



LEARNING PAPER | JULY 2020

Federalism, conflict and peace in Nepal

Lessons for governance programming

Following more than a decade of conflict and political turmoil, elections in 2017 marked the start of federalism in Nepal. The new structure – with governing bodies at local, provincial and national levels – presents an opportunity to move on from a past where politics and decision-making were dominated by elites and a society divided along caste, ethnic and gender lines. But federalism is still vulnerable. Entrenched social norms continue to reinforce discontent within and between Nepal’s communities.

Those who lost out when the old imbalanced political system was disassembled continue to pose a threat, potentially undermining recently elected representatives and new governance systems. These risks, alongside the capacity gaps that come with a new governance system and elected politicians, threaten the success of federalism’s roll-out. But opportunities such as better community engagement with political decision-making at all levels, wider representation with greater diversity of elected officials, and increased transparency and inclusion at sub-national and national levels, have meant there are high expectations among people for federalism to deliver inclusive governance services. If federalism fails to address the grievances and demands of the most marginalised communities in Nepal, the underlying tensions that led to conflict in the past may resurface and pose a conflict risk in the future.

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A community member discusses local-level safety and security issues during interaction between the central-level and district-level government and civil society organisations about the progress of Saferworld's community security project.

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In this paper, we discuss Saferworld's learning from over ten years of research and programming in Nepal. We present lessons learnt from our recent engagement in the country, especially since the promulgation of the new constitution in 2015. The paper explores the interrelated nature of governance and conflict and draws lessons from programming in Nepal, highlighting the need and means to incorporate a peacebuilding lens into governance programmes. The analysis looks across three core themes that Saferworld has identified through our engagement in Nepal and with Nepali civil society and the recommendations speak to each of these themes:

- **Marginalisation** along religious, caste, ethnic, gender and socio-economic lines is still rife in Nepal. And what is seen within communities is reflected within the political system. Programming in Nepal needs to recognise this, moving **beyond the numbers** to support meaningful engagement of all groups, and applying a **conflict-sensitive** lens to ensure no one is left behind and underlying resentment does not spill over into violence.
- **Accountability** is still lacking within the new political structure and without it, public trust is in fast decline. Civil society and media actors play a critical role in Nepali society and are integral to promoting marginalised voices and holding government actors to account. Programming in Nepal must therefore play its part and **raise the profile of civil society and the media through partnerships** and use available platforms to **advocate** for civil society and media independence and freedom to operate.

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- **People-centred resilience building** is critical to safeguarding the opportunities and success of federalism in Nepal. From earthquakes to global pandemics, national crises and the government responses to them pose significant risks to stability, highlighting existing gaps and weaknesses in political systems, exposing inequalities and fuelling public distrust and dissatisfaction. As in many contexts, international and national actors will often ramp up programming during and after crises, but during such volatile times it is essential the lessons from this paper are applied more than ever. Regular **conflict analyses and a conflict-sensitive lens** should be included in all programming to help mitigate unintended conflict risks. **Civil society and media actors** play a vital role in crisis response; they need to be empowered to do this. And federal-level government must be pushed to clarify and recognise the jurisdiction and capacity of municipal and provincial governments, to help facilitate better and more targeted responses, in turn fostering and reinforcing essential public trust.

As the novel coronavirus (COVID-19) crisis at the time of writing is evolving, this paper touches on the pandemic's impact in Nepal. While it does not go into significant detail, its findings are particularly relevant to programmatic responses to the COVID-19 crisis, given the paper's focus on the underlying risks to stability in Nepal, which must be accounted for in any intervention.

Background

The 2006 Comprehensive Peace Agreement¹ formally ended a decade-long violent conflict in Nepal. It laid the foundations for the Interim Constitution (2007), the United Nations-supported disarmament, demobilisation and reintegration of ex-combatants under the Communist Party Nepal (Maoist), and the drafting of Nepal's new constitution through an inclusive constitution assembly.

In September 2015, amid contestations from some groups and while still reeling from the effects of a devastating earthquake,² Nepal promulgated its new constitution. In 2017–18, these constitutional changes became a reality as Nepal's centralised power structure went through a rapid devolution process.³ As well as taking part in federal-level elections, people elected representatives into seven provincial and 753 municipal governments with devolved executive, legislative and judicial powers. But for a country so deeply divided, both politically and ethnically, institutionalising the gains of the new constitution continues to be a challenging process.⁴

During this post-conflict democratisation period, Nepal has seen the rise of political forces characterised by identity-based mobilisation. Disputes between traditional elite power structures and these new political forces over the control of resources and decision-making have exacerbated historical fault lines in Nepali society.⁵ Divisions and distrust continue to manifest as violent protests and broader disruptions from communities and groups demanding fair access to decision-making and equal rights.

