QUEST FOR PEACEFUL GOVERNANCE

An Analysis of Governance Conflicts in Federal Nepal



Centre for Social Change सामाजिक परिवर्तन केन्द्र

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1. Introduction

After a tumultuous decade (1996-2006) of armed conflict, stimulated by identity uprisings, regional demands and high political tensions, a beacon of hope arrived with promulgation of the new constitution in September 2015 that led to adoption of a federal governance framework. One of the most optimistic prospects that arrived with this change was the establishment of seven Provinces and 753 Local Government Units (LGUs), each with their own governing systems and the provision of exclusive and concurrent rights defined by the new constitution. A federal governance structure would not only support transference of power from the preset perceptions and practices of a centralized system to these provinces and local units¹, but it also promised to bring Nepali citizens closer to their elected leaders, ensuring enhanced democratic spaces for participation of people in political processes henceforth.

Resting upon this analogy, Nepal holds more democratic power than ever before in its history. Or is it?

In the years that followed the enactment, young federal Nepal has had its own shortcomings and fair set of challenges that has a fermented potent ground for intergovernmental conflicts, affecting the effectiveness of federalism in its entirety². Weak state capacity, accountability and legitimacy of government entities are some of the embedded assumptions that have enabled civil unrest and political instability in the country³. Moreover, functioning 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 threats of conflict.

In this regard, experts from global examples have drawn that conflict is significant expression of demand for change and governance has emerged as an important factor that can manage or prevent conflicts and transform them to fuel positive changes⁴. Then again, is this possible for Nepal? A country standing on its own history of centralized orderliness, which is just starting to get accustomed to the federal processes of power division, its values, but also its complexities. Are there avenues for Nepal to shift intergovernmental conflicts and civil unrest into productive discourses, to decentralize development benefits, to make service delivery more efficient and to complement a national-level peace process?

Diving into such concerns, an initial field-level assessment study report '**Triggers** of Governance Conflicts in Nepal'⁵ published by Governance Monitoring Centre (GMC) Nepal, a flagship research initiative by Centre for Social Change (CSC) has shown that understanding the drivers, consequences, actors and other components and characteristics connected to governance-related conflicts, can serve as a strong base to strategize interventions to foster peaceful and effective governance.

- 3 <u>Nepals-Constitution-and-Federalism_Vision-and-Implementation_English.pdf (asiafoundation.org)</u>
- 4 Governance as a root cause of protracted conflict and sustainable peace: Moving from rhetoric to a new way of working. Stockholm International Peace Research Institute (Sipri)
- 5 Refer to 2

¹ Federation-Province-and-Local-Level-Act-2020-.pdf (lawcommission.gov.np)

² Triggers-of-Governance-Conflicts-in-Nepal.pdf (socialchange.org.np)

Realizing this significance of evidence-based study, **Governance Watch** ⁶ is one such ongoing initiative that aims to identify the changing dynamics of governance-related conflicts, emphasizing the crucial role of media in reflecting where latest developments and interests of the nation are focused, primarily in four thematic areas:

- 1. Political governance
- 2. Development governance
- 3. Natural resources governance
- 4. Ethnocultural governance

Governance Watch was conceived with the main objective of identifying key trends of governance conflicts as observed under each of the four thematic areas, along with drivers of these conflicts, potential actors, consequences of conflicts, methods of resolution if resolved, and projection of longstanding conflicts without resolution. Disseminating these findings among government representatives, policymakers, civil society organizations, civilians and other relevant stakeholders is another major aim of this initiative to urge interest groups to take pertinent actions to address these governance conflicts.

Using media monitoring as a vigilance mechanism, this initiative records and studies news and events related to governance conflicts in the four thematic areas, as reported by five leading news portals of Nepal. A bimonthly report is periodically published to disseminate the findings of this study, of which, four issues have been published and circulated already.

Henceforth, this report 'Quest for Peaceful Governance in Federal Nepal: An Analysis of Governance Conflicts to Find Pathways to Peaceful Governance in Nepal' is based on data gathered under Governance Watch initiative, in the span of a year (June 2022-May 2023). Thus far, the 706 news and events recorded through media monitoring have been able to identify some evident as well as underlying conflicts within and beyond the federal systems and processes in the four thematic areas. Key highlights of which are shared in this report, starting with an overview of the observed data, with thematic breakdown of analysis of the news and events. A brief description of the methodology of this study is also presented here, which further explains the interiors of this approach of using media monitoring as a tool to understand governance conflicts and find avenues to promote peaceful governance in Nepal.

^{6 &}lt;u>Governance Watch Series Archives - GMC Nepal</u>

2. Methodology

2.1 Media monitoring as an approach

Using media monitoring as a vigilant mechanism, this research aims to gather information related to governance conflicts in federal Nepal through secondary sources of data collection. Moreover, the qualitative data gathered from the media are subsequently transformed into quantitative data for analysis. This conversion process enables us to organize, clean, interpret, analyze and visualize the data more effectively.

2.2 Objectives of media monitoring

- To develop a robust and systematic methodology for governance conflict mapping and gain insights of the evolving governance conflicts within the federal system
- To identify the triggering factors that contribute to occurrence of governance conflict
- To comprehend the roles played by various actors in governance conflicts

2.3 Sources

To achieve the objectives of media monitoring and refine the scope of the research, five specific national daily newspapers were chosen as the primary news sources which were based on their wide readership and comprehensive coverage of news, availability of e-paper versions and sources with archives of previous news and events. This approach not only ensured feasibility but also helped minimize paper waste that would have been generated by the process. The five major news portals observed by this study are-

The Kathmandu Post, Kantipur Daily, Annapurna Post, Online Khabar and Seto Pati

2.4. Thematic areas

Following major thematic areas of governance conflicts were identified based on the findings of the rapid assessment conducted by the CSC on governance conflicts related to federal context of Nepal.

