudices and increase their access to justice.
7. Unacceptance of each other's perspectives, backgrounds, ambitions and potentials was realized as one of the major factors triggering political conflicts. Dismissal of values and sentiments was also a factor that generated conflict between locals and development contractors. Hence meaningful exchange of viewpoints through effective dialogues among such stakeholders, political leaders, locals and relevant representatives is one of the more important needs of the hour.
8. Clearly defined functional roles of the elected local government representatives and local government officials seems vital to minimize jurisdictions related governance conflicts. Role of citizens in governance processes should be clarified to make them further responsible/accountable in the local development processes.
9. Development projects and activities at local and national levels need to consider the heritage factors and local values associated with the areas of development projects as well. A thorough study of the physical as well as social dynamics of the area is crucial in achieving sustainable development.
10. This study strongly suggests the need for multi-stakeholder dialogue spaces at the local and provincial level to resolve the ongoing and forthcoming conflicts and tensions observed at the local level. Such dialogue spaces can be established in both formal and informal capacities. Civil Society Organizations in this case can play a vital and impartial role to bring conflicting parties to common space and facilitate the dialogue processes.

References

Barnes, K. (2009). 'Building an Inclusive Security Sector: How the EU can support gender-sensitive security sector reform in conflict-affected contexts. Initiative for Peacebuilding and International Alert.

Bhattachan, K., & Webster, S. (2005). Indigenous peoples, poverty reduction and conflict in Nepal. ILO.

Constitution of Nepal (2015)

Federation, Province and Local Level (Coordination and Inter-relation) Act (2020)

Local Government Operation Act (2017)

Ministry of Federal Affairs and General Administration (MoFAGA)

Hudson, V. M., Ballif-Spanvill, B., Caprioli, M., & Emmett, C. F. (2012). Sex and world peace. Columbia University Press.

About CSC

Centre for Social Change (CSC) is a non-profit making social think-tank based in Kathmandu, Nepal. Since its establishment in 2015, CSC has been actively working to bring positive transformation in the socio-political dynamics of Nepali society through involvements in the fields of research, development practice, education, advocacy, and community mobilization. CSC's current works are focused on issues surround conflict transformation, peacebuilding, democracy and governance, migration, labor and employment, civic space, civil society development, public policy, climate change, and social development.



Centre for Social Change

सामाजिक परिवर्तन केन्द्र

Centre for Social Change
www.socialchange.org.np
contact@socialchange.org.np
+977-9841370244