Despite the challenges posed by political divisions, the new constitution and federal system have created avenues for better engagement across social and political divides. In principle, they have opened the door for a more inclusive political system that can address diverse priorities and aspirations as well as historical grievances. Ideally, this would mean the electoral representation acquired through the constitutional mandate translates into political inclusion and empowerment for Nepal's historically marginalised people, including Janjatis, Dalits, Madhesis, Tharus and Muslims. The federalisation of governance and devolution of power and resources offers a genuine opportunity for new

power-sharing arrangements through the non-violent settlement of outstanding grievances.

Saferworld's quarterly context analyses⁶ – conducted over the past five years – have shown huge public expectation that the federal system will deliver in responding to the concerns and priorities of communities, particularly those who have experienced a history of entrenched marginalisation and decades of conflict and instability. But, over the two years since the new municipal and provincial governments have come to power, corruption and a lack of good governance have become rife,⁷ and public trust in the system is faltering. While political bargaining over jurisdiction and resource sharing between three spheres of government⁸ is an understandable part of Nepal's evolving federalism, it is also emerging as a potential driver of instability fuelling further political tensions. This lack of clarity over jurisdiction between political spheres is becoming increasingly apparent as Nepal grapples with the COVID-19 crisis. Chaotic and poorly coordinated responses to community priorities in the face of the pandemic are exacerbating accusations of corruption and further undermining public trust in their elected representatives.

Our research on federalism has shown that electoral inclusion has yet to transpire into the political empowerment of marginalised communities. There is a danger the new system may instead reinforce old patron-client relations between political elites and the handful of leaders representing minorities within certain identity groups.⁹

Unless citizens can maximise the opportunities presented by the constitution, and until federalism starts to meet the expectations of Nepal's most marginalised communities, entrenched tensions will once again come to the fore. Compounded by the emerging issues of corruption and political rivalry – and the stress put on the country by the COVID-19 pandemic – the future of Nepal's new-found stability remains at risk. The success of federalism will depend on how Nepal addresses issues of political exclusion, impunity and lack of accountability, and the quality of essential service delivery – and whether or not communities are able to benefit from peace.



Action group member Suresh Vidary at FM Awaaj, where he works and presents information discussed at the inclusive group meetings. Birgunj, Nepal.
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Saferworld in Nepal

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A market trader in Lahan. Many women and migrant workers in Lahan sustain their livelihood by selling produce at markets.

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Saferworld began working in Nepal in 2009 when the first constituent assembly was intensely debating issues such as the demobilisation and integration of the Maoist ex-combatants, forms of governance including the proposed federal system and boundaries of the provinces, and the transitional justice process. Since then, Saferworld and partners have worked with communities, civil society and elected representatives to identify and better understand conflict triggers and build trust between communities, especially those from marginalised sections, political stakeholders and government authorities.

The period between 2006–15 – following the end of the conflict and the evolution of the peace process and political transition – was marked by insecurity, ethnic tensions and violent protests. As a result, our programming focused on the immediate need to address and mitigate short-term conflict triggers that threatened a rapid return to widespread violence. Over this time and into 2020, Saferworld conducted conflict analyses and research to better understand the drivers of conflict in the evolving context.¹⁰ We also implemented two major peacebuilding projects¹¹ in Nepal that aimed to identify and address these triggers. Through our analysis, Saferworld has explored ‘early warning, early response’ methodologies and identified immediate longer-term conflict drivers and trends.¹²