| Governance areas | Definition |
|---------------------------------|---|
| Natural resources governance | Norms, institutions and processes that determine how power and responsibilities over natural resources and climate are exercised, how decisions are taken, and how citizens (including women, men, youth, Indigenous peoples and local communities) participate in and benefit from the management of natural resources. |
| Development governance | Governance of social and infrastructure development through appropriate procedures comprising policy formulation, program design, budgetary allocation, and administrative reforms parallel to annual targets and/or short-term, mid-term and long-term goals and objectives set for social and economic development. |
| Ethnocultural governance | Accountability of authorities and government institutions to ensure rights, opportunities and security of all citizens, especially of historically marginalized and minority groups without imposing violence or discrimination on anyone based on their identity, culture, gender, region, language and ethnicity. |
| Political governance | Practices of federalism among different tiers/organs of governments and between the government and people. |

2.5. Major Indicators

The media monitoring methods adopted have assessed the following major indicators to understand the four areas of governance and governance related conflicts:

| Indicators | Definition |
|--|---|
| Legal and policy frameworks | Enforcement of laws and regulations, policies and procedures enacted by the legislative bodies in accordance with broader governance and societal reform. |
| Government bodies and mechanisms | Institutional arrangements of government bodies and autonomous bodies under federal structure and their interaction. |
| Roles and responsibilities | Power relations and functions of government bodies (both executing and implementing agencies) along with civil society, international bodies, media for fully functional of federal structure, better governance and rule of law. |
| Conflict resolution/ transformation | Existing mechanisms and provisions dedicated to resolving conflicts, providing access to justice and ensuring participation and representation of marginalized communities and indigenous people. |

2.6. Relevant variables

The media monitoring database includes the following variables to understand the characteristics associated with governance-related conflicts:

| Elements | Description |
|--------------------|--|
| Event type | Record of violent or nonviolent nature of the conflict |
| Sub-event | Further segregation of main events into subcategories like legal notice, riots, attacks, etc. |
| Actor/s | Record of party/ parties involved in the conflict |
| Event location | Record of province, district and local units where conflict occurred/ originated |
| Conflict theme | Record of theme the conflict is relevant to (Natural resources, political, ethnocultural, development) |
| Relevant indicator | Record of relevant indicator (as described above) |

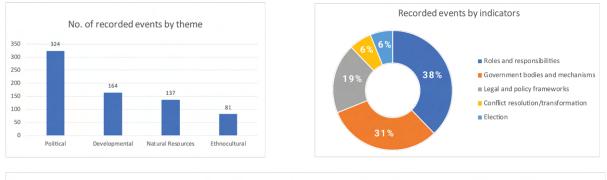
2.7. Limitations of the Approach

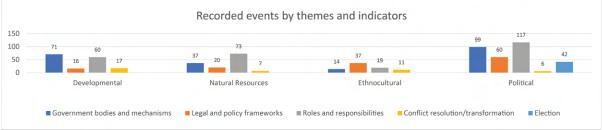
- Limited set of five newspapers for data collection, may not be comprehensive of the news coverage of governance conflicts in the country. Consequently, it is not possible to claim that all governance conflicts occurring in the country are being reported. The use of these specific newspapers restricts the scope of the data, and there is a possibility that some governance conflicts may go unreported or be missed during the analysis.
- Governance conflicts in the country are recorded, with the research focusing on a specific two-year timeframe within federal Nepal. As of now, a year of events have been recorded and hence, it is important to note that this limited timeframe prevents generalization of the entirety of the functioning within the federal system of Nepal.
- Identification of actors for data segregation is not pre-defined. Rather, they are based on observed actors, and as new actors emerge, they are incorporated into the methodology and updated regularly. This ensures that the data remains comprehensive and up to date with the evolving dynamics of governance conflicts and the role of actors.
- The study specifically incorporates governance conflicts observed under four thematic areas in one year, and as such, generalization of all conflicts within the governance system cannot be made. The focus remains on these four specific themes to maintain a targeted and meaningful analysis.
- It should be noted that while the methodological segment is periodically updated, the data collected is not open source, meaning that it is not publicly accessible at this point of time. The updates primarily serve to enhance the accuracy and relevance of the research findings.

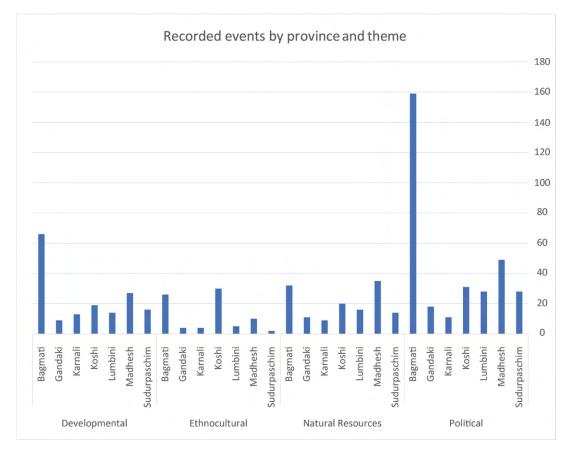
3. Overview of findings

3.1 Numeric snapshot of 706 events recorded in a year

Starting from the month of June 2022 to May 2023, in the span of one year, a total of **706** news and events were recorded under this media monitoring initiative. Below is a numeric snapshot of the findings so far, which are elaborated in the sections that follow.







3.2 High records of political governance conflicts

As shown by the data above, the majority of governance conflicts are relevant to political governance. A closer look shows that these events not only include interactions between socio-political entities on the distribution of power and resources, but also include events around national level processes to reform or enact constitutional laws and policies. The election-induced demonstrations and events have been recorded as separate events to avoid discrepancy in general trend of events, yet in other contexts, politically motivated incidents were still high in numbers.