In Saferworld’s Community Initiatives for Common Understanding project (which ran from 2013 until 2016 and which was supported by the United States Agency for International Development),¹³ Saferworld used a gender- and conflict-sensitive community security approach¹⁴ to identify and better understand the barriers to peaceful dialogue within and between communities. In 2017, as Nepal formally entered the federalisation process with elections across all three spheres of government, Saferworld and a consortium of partners began implementing the *Sundar Shanta* Nepal project¹⁵ – funded by the UK government (and implemented between September 2017 and March 2020) to support the federalisation process. This project identified risks and barriers to the peaceful roll-out of federalism in Nepal and looked at how to maximise the opportunities this political process offered. Foundational analysis investigated how federalism was helping, or could help, to mitigate conflict drivers that threatened Nepal’s still fragile stability. Emerging from this analysis was a clear conclusion: far from resolving issues of marginalisation and exclusion, women, Janjatis, Madhesis, Dalits, Tharus and Muslims continue to be excluded from political decision-making, therefore increasing the risk of future conflict and violence. Saferworld found that this marginalisation was further reinforced by a restriction on the media and civil society, both of which play a fundamental role in holding political systems to account and supporting improved representation and inclusion across the new spheres of government.

Programming to contribute to peace in Nepal

1. Addressing marginalisation at the heart of Nepal's social and political conflict

Saferworld's research and analysis over the last decade have demonstrated that while political protests, corruption, impunity and weak rule of law can all trigger unrest, their underlying drivers are deeply held grievances and community divisions. Federalism, in principle, presents more opportunities to break down social divisions and improve inclusion and representation across decision-making spaces. But entrenched social and gender norms that prevented meaningful political and economic participation in the past – and contributed to driving conflict – continue to threaten stability and undermine new mechanisms. While elected representatives on paper hold constituted political responsibilities, they continue to be excluded from decision-making structures, with 'losers' threatening the very notion of participatory and inclusive governance.

If these entrenched norms continue to contaminate political structures, the risks to stability are:

- Excluded members of society – particularly vulnerable groups – with little or no political representation will continue to face discrimination and violence within their communities and society more broadly.
- Levels of trust in the political system will plummet, due to continued discrimination in decision-making.
- People within the political system – especially those from societally marginalised groups – will be unable to engage in government processes. This will further exacerbate issues of under-representation, undermining the entire governance structure at all levels, and threatening the stability of the state and society.



Meeting with Citizen Collaboration Forum Dhangadhi, Nepal.

Legacy of the old order: a winner-loser paradox

Nepal has witnessed one of the most rapid political changes in its history, transforming from a monolithic kingdom with a centralised governance system to a secular and federal republic. The country has taken a significant stride by drafting a constitution that has many progressive provisions, including proportional representation (with quotas) for marginalised sections and recognition of sexual and gender minorities and their rights.¹⁶ As a result, more women, Dalits and ethnic minorities have been elected into the political system at various levels, and this is expected to challenge the traditional influence of dominant caste groups and political elites.

However, despite these political changes, Nepal remains a society where patriarchy and feudalism is entrenched in social and cultural beliefs and practices. Unequal social relationships and hierarchies can undermine the constitutional gains and efforts to build an inclusive and non-discriminatory society and state. These constitutional shifts have also created groups of ‘winners’ and ‘losers’, with those previously benefitting from the inequalities of the old political environment now ‘losing out’ as traditionally marginalised sections of society are finding space to express their

political voice with emerging leadership. While the contestation between ‘winners’ and ‘losers’¹⁷ in the unfolding economic and political transformation is understandable, it can still have an immediate social and political impact.

For instance, women, Dalits and Madhesis have emerged as ‘winners’ in the federal process by claiming a fairer share of their political representation in all three spheres of the government. However, traditionally dominant groups¹⁸ who have electorally ceded their position to them continue to wield their social position and power to undermine the authority and influence of new elects. An elected representative who is Dalit could still be socially disadvantaged in influencing change within their constituency, and face discrimination, even within their political sphere of influence.¹⁹ In the national media, cases of elected representatives continuing to face exclusion and marginalisation point to a stark reality that contradicts Nepal’s much-touted achievements in gender parity.²⁰ Such cases were reported throughout Saferworld’s recent programming; the examples from programme participants (on page 9) illustrate that marginalised people struggle to exercise political powers, even if elected into political positions. If this marginalisation persists within political circles, meaningful representation and inclusion to drive transformational change will continue to remain out of reach for most of Nepali society.



Bosundhara Gaire visits a Dalit family she supports. In 2017, she bought a cow for the family to have a source of income and sustenance.

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A Dalit ward member from Janakpur Sub-Metropolitan City in Province 2 shared her experience: “The bureaucrats and men at the municipal office don’t share information with ward members and take decisions unilaterally. As an elected representative, it puts me in a difficult position when I don’t have sufficient information and knowledge about official processes, and cannot address people’s concerns when they come to me.”