Most of the civic movements concentrated around political conflicts additionally suggest that public need and demands are often politicized, and the core value of the movement is lost during the interference. Further delay caused by governance processes to address citizen's demands were observed to deepen the clutch of political agendas into development and civic spaces as well. Furthermore, political conflicts also showed more tendency of turning violent due to pre-conceived prejudices against the opposing parties. Detailed analysis of the recorded events will be discussed in the upcoming sections.

3.3 Provincial distribution of governance conflicts

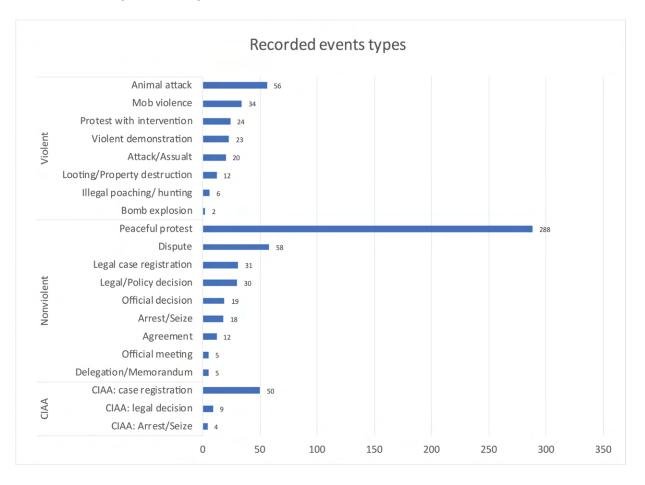
The gathered data shows higher occurrence of political and development related governance conflicts in Bagmati Province. Mainly, since many public as well as political demonstrations were targeted to draw attention of the Federal Government as well as Federal parliamentarians, more events were reported in Bagmati Province, in particular Kathmandu valley. Also, in Bagmati Province, multiple incidents following the strict measures adopted by urban management to resolve development plans and goals led to an increase in government-civilian disputes and mistrust towards each other. Likewise, the greatest number of natural resources conflicts occurred in Madhesh Province, due to greater forest cover areas, rivers and minerals. Hence, most civilian demonstrations demanding attention from the government to address the widely occurring human-nature conflicts emerged in Madhesh Province. Lastly, most ethnocultural uprisings occurred in Koshi province, which was instigated by the naming of Province 1 as Koshi. This led to pro-identity groups to demand for a province name that is more inclusive and representational of their ethnicity and culture.

3.4 Civilians, political parties and government bodies as key actors in governance conflicts

A closer look at the recorded news and events show 42% of the events relevant to governance conflicts had direct engagement of civilians. Individuals or groups were observed to be involved in public demonstrations, displaying frustrations and demanding a secure and effective governance, especially on issues relevant to natural resources and government-led development projects, but at the same time, civilians were also found to be on the receiving ends of the impacts ensued by poor governance. Hence, the unquestionable role of government bodies, policies and mechanisms was highlighted by these cases both as potential instigators of conflict and also as possible solution bearers. On the other hand, in the case of government authorities, institutions and representatives as actors, most of the conflicts were triggered by lack of fulfilment of designated roles and responsibilities. In many cases, unclear guidelines that often-overlapped jurisdictions of the federal, provincial and local level governance raised disputes. Also, news and events concerning the role or lack of government bodies and mechanisms suggest a dire need for strengthening of government capacities to restore effective governance. Also, as explained already, the highest occurrence of political governance conflicts suggest higher involvement of political actors instigating politically motivated conflicts. At the same time, this also suggests that political actors need constructive democratic spaces to voice their concerns. Furthermore, political issues need significant attention from the government bodies that are already creating tensions among political as well as civilian groups.

3.5 Nonviolent expressions of governance conflict holds majority

Among the 706 news and events recorded under this study, the majority of the governance conflicts i.e., 466 events were nonviolent in nature. More so, peaceful protests were recorded as the highest number of events that demonstrated civil resistance against the government entities.



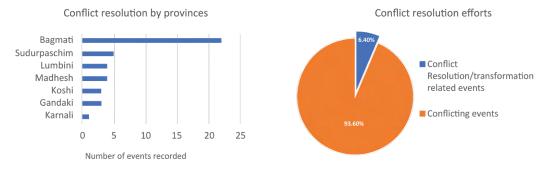
From raging demonstrations against price hike and inflation to frustration towards haphazard development plans, from infuriation towards government delays in enactment of laws to plea against environmental pollution, these events ranged in emotions, agendas and timelines. As seen in figure 1, violence in governance conflicts have occurred comparatively less in the span of a year. However, use of force or violence in governance conflicts are significant forewarnings of prevalent threats that breach peace and security in communities and the country.

Also, corruption or Commission for Abuse of Authority Investigation (CIAA)related cases are mostly legal concerns but are important determinants of governance conflicts. As CIAA is an apex constitutional body whose fundamental aim is to prevent abuse of authority by public officials through way of corruption, their decisions and actions are considered important by this study. A total of 63 event recordings of CIAA-related events shows its activeness in investigating and prosecuting public officials accused of corruption or maladministration but considering the escalating civil unrest caused due to lack of transparency and accountability of government entities, greater efforts are necessary.

3.6 Efforts to resolve governance conflicts

Observations of the recorded events show minimal efforts and mechanisms present in Nepal to adequately address the governance conflicts. Data shows that events that reported some level of resolution to conflicts were extremely low as compared to the existent incidents or cases of conflicts. Some of these recorded resolutions included signing of Memorandum of Understanding for development initiatives¹, Supreme court decisions against perpetrators of gender violence² and development exploitations³, etc. Also, since many public demonstrations were targeted to draw attention of the government, demands were mostly addressed in Bagmati Province, where the Federal Parliament office is located, as shown by data.