Similarly, when Saferworld visited a rural municipality office in Parsa district of Province 2,²¹ the husband of the newly elected Deputy Mayor was presiding over the judicial committee meeting and making important decisions on dispensing justice. The Deputy Mayor shared that she did not understand her duties and had entrusted her husband to work on her behalf.

An explorative study conducted by Saferworld and partners revealed that ‘electoral representations have been limited to box-ticking exercises resulting in non-dominant inclusion of women, Janjatis, Madhesis, Dalits, Tharus and Muslims in the decision-making mechanisms, including provincial and municipal government bodies. As a result, despite their presence, there is a real risk of these groups being used merely as a “showcasing model” and instead facing further marginalisation of their voices and concerns in these spheres of governance.’²²

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Nepal has a historic opportunity to lay foundations for transformational change towards an inclusive society. But continuously undermining the constitutional spirit of political inclusion could lead to widespread discontent and disillusionment among marginalised communities. It is not enough to create structures and policies if this does not translate into inclusive governance that fosters a sense of shared citizenship. Past governments and political systems present a cautionary tale of the costs of failing to address and accept society’s diversity, and this was a central driving factor of Nepal’s most recent conflict. If this continues, the new federal system – which should bring hope – could instead reinforce societal divisions and threaten Nepal’s fragile peace and stability.

CASE STUDY: Formally recognising Muslim madrasa schools in Nepal’s education system

Over the past decade, Saferworld and partners have sought to explore the challenges of marginalisation and elite ‘losers’ or spoilers, and to identify means to navigate these issues and support more diversity, representation and inclusivity within decision-making and service delivery. One of the most compelling examples of progress has been the formal recognition of madrasa schools.²³ Muslim communities are among some of the most marginalised within Nepali society. For decades, this was fuelled by the continued failure of Nepal’s education board to formally recognise Muslim madrasa schools, preventing thousands of Muslim boys and girls from accessing further education (including colleges and universities) and future employment.

Saferworld’s community-led programming highlighted this as a driving factor behind growing resentment and dissatisfaction among Muslim communities in Province 5. Through regular engagement and civil society-led outreach, Saferworld and partners have supported a cross-learning policy engagement platform, bringing together provincial lawmakers, prominent educationists and civil society representatives from the marginalised Muslim community, including teachers (*maulanas*) of madrasa schools, to discuss the policy gaps that have long prevented mainstreaming of madrasas. After several rounds of discussions, the working group met with the Provincial Minister for Education and recommended forming a provincial madrasa board. The board’s role is to recommend and input into policy changes needed to harmonise madrasa education within Nepal’s education system, so that madrasa graduates qualify for further education and their qualifications are recognised in the job market. Accordingly, the government enacted the Madrasa Education and Management Procedure 2019, and formed a provincial madrasa board, which has already enlisted 350 madrasas in the province for infrastructural support, while others are also under consideration for regulation and budgetary support. The board has also set criteria to provide financial support to madrasa schools, based on the number of students they have. This formal recognition of madrasa education within Nepal’s education system helps to ensure that the thousands of young Muslim girls and boys graduating from madrasa schools can pursue higher education in other schools and universities, a major driver of the continued marginalisation and disenfranchisement of Muslims in Nepal.

Recommendations for future programming to address marginalisation

Nepal's progressive constitutional gains are at odds with its political, social and cultural realities. While marginalised sections of the community – including women and sexual and gender minorities – have benefitted from constitutional provisions leading to electoral representation, political and cultural decision-making spaces are still captured by traditional elites. Saferworld has identified a number of entry points where programming might address some of these issues and in turn mitigate longer-term conflict risks.



Nepal's progressive constitutional gains are at odds with its political, social and cultural realities.



Moving beyond numbers to meaningful participation

While the introduction of a quota system at the last elections saw a significant increase in the number of elected representatives at all three tiers of governments from marginalised groups, it is clear they are still lacking the space to fully engage in decision-making in their respective roles and wider political systems. Programming needs to move beyond the numbers and invest in supporting marginalised actors across societal divides to realise their political capital. This means supporting marginalised groups to find a space in which to discuss, identify and assert their priorities and demands. It also means ensuring broad inclusion even within marginalised communities themselves (such as of women and young people) so that every member of society has a space to identify and raise their concerns with political actors who can integrate this into decision-making.



Programming needs to move beyond the numbers and invest in supporting marginalised actors across societal divides to realise their political capital.



To facilitate this move to political representation, newly elected officials need to be given the opportunity to represent their political constituencies and overcome the societal norms that prevent their own full engagement. From Saferworld's experience, this requires going beyond traditional models of training in hard skills, such as budget management, and incorporating softer skill development, including around influencing, debating and community engagement. Throughout past projects, Saferworld has adopted a mentoring approach to aid skill development. This approach seeks to engage elected representatives with civil society activists in co-creating groups to help identify and address key issues of policy and practices, informed by civil society activists' engagement in civic space. Decades of entrenched norms and social values will not be overturned after one training session. Instead, Saferworld's mentoring approach has demonstrated real value in incorporating new skills into different contexts. This has been reinforced through facilitated

cross-learning opportunities, allowing political representatives and civil society to share lessons from their experiences, learn from each other and build relationships across the political landscape. Mentoring has also improved the confidence of elected representatives, both in their engagement within political processes and in their outreach with communities and wider constituencies. This, in turn, helps reinforce trust and accountability between state and society.

Managing the pace of change, understanding potential spoilers and managing expectations

In projects aiming to enhance the representation of marginalised groups, there is a temptation to work only with those marginalised groups. However, Nepal's stability relies on the buy-in of all those involved, including people generally recognised as elites or beneficiaries of the stark societal divisions. Unless programming engages people across all communities, it risks reinforcing political divides and the 'winner-loser' split, with losers already identified as spoilers undermining advances within the new federal structure. Critical to this is the adoption of conflict and gender sensitivity throughout the project cycle – from planning and implementation to monitoring and evaluation – and across all programming. This helps to ensure all programmes are informed by up-to-date conflict analysis that takes into account evolving social trends and norms, their risks and wider impact. In turn, this allows programmes to adapt to these dynamics, identify people and groups involved, and recognise the different priorities and concerns within them.

Adopting a conflict-sensitive approach entails being sensitive to the pace of change, and absorbing and recognising traditional systems rather than imposing significant, albeit progressive, measures. As well as overcoming caste and gender-based privileges, the new governing system and institutions also seek to replace traditional and indigenous systems, which were both a source of power and oppression. For example, the *Mainjan*²⁴ system in central Terai and the *Bhalmansa/Badghar*²⁵ system among the Tharu community function as semi-judicial institutions within the community,²⁶ a jurisdiction that now falls under municipal government, led by a judicial committee and chaired by the Deputy Mayor. Saferworld's experience of working in at least ten municipalities across Province 2 and Sudurpaschim Province shows it is unrealistic to expect the traditional centres of power and influence to immediately cede their privileges, especially as a community will often feel a sense of ownership over these institutions. Newly established structures will function more effectively if they are willing and able to collaborate and accommodate concerns of these traditional centres of power, at least in the interim period, until they can influence broader change in attitudes and behaviours. Attempts to confront or overhaul overnight a deeply entrenched system, however unjust, is not just conflict insensitive, it could lead to resistance to change and trigger communities to demonstrate discontent against the new system, compounded by social divides and exclusion.²⁷ Likewise, programming in this sector needs to recognise the value held in traditional institutions, and support and facilitate the gradual transition and incorporation of community values rather than push for rapid adaptations, which will likely be met with resistance and frustration. The transformation of attitudes and behaviour is inevitably a long-term process of social change, stemming from mutual trust, education and collaboration.

2. Ensuring accountability and trust are the bedrock of federalism's success

At the local, provincial and national levels, the federal system has empowered governments with the jurisdiction to mobilise resources and to function with autonomy. It has also created space for citizens' participation in decision-making, including in budget-planning processes and drafting policy. Through the provision of complaint mechanisms, it has allowed citizens to raise grievances on issues such as the misappropriation of services. It was widely expected that – with devolution – people would take advantage of these new opportunities to engage with political decision-making and hold their government to account. However, the majority of citizens are yet to dedicate time to challenging and engaging with political structures. They continue to rely on informal means – such as personal connections – to gain access to services and resources. This paradox, whereby there is a high level of public expectation but limited public engagement, puts federalism on shaky ground. Without citizen engagement, the risk of elite capture, corruption and unaccountability grows, and in turn, public trust in the political system once again diminishes.