Hence, it can be drawn from observations of the 706 recorded news and events that multiple actors and multilayered factors have affected the extremely fragile state-society relationship in case of federal Nepal. Also, constant occurrence of disagreement, ambiguity and lack of responsiveness have widened the gaps in coordination and even communication between the three tiers of government, not only vertically but also at a horizontal level. Nonetheless, escalating civil resistance and frustrations of public further add on to the accountabilities of the government and these components topped with severe lack of grievance handling and conflict resolution mechanisms in the country, makes way for dire conflicts that are brewing and waiting to erupt.



Moving on, this report takes a deeper look into the four thematic areas of governance related conflicts selected by the study and also provides some recommendations as way forward.

4. Political Governance Conflicts

Since the adoption of the federal governance system in 2015, power, authority and responsibilities of administrative entities are divided among the federal, provincial, and local governments. Subsequently, the practice of federalism in Nepal has significantly transformed the political governance structure of the country, which has continually played a vital role in shaping the laws and policies, promoting human development, and fostering societal cohesion. However, the implementation of federalism has faced numerous challenges, leading to conflicts and tensions among political actors and government bodies and conflicts arising from power distribution, resource allocation, and cultural diversity have noticeably affected effective governance in Nepal. Reportedly, political governance in Nepal's federal context faces a multitude of challenges that have impacted various aspects of the legal and policy framework, government bodies and mechanisms, conflict resolution efforts, and the electoral process. These challenges, if not effectively addressed, can undermine the stability, effectiveness, and trust in the political system.

This section of the report explores the challenges faced in political governance through observations and analysis of **324** recorded news and events relevant to political governance conflicts.

4.1 Delay in enactment of laws and policies are fueling larger civil unrest

The recorded news and events in the span of a year have highlighted incidentsinduced by Citizenship Bill, which has been a contentious issue in Nepal for several years, facing protests and demonstrations from various groups. The delay in its approval or repeal created uncertainty and frustration among affected individuals and communities as these concerns have severely impacted their access to basic rights and livelihood opportunities. Another significant challenge in political governance that the study has indicated is demand for adjustment and transfer of power over police administration to the provincial governments. Furthermore, the enactment of the Federal Civil Service Act and the determination of a scientific salary scale is crucial to addressing the concerns of civil servants and employees across the country. Absence of a comprehensive civil service framework and fair salary scale has resulted in several protests that has led to disruptions in public service delivery. Consequently, implementation of the Federal Civil Service Act can provide a clear framework for recruitment, promotion, and compensation, ensuring a gualified and motivated workforce. On another note, several demonstrations by families of the armed conflict-affected security personnel and victims were observed under this study, underscoring the need for amendments to bills related to commissions on disappearances and unresolved investigations pending from the time of armed conflict. The government therefore must prioritize these amendments to create a supportive environment essential for reconciliation, healing, and building of a just society.

4.2 Lack of cooperation, coordination and communication between the three tiers

Analysis of the recorded events show that, provision of public holidays was one of the factors that led to disagreements between the federal government and local institutions. The decision to provide two-day holidays on Saturday and Sunday faced criticism, with some local levels choosing to grant holidays only on Saturdays. Such conflicts reflect the need for better coordination and communication between different levels of governance to ensure uniform policies and avoid irregularities in the performing of duties. Also, recorded instances of employee protests and lockouts have highlighted issues such as non-payment of due salaries, financial irregularities and fiscal mismanagement. These challenges reportedly disrupted the functioning of organizations, including forest offices, rural municipalities, and government offices. Addressing these concerns and ensuring fair treatment of employees are crucial for maintaining a motivated and productive workforce as disputes and conflicts among local representatives within municipalities and rural areas further hamper political governance. It was also observed that power struggles, budget disagreements and personal agendas are some of the factors that have disrupted the functioning of local government bodies.

4.3 Underlying political tension and power struggles

Political clashes and conflicts among different political parties and their affiliated groups are prevalent in Nepal's political landscape, as demonstrated by the recorded events. These conflicts highlight the underlying tensions, rivalries, and power struggles within the political sphere. These clashes have occurred between political leaders, between police and political parties, student unions, etc. Moreover, student unions affiliated with different political parties have staged protests and demonstrations, raising various demands related to corruption, education guality, and the dismissal of officials. These student-led protests highlight the issues faced by the education sector and the aspirations of the younger generation for better governance and opportunities that foster youth empowerment and inclusiveness. However, disruption in regular classes, deviation from the education curriculum and even violence were, some of the consequences of these demonstrations that directly affected the political as well as nonpolitical students. Furthermore, protests against price hikes and inflation were widely reported, reflecting the economic hardships faced by the general public. These protests organized by political parties, student unions, and people's organizations demanded government actions to control inflation. The consequences of these incidents suggest that effective economic policies and measures to alleviate the economic burden of the public are crucial for maintaining social stability and trust in governance. Furthermore, events concerning allegations of assault and misconduct by government officials and politicians have raised concerns about ethical conduct, accountability, and the overall behavior of public leaders. Such incidents, ranging from physical assaults to verbal abuse, undermine public trust and call for stricter regulations and mechanisms to address misconduct by individuals in positions of power. Holding public officials accountable for their actions and fostering a culture of ethical governance are hence essential for rebuilding public trust.

4.4 Conflict Management and resolutions

In cases of political governance conflicts, efforts towards conflict resolution have been made in various contexts. Events such as agreements reached on border controversies, investigations into allegations against government officials, and negotiations with protesting groups demonstrate the importance of dialogue, negotiation, and legal mechanisms in resolving conflicts and promoting social harmony. These conflict resolution efforts contribute to stability and to strengthen the democratic fabric of the country.

4.5 Election violence

As observed through the political news and events that occurred in the span of a year, election violence remains a significant challenge in Nepal. Clashes between political parties, demands for election boycotts, disputes among student unions, and violence resulting in injuries and even deaths undermine the electoral process and democratic values of the country. Therefore, as a way forward, strengthening of security measures, promoting strategic dialogues, and ensuring a peaceful electoral environment are essential for upholding democratic principles and fostering political stability.