Civil society has expressed concerns about the lack of transparency and accountability within the various government spheres, as well as intolerance towards dissenting views.²⁸ The new federal system is highly vulnerable to corruption – with fledgling accountability mechanisms, an undermined civil society and disengaged society – and new (and old) elites are emerging at the sub-national level. Within the spaces created by capacity and knowledge gaps, these elites are able to capture and isolate recently devolved decision-making and resource allocation spaces. This capture of what should be open civic space could lead to increased public discontent and citizen-state relations becoming ever more fractured, in turn leading to sporadic violence and exacerbating conflict drivers. This is further compounded by widespread concern that civic space is closing, and with it, the public accountability mechanism to hold the government to account.

In a recent report shared with development partners, the Nepalese government's own assessment states that provincial and municipal governments do not have sufficient capacity to execute their mandate.²⁹ As well as the skills gaps highlighted earlier, this is also partly due to a shortage of human resources, which remains unaddressed due to a lack of necessary legislation to initiate recruitment.³⁰ Critically, this gap creates a void between government decision-makers and citizens, raising concerns around the levels of transparency and accountability attributable to these government systems and how decisions are being made, and by whom.

Strengthening accountability and capacity in the system

Since the elections, evidence has emerged that suggests corruption and misappropriation of resources is endemic within municipal governments.³¹ In the fiscal year 2019–20, out of 16 municipalities where Saferworld has been working, only four municipal authorities held open and inclusive meetings to allow members of the public to hear about and feed back on various planning agendas and the annual budget. Another eight municipalities held partially open meetings, and the remaining four held similar meetings behind closed doors.³² This was in spite of procedural directives, and advocacy and outreach by civil

society organisations (CSOs) and community mobilisers, urging local elected representatives to follow the prescribed seven-step budget-planning processes, which point specifically to public consultation.

In Saferworld-facilitated focus group discussions³³ with CSO representatives and community mobilisers from the same 16 municipalities, participants noted that senior elected representatives – usually the mayors and the deputy mayors – monopolise the annual budget-planning process and cherry-pick areas and projects to suit their personal and political interests. By avoiding public scrutiny through open meetings, these projects are able to pass with minimal or no pushback.

A case study cited by the Democracy Resource Centre in its recent report regarding performance of municipal governments reflects this assessment:³⁴

‘Elected representatives conducted planning non-transparently and prioritised plans and programmes for personal gains. “Ward chairpersons collect plans from wards but remove them later and include their own plans,” said a civil society leader of a local unit in Province 5. “The process is repeated at the municipality level, where the mayor and deputy mayor again removed plans that came from the wards. Ultimately, only 20–25 per cent of the plans from the ward level are actually included in the budget.”’

These incidents point towards a serious lack of accountability at the municipal level, where 18 per cent of the government's budget is mobilised, mostly for local development and services.³⁵ Importantly, the constitution has not envisioned a standing political opposition at the municipal level and so accountability is not built into the sub-national government system. It is up to a vigilant citizenry and civil society to demand accountability and good governance from their municipal governments. Without it, as is the case in the examples outlined earlier, annual budgets and development plans fail to reflect the concerns and priorities of the wider community. The biggest losers in this process are the marginalised communities whose historic persecution and exclusion puts them furthest away from decision-making spaces.

As Nepal now grapples with the worsening COVID-19 crisis, these issues are coming to the fore across communities. Lockdown measures have had a considerable impact on livelihoods and access to resources and services. As demand grows, all spheres of government are struggling to provide adequate support for their constituencies. There are growing concerns that these pressures will be more severe for poorer and more marginalised sections of communities who are already struggling in the wake of severely restricted livelihood opportunities, and who often encounter challenges in making their voices heard among the political groups. Citizens from Chakraghatta rural municipality in Province 2 have refused to accept COVID-19 relief support, alleging that it is going to privileged community members who have access to the municipal government, and that it is leaving large numbers of poor residents deprived.³⁶ This is also the case in other municipalities where relief is distributed only to the ruling party cadres, leaving marginalised and less privileged communities to struggle through the pandemic.



Nepal's daily life amid the COVID-19 pandemic lockdown, 2020.
© Narendra Shrestha/Asian Development Bank

Civil society has – for decades – filled a service delivery role in the absence of elected local government, and continues to do so where the state, for numerous reasons, has been unable to do this. This is becoming increasingly clear in the country-wide responses to COVID-19 where municipal, provincial and federal-level responses have been inadequate. By recognising this and harnessing this experience, rather than closing the door to independent third parties, the newly federalised governments could gain a head start in engaging with and responding to community concerns, and in turn meeting security priorities, building trust and reinforcing stability.