In conclusion, Nepal faces various challenges in political governance within its federal context. Addressing these challenges requires a comprehensive approach that involves legislative reforms, effective conflict resolution mechanisms, transparent governance processes, and measures to enhance security and public trust. Hence, concerted efforts from political leaders, civil society organizations, and the general public is essential to overcome these challenges and build a more resilient and effective political system.

5. Development Governance Conflicts

Infrastructure development plays a crucial role in the overall growth, prosperity and wellbeing of a country and the Government of Nepal has continually prioritized its fiscal budget to address the developmental aspirations of its citizens⁴. However, in the past decade, the trend in infrastructure governance and quality infrastructure investment has remained challenging in Nepal. From June 2022 to May 2023, GMC Nepal monitored and recorded a total of **164** news and events under development governance conflicts. The monitored events majorly highlight that infrastructure development governance in Nepal is highly exposed to corruption, irregularities in policy implementation, and poor accountability and transparency mechanisms⁵. Lack of coordinated interventions, weak institutionalization process, poor responsive attitude and weak legal and regulatory mechanisms among various parties who are associated in the life cycle of infrastructural project, particularly the government bodies, contractors, investors and the service providers have triggered development conflicts in Nepal.

Some of the major findings of the media monitoring as observed in a year are as follows:

5.1 Extended effects of urban development plans

During the monitoring period, the majority of the news coverage were focused on government actions against encroachment of public areas, majorly by the civilians. The strict actions against unauthorized encroachment of public land, roads, pavements, and other physical spaces, by ensuing removal of illegal settlement areas and footpath-set businesses by the newly elected Mayor of Kathmandu was one of the hotspots of urban development conflicts in Bagmati Province. The spillover effects of this urban development operation were also observed in Biratnagar Metropolitan City⁶, Godavari Municipality of Sudurpaschim Province⁷, Mirchaiya Municipality of Madhesh province⁸ and so on. As a consequence, squatters, homeless and landless victims and local business entities protested against this forcible eviction measure demanding proper rehabilitation, housing and alternatives of livelihood opportunities. Tensions escalated as police interventions increased to suppress the civilian protests. Likewise, frequent conflicts were observed on issues like demand of fair and just compensation to the displaced people during road expansion drive and proper waste management and parking spaces in urban areas.

From observation of the recorded events, it can be concluded that authorized bodies failed to create an enabling environment like ensuring transparency in fair distribution and appropriate land compensation and safe and secure rehabilitation opportunities to the affected individuals. In such circumstances, public dissatisfaction increased that hampered the spirit of sustainable urban development.

5.2 Public demand for timely completion of construction projects-most recurring events

The majority of the news coverage reported public frustrations over the delayed or stranded road development⁹ or bridge construction projects¹⁰ which affected the daily lives of local people. The data also pinpointed instances of corrupted decisions by contractors that led to construction of low-quality roads and other structures in different parts of the country. While assessing the news coverage, unreliable contractors, poor financial planning and cost overruns, unachievable project time frame, poor site management and supervision by authorized government bodies were the main reasons behind the delay of road/bridge construction projects.

It was drawn from observations that that the layers of government entities are not fully concerned about the selection of qualified contractors and adoption of transparent competitive contracting procedures. There lacks the implementation of penalties for fraudulent practices and ineffective delay works. Furthermore, data showed that delays of road development/bridge construction projects are increasingly occurring in all seven provinces exposing the country to high risks of corruption, public dissatisfaction and conflicts.

5.3 CIAA's actions against corruption on infrastructure investments

During the monitoring period, multiple news and events indicated CIAA's engagement to curb institutional corruption and irregularities on various infrastructure investments. As observed, CIAA has filed several complaint cases against government stakeholders and civil servants involved in cases of embezzlement¹¹, bribery, fraud and price fixing/allotment of budget. Data showed that corruption and irregularities were higher at the time of planning/designing of infrastructure project, buying raw materials and during the construction, operation/ maintenance phase of infrastructural projects like construction of irrigation canals, public structures, construction bridge /drain/ road embankment and land scamp. However, despite CIAA's attempts, corruption risk management in infrastructure development has remained challenging because of poor institutionalization of regulatory frameworks and monitoring bodies for identification, assessment and mitigation of risks present in development projects. Multiple actors' engagement in development projects are focused on personal level cost-benefit enquiry rather than prioritizing positive outcomes of the development project to benefit the nation as a whole.

5.4 Non-adherence of infrastructure projects to ensure citizens' livelihood opportunities

The majority of recorded news highlighted that development conflicts emerged due to non-adherence of infrastructure projects to ensure citizen's livelihood opportunities. Most of the development projects like hydropower project and construction of transmission/extension line¹², gabion wall/ diversion of river for hydropower projects were executed without proper consultation with local

communities¹³ and implementation of project feasibility study and impact assessment study. Also, lack of local ownership of public development initiatives and public infrastructures has created fragile and conflict-prone contexts. The execution of such projects has highly exposed local communities to lose their livelihood opportunities and safe housing facilities¹⁴. Such affected individuals are reportedly demanding immediate actions from the government to address their concerns.

5.5 Insufficient conflict management mechanisms to address local development conflicts

During the monitoring period, 17 out of 164 events were recorded under the theme 'conflict transformation'. While assessing the pattern of the events, it was observed that development conflicts which are prone to large intensity of conflicts were resolved by the engagement of Judicial bodies like the Supreme Court. In the case of involvement of international actors like international private contractors, conflict resolutions are being prioritized to lower the tensions between the conflicting groups. However, there is still insufficient implementation of conflicts at the local level. These consequently have resulted in agitation and demonstrations from local citizens and has increased mistrust towards the government projects and the government.

To sum up, the Government of Nepal is progressing to implement and operationalize better local and national development strategies and ensure sustainable growth of Nepal. Also, looking over the development budget allotment, most of the budget is centered around national-level development projects like construction of roads, bridges, highways, irrigation canals and hydropower stations. However, due to multiple actors and their multiple self-interest-led demands, the infrastructure development in Nepal continues to face several development confrontations and conflicts. Also, strict actions and interventions like demolition drive and evacuation are being enforced to clear unplanned and uncoordinated urban structures and public land encroachment. However, such actions are creating resistance from civilian groups which is increasingly amplifying public distrust towards the government. If this conflict continues, the target to achieve sustainable development goals within the allotted timeframe will be difficult and peaceful governance will be overshadowed.

6. Natural Resources Governance Conflicts

In the span of a year (June 2022-May 2023), a total of **137** news and events recorded through GMC were relevant to natural resources governance conflicts. As the methodology speaks, news and events that entailed government's exercise of power, formulation and implementation of decisions, and fulfilment of responsibilities regarding ownership, usage and even protection of natural resources were observed under this governance area. Diverse to other three areas of this study, this area concerning natural resource governance conflicts has additionally observed wild animal attacks, illegal poaching/ hunting of wildlife and illegal trade of timber and exploitation of other natural resources. These events have exclusively highlighted the government's role either as perpetrators, or protectors or were simply observed as absentees in obligatory circumstances. These events are recorded as major indicators of human-wildlife conflict that demands attention from all three tiers of government on issues of political and state cohesion and security.

The 137 news and events recorded under natural resource governance conflicts involved multiple actors and were fueled by multiple factors, most vital of which are explained as below.

6.1 Spillover effects of human-wildlife conflicts - the most recurring events

Under natural resource governance conflicts, wild animal attacks on locals and illegal poaching/ hunting of wildlife were the most recurring events that reportedly occurred throughout the seven provinces of Nepal. Wild animal attacks were also the highest recorded events throughout the period of a year. Recognizing the federal provision that obligates the state to conserve wildlife and the biodiversity in which they thrive and also protect lives of the citizens, the greater number of recorded illegal wildlife trade and wild animal attacks shows government's failure to safeguard both. On the one hand, the observed events show the lack of responsiveness from the state to protect wildlife and their habitat. Also, consistent incidents of illegal poaching/ hunting of wildlife throughout the country, moreover under government observations or political influences, were recorded that increases risks of species extinction. On the other hand, the cases showed lack of timely interventions or provision of compensations to locals in cases of property damage, injury or loss of lives caused by wild animals' attacks.

A closer look at the data already shows spillover effects of such human-wildlife conflicts in the form of civil demonstrations¹⁵ (violent and nonviolent), threats of displacement¹⁶, systematic corruption, accidental loss of human lives, etc. Hence, these incidents are not mere symbols of longstanding human-nature conflict, rather they are indicative of institutional capacities to activate a chain of response to address these incidents.

6.2 Allocation of local resources - a common driver of governance conflict

Demarcation of seven provinces and 753 local units in Nepal was a complex spatial boundary-structuring process that was deployed after the adoption of a federal governance framework in 2015. The intention of this process was to ensure socio-economic and political balance between the various geographical regions; however, observation of recorded events shows that prevalence of natural resources that are clustered by region has been one of the major causes of disputes between the local governments and between the locals and the government¹⁷. Moreover, imprecise guidelines regarding ownership, usage and revenue distribution¹⁸ has opened avenues for systemic corruption and exploitation of natural resources, especially in cases of forest encroachment, illegal timber trade¹⁹, minerals, sand and other river-based materials extraction²⁰ relevant to government-led projects.

Tensions relevant to these areas were prominently observed and factors that played a role in escalation of these incidents were lack of transparency, poor adherence to laws and regulations, lack of strict monitoring, political or private agendas, lack of coordination among the three government tiers, etc. While local citizens and government were among the most relevant actors in such incidents, private-sector actors²¹ were also involved in natural resource governance conflicts.

6.3 Weak compliance of environmental laws and regulations

In the present context of Nepal, laws, policies, regulations and other legal provisions that ensures fundamental rights of people to live clean and healthy environment have progressively increased over time²². Such charters provide protection of environment, local resources and rights of local people by sustainable use and management of natural resources and ensures legal provisions to grant compensation for victims affected by environmental damages, degradation or pollution caused by private investors, contractors, industries, etc.

However, analysis of the recorded events finds a clear lack of precise rule of law that is suited to both national and local contexts. Poor coordination across government bodies, lack of access to accurate information, systemic corruption and lack of civic engagement in policy making and implementation processes are some of the major factors that are hindering effective governance of environmental laws and regulations. These incidents are taking form of resistance from local citizens, demanding attention from government on prevalent damages like river pollution²³, river exploitation²⁴, deforestation and extractions ²⁵, etc. Such cases highlight that it is extremely important to strengthen environmental rule of law as it majorly determines citizens' fundamental rights, and it prohibits degradation of natural resources and biodiversity.

6.4 Weak conflict and crisis response mechanisms are escalating conflicts at local level

Observation of records suggest that natural resource governance conflicts in federal Nepal are mainly driven by factors like ownership, distribution, and intention to commercialize, capitalize or monetize the natural resources. In the process of doing so, government institutions often deviated from the needs of local communities and their practices and systems of coexistence with nature and environment²⁶.

As mentioned already, conflicts within the natural resource governance system and processes is largely due to unclear and often overlapping guidelines and reluctancy of authorities in fulfilling their roles and responsibilities. As a result, when natural resources are exploited through the system itself or authorities themselves, state-level interests and capacities are largely mistrusted by people but more importantly, the local communities are the one who at the forefront of its consequences. For example, displacement induced by natural disaster, wild animal attacks, poor attention towards post-recovery of communities after occurrence of natural disasters, untimely provision of compensations to locals by conservation projects, etc. are some of events that have occurred consistently, but records show that only six out of 137 events had some level of intervention from the government. Additionally, four reported cases of CIAA's intervention to criminalize illicit activities like bribery taken by civil servants²⁷, illegal logging²⁸, mineral exploitation²⁹ show some level of judicial interposition, but they are not nearly enough.