Enhancing the role of civil society and independent media

During the years of conflict and transition, Nepal lacked a stable government that could prioritise development. In the absence of elected representatives at the local level, it was Nepal's civil society that supported and complemented the state's basic service delivery functions, including on public health, education, drinking water and sanitation, while mobilising diverse community groups that also helped to increase public awareness on inclusion, accountability and human rights.

As Nepal moved towards the new federal structure, it was expected that 'civil society would be embedded in the democratic framework, as their advocacy on behalf of the public, analysis of policy issues that affect people's lives, mobilisation of constituencies in support of reforms, and monitoring for accountability of government functions provide important checks and balances'.³⁷

However, since the elected government came to power, particularly at the municipal and provincial levels, there has been confusion over the role of Nepal's civil society in the changed context.³⁸ It does not help that Nepal's civil society movement is often influenced and characterised by the political activism of a few well-known personalities and organisations in Kathmandu.³⁹

Such a narrow understanding of Nepal's vibrant civil society overlooks the impactful work done by thousands of community-based organisations and activists who have helped Nepal to achieve important milestones, such as the United Nations Millennium Development Goals,⁴⁰ and to continue to progress towards targets such as the Sustainable Development Goals.⁴¹

A similar story is felt among media organisations, which in the past played a critical role in sharing news and public announcements, as well as providing an independent third-party critique of government decision-making. In recent years however, media freedom has been reduced, with the valuable role of independent media increasingly curtailed. As a result, a hugely valuable information provider is being underused and a critical accountability mechanism is unable to function. This in turn further widens the gap between state and citizen.

Recommendations for programming to increase accountability and trust

Saferworld has been advocating for a more robust role for civil society in federalism throughout our engagement in Nepal. We consider this crucial in building public trust in the political system by facilitating citizen-state engagement, and have supported civil society to identify and fulfil a vital role within the new governance structures. We believe that programming in Nepal, particularly programming funded by international actors, has a responsibility to both support and promote civil society and independent media, and to advocate for greater freedom and independence for these third party actors.

If properly supported, civil society can play an integral role in promoting the voices of the most marginalised communities across Nepal's new spheres of government, and can serve as a vital independent actor to hold government bodies to account, and critically find alternative means to engage with authorities beyond occasionally violent protest.

CASE STUDY: Supporting Tharu civil society to make their voices heard

A cross-learning policy engagement platform supported by Saferworld and partners in Sudurpaschim Province brought together lawmakers and civil society representatives from marginalised Tharu communities. The willingness of Tharu civil society representatives to participate was significant, given that the community has waged protests in the past and remains discontented with certain political decision-making – including the setting of provincial boundaries under the new constitution, claiming that it disregards and divides their demographic strength, affecting their political representation. Through this platform Tharu civil society representatives engaged with provincial lawmakers and provided crucial feedback on a number of policies and draft bills, including the Good Governance Bill and Public Service Commission Bill. This marked a significant shift in the attitudes of both civil society and government actors, who previously had demonstrated little willingness to engage with one another. Nevertheless, central to these platform meetings was the opportunity for Tharu civil society members to share community concerns, reflect on government policy and decision-making and to push for the incorporation of community priorities. This exemplifies the critical role played by civil society in engaging with and making the voices of marginalised groups heard. Indeed, lawmaker and member of the cross-learning platform, Bir Bhan Chaudhary, highlighted the significance of such an effort: “The engagement through this platform has helped their [CSOs] ownership towards the laws and policies we drafted, and incorporating their feedback has hopefully made the documents more inclusive.”

In the case highlighted here, respective communities felt their concerns and priorities had long been neglected, with their exclusion and marginalisation from decision-making spaces a contributing factor. By creating spaces for citizen-state engagement and facilitating the role of civil society and independent media in informing new governance systems, recent Saferworld programming has helped to contribute towards changing that perception and restoring communities’ trust in the political system. Civil society and the media play an important role in bridging the gap between citizens and the state, creating pathways for communities to share their concerns and priorities with political representatives, and for communities to garner a clear understanding of the mechanisms of this new system and how best to engage with it. Furthermore, the government alone is not capable of building resilience to crises such as the COVID-19 pandemic, and it is therefore essential that civil society is able to support responses and connect, mobilise and inform communities to not only prevent escalation of immediate crises but also to avert longer-term risks to stability and security.