To conclude, it is important to understand that when such incidents are neglected for a long time without real time solutions, suppressed grievances can result in larger civil resistance. Palpably, natural resources will experience great extent of damage on the other end, which creates critical risks of biodiversity loss as well as natural and environmental shocks. A deeper analysis of these events suggests that a state's capacity to create and implement crisis or conflict response mechanisms are directly connected with the fragility of human-nature relationships. Thus, minimal recorded cases of natural resources conflict resolutions as compared to the unresolved civic demands, suggest greater threats of escalation of such conflicts.

7. Ethnocultural Governance Conflicts

Nepal is a diverse country harboring various cultures, castes, ethnicities, languages, religions, and values. In the country's context however, this amalgamation of diversity and diverse societies has been overshadowed by persistent issues of social, political and geographical disparities. Consequently, certain groups have been historically marginalized across social, economic, and political spheres. Furthermore, social construct of hierarchies based on ethnicity, caste, and gender have further contributed to the underrepresentation of Indigenous people and minority groups in Nepal. While the 2015 Constitution endeavors to eradicate discrimination, promote equal rights, bridge cultural and ethnic divisions, and implement federalism to safeguard ethnic identities and multicultural integrity (Mengie, 2016), the reality falls short. Reportedly, marginalized groups continue to endure daily discriminations, as governance structures, institutions, and processes favor certain groups over others.

Given this discourse, this section delves upon the current situation of ethnocultural governance conflicts in Nepal, drawing insights from the analysis of **81** reported incidents within the period of June 2022-May 2023.

7.1 Demonstrations by pro-identity groups

On March 2nd, 2023, the Provincial Assembly decided to name Province 1 as 'Koshi Province'. This decision has had significant repercussions throughout the nation and has sparked widespread protests and dissatisfaction among various segments of the Nepali population. With 29 reported cases under this event, it became a focal point for ethnocultural tensions of recent times. The demand for an identity-based provincial name had been raised since the time of Maoist led armed-conflict (1996-2006) and incidents as such have led people to perceive that ethnic minorities are still excluded from the state-led decisions. Observed news and events highlight the demands of identity-based groups, with a pro-identity group (Limbuwan-Kirat) taking the lead to protests, demanding a name that reflects their cultural or ethnic identity.

7.2 Gender violence and sexual exploitation

The 16 cases registered under Gender Violence and Sexual Exploitation in this study includes the cases where unjust violence was induced by governmental entities, process, or structures. The recorded cases of consistent occurrence of gender violence and sexual exploitation by these actors³⁰ have majorly highlighted precedence of power and influence over the judicial system of the country. This insufficiency becomes even more apparent while considering cases involving heinous crimes that are still pending justice, some of which since decades. Moreover, observations of the recorded cases suggest consistent exclusion of sexual and gender minorities from policy-making and decision-making processes. This has resulted in their limited access to constitutional rights that all Nepali citizens are entitled to.

7.3 Consistent cases of caste-based discrimination

Caste-based discriminations were one of the most consistently reported events, where the rights of Dalit groups or individuals were often violated. Multiple instances reported government actors either endorsed or concealed discriminatory practices based on caste. The affected individuals or groups in these cases were reportedly coerced into compromising their rights. This deeply embedded social construct of caste-based hierarchy that remains prevalent in the Nepali society already poses a significant challenge for the Dalit groups but more importantly, indulgence of government actors in such perceptions and practices further challenge the eradication of caste-based discriminations and entails weak effectiveness of anti-discrimination laws.

7.4 Civil demonstrations against statelessness

In the span of a year, it was observed that ethnocultural conflicts escalated due to another significant issue concerning the Citizenship Bill. Several instances related to denial of citizenship³¹ to individuals whose parents were given citizenship 'by birth' led to increased emotions of exclusion, marginalization, and resentment among civilians. Multiple hinderances that has stopped the sanction of the Citizenship Bill, has repeatedly fueled people's discontent with the government. Moreover, politicization of the bill has had the unfortunate consequence where many people are deprived of state-provided rights, services, and facilities. Additionally, the lack of clarity regarding the roles and responsibilities of government entities has also hindered elderly citizens³² from obtaining their rightful citizenship and services. This is also true for individuals of the endangered indigenous groups like Raute groups³³, who are yet to receive citizenship.

Other factors contributing to ethnocultural conflicts are notably those directly linked to human rights concerns. Matters such as the impact of freedom of speech on ethnic communities, the need to uphold and foster respect for all cultures, the reintegration of previous bonded labor³⁴, and the destruction of cultural landmarks all posed obstacles to achieving peaceful governance within the country.

Resolution mechanisms to address ethnocultural governance conflicts

Out of the 81 recorded ethnocultural conflict relevant events, active quest for justice including pressuring the government to rectify their wrongdoings has often manifested through widespread protests. These protests have taken various forms, including peaceful demonstrations, interventions, and, in some cases, violent demonstrations. Additionally, a significant number of cases have been brought for court trials. While it may take a considerable amount of time, there is a prevailing belief among civilians in the country's judicial system, as evidenced by the registration of legal cases at the Supreme Court, High Court, and District Court. Furthermore, it is worth noting that Public Interest Litigation (PIL)³⁵ has been filed, aiming to secure justice for the broader community. This demonstrates a collective effort to address issues that have an impact on the public at large and seek legal remedies through the court system.

8. Conclusion and Key Recommendations

Political differences, inequality in resource distribution, exclusion and discriminations, haphazard development trends are some of the prominent present-day hindrances that have vexed the core of quality governance in young federal Nepal. Then again, these utterly rigid dynamics that are deeply set in the social and political fabric of the country are gradually starting to birth spill-over effects of longstanding governance conflicts that in due time are bound to take a shape of their own. Hence, the governance conflicts, their triggering factors, actors, circumstances and consequences observed by this study have highlighted a peculiar need to develop conflict resolution mechanisms at preliminary levels. This especially spotlights the roles, capacities and also objectives of the local government units, reinforced by equal if not more efforts from the provincial and federal governments. Therefore, constructive dialogues that create channels of communication for coordination and cooperation are extremely important to not only restore effective governance at all there three tiers but also enhance the public delivery system, strengthen justice and judiciary systems and importantly, rebuild the trust between civilians and the government as an entity. In addition, to rise from the existing as well as underlying governance conflicts, it is significant to grasp the anticipation of peaceful governance in its entirety.

Abiding by the fundamental aim of this study, evidences gathered from the media monitoring study have been able to highlight some of the critical challenges that are existent in federal governance 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 conflicts in governance, this report provides some concrete recommendations that are specific to the four areas of focus, central of which are highlighted as below:

Political governance

- It is important to enact legislations at both the federal and provincial levels to provide clear guidelines and authorities to the local governments. However, monitoring of these policies to prevent corruption and promote transparency is vital.
- 2. Effective conflict resolution mechanisms and enhanced coordination between elected officials and bureaucracy should be established to ensure effective governance processes. In this regard, both formal and informal coordination channels and mechanisms should be activated in the future.
- 3. Timely enactment of the Civil Service Act, transparency in decisionmaking processes, addressing public sentiments, and ensuring security enforcement that respects the rights of the public are crucial steps towards improving political governance.
- 4. Promoting inclusivity, ethnic harmony, and justice for armed conflict victims are essential to foster societal healing and reconciliation.

5. A comprehensive review of electoral procedures, including the assessment of candidates' eligibility and strict adherence to election laws, is necessary to enhance the integrity of the electoral process. Strengthening security measures and promoting awareness campaigns on peaceful participation in elections can help mitigate election-related violence.

Development governance

- 1. Adequate efforts to raise public awareness and community engagement in infrastructure development projects must be increased to foster public ownership of public infrastructures and to improve check and balance system between the service providers and service seekers.
- 2. The three tiers of government bodies must develop strong monitoring and evaluation mechanisms to control corruption, irregularities and delays during infrastructure lifecycle and to timely address the underlying development issues.
- 3. Transparent, open and fair procurement processes need to be established to ensure the best selection of contractors for the effective execution and operation of the projects and to foster conflict-sensitive development process.
- 4. It is important to foster development conflict-related grievance handling mechanisms at the local levels to lower the escalation of development conflicts brewing within the local communities.
- 5. Fair competition among contractors during bidding and tendering processes and strong implementation of high standard of integrity of infrastructure investment must be established to control personal agendas of multiple stakeholders at three layers of governance.

Natural resource governance

- Reduction of human-wildlife conflicts create benefits not only for biodiversity but also for the local communities and national economic growth. Hence, integrated approaches are required to managing and reducing human-nature conflicts that are backed by strong policy responses, strict laws and regulations and community participation.
- 2. Equitable distribution of natural resources and equal distribution of benefits derived from the use of natural resources remains a challenge for federal management. Hence, plans, policies and clarity in guidelines supporting rightful allocation of resources and revenue distribution at all three tiers of government must be prioritized.
- 3. In many instances, lack of or slow government response to crisis or conflicts have created hostility and distrust towards the government. More importantly, such incidents have deeply impacted the lives and livelihoods of affected individuals and communities, increasing their vulnerabilities to future crisis. Hence strong post-crisis or conflict response mechanisms at local as well as national level is important to reduce natural resource governance conflicts.

- 4. Clearly defined functional roles of the elected local government representatives and state authorities seems vital to minimize jurisdictionsrelated governance conflicts. In this regard, stricter monitoring mechanisms will not only enhance effective fulfilment of duties but can also significantly reduce systemic corruption and exploitation of natural resources.
- 5. The role of citizens in natural resource governance processes should be clarified to make them further responsible/accountable in the local development processes, as national development plans often overlap with safekeeping of natural resources. Hence, local and indigenous knowledge and practices must be incorporated in the decision-making processes to foster inclusiveness and build a sense of ownership of natural resources among local communities. Local dialogues with participation of relevant stakeholders can be one way to fulfil this aspiration.

Ethnocultural governance

- Civil unrest that arose demanding renaming of Koshi Province should not be overlooked. This issue has impeded the establishment of a peaceful society, and if left unattended, it could lead to serious repercussions. One potential solution could involve initiating a series of provincial-level dialogues that include all relevant parties and stakeholders, allowing for a comprehensive discussion and resolution of the matter.
- 2. The issues of caste and discrimination hold great significance and sensitivity for peaceful governance. Hence, all government entities must adhere to Constitutional provisions and treat every individual equally. It is of utmost importance that the government prioritizes the implementation of existing laws and policies designed to safeguard the rights and dignity of citizens.
- 3. Gender violence and sexual exploitation have persistently remained as recurring issues, indicating weak enforcement of existing laws and policies. Therefore, it is crucial to vigorously implement these laws, ensuring that no case of gender violence compromised. Establishing an efficient and dependable justice system is essential, as it will undoubtedly contribute to the promotion of a gender-equal society.
- 4. The politicization of the citizenship bill must cease, and all mechanisms involved should be equipped with sufficient resources and authority to grant citizenship to rightful individuals. Recognizing the basic right of belonging can only be guaranteed through a fair and efficient citizenship process. It is therefore imperative to ensure that the system operates free from political influence and is empowered to fulfill its responsibilities effectively.
- 5. The ethnocultural issues require a heightened level of sensitivity in their handling. Given that these issues have the potential to cause profound grievances, it is essential to incorporate multiple conflict resolution measures that are tailored to the sensitivity of each specific issue. By recognizing the unique nature of ethnocultural conflicts, it becomes possible to address them in a manner that promotes understanding, reconciliation, and long-term harmony.

Endnotes

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