Advocating for greater accountability and transparency

Donors and those programming in-country, such as international non-governmental organisations, have a responsibility to ensure their civil society partners have the space and freedom to operate. This means not only facilitating engagement with relevant groups, but also, where feasible, providing an advocacy voice calling for their freedom and operating space to be protected and enhanced, rather than shut down. This is also important for transparency, reducing the opportunity for corruption, and maximising the opportunities federalism provides for inclusion, accountability and stability.

With civic space closing rapidly, programmes must look to use their unique access and platforms to promote accountability and transparency. This includes pursuing internationally recognised frameworks such as the Open Government Partnership, which, if Nepal became a member, would commit Nepal’s government to regularly share information on decision-making processes and actively promote principles of good governance.

Supporting the voices of civil society and independent media

While international programming has a responsibility to use its access and platforms to advocate for better governance, sustainable achievements will only be made if Nepal’s vibrant civil society and media actors have the freedom to operate. At present, civic space is closing, with evidence from across Nepal that civil society and media groups are being shut down and squeezed out of decision-making spaces. To ensure these groups can maximise their potential to represent communities, hold the government to account and share information on political developments with citizens, programming must find a way to support, promote and reinforce their presence.

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In a complex and fragile context like Nepal, investing in less confrontational collaborative efforts, such as facilitating a space for continued civil society engagement with new governance structures, can help to build citizen-state engagement.

Beyond promoting civil society voices and facilitating engagements, programmes must lead by example. This means putting civil society and the media front and centre, ensuring all programmes are informed in partnership with local actors who understand evolving contexts and can ensure community voices are driving programme design. Through mentoring and accompaniment approaches, Saferworld has worked closely with a number of civil society and media actors in Nepal, to support their advocacy and outreach efforts, and has ensured that activities are designed and led by partners, in turn raising their profile among communities, other civil society actors and authorities. The relationships are the foundations of long-term citizen-state engagement, recognising the integral role of third party actors in bridging current gaps.

3. Putting people at the centre of crisis resilience

Crises, whether natural, political, local or global, have a tendency to expose underlying issues, exacerbating simmering discontent. Over the past five years, Nepal has experienced a number of such crises, but two of the most severe have bracketed the period, starting with a catastrophic earthquake in 2015, and now – like the rest of the world – Nepal is looking to grapple with the unknown consequences of the COVID-19 pandemic.

Geographically, Nepal lies in a high seismic hazard zone, between the Indian and Tibetan tectonic plates. For centuries, this has caused mega-earthquakes, the most recent of which struck the country in April 2015.⁴² Due to its fragile geography, Nepal also experiences other kinds of natural hazards including landslides, flash floods, avalanches and glacial outbursts. Nepal's natural vulnerability is not confined to its administrative boundaries but is seen across South Asia. These natural hazards not only lead to deaths and destruction of property, they also trigger panic among people and can lead to communal and regional tensions, forced migration and even diplomatic crises.⁴³

The 2015 earthquake struck during a highly volatile time in Nepal. The subsequent blockade enforced by India led to extreme pressures on communities and on local and national authorities. In the years after the 2015 earthquake, local and provincial authorities have needed to action various response plans. For many, this has been a real test of their ability to engage with and respond to citizens, and in turn has served to expose the gaps and challenges facing the federal system. Saferworld's extensive research in the earthquake-affected region in 2016–17 concluded, 'the delay in post-quake reconstruction, complacency by local authorities in delivering relief and basic services, failure to check human-induced environmental degradation, as well as failure to check localised incidences of crime and violence (including gender-based violence), could lead to an escalation of tensions and conflict'.⁴⁴

Although small, localised outbreaks of violence were witnessed in the period following the earthquake, overall conflict and tensions were kept relatively low. While the fragile governing systems indeed faced considerable challenges in responding to community priorities, in Saferworld's analysis, the low levels of tensions were due in part to the announcement of federal elections in 2017. As noted above, these elections were the first opportunity for Nepal's citizens to vote for elected representatives within the federal structure, across national, provincial and local governments. These elections were met with hope and enthusiasm from across Nepali society, marking the culmination of the peace process and the end of decades of bitter conflict. Issues faced due to inadequate earthquake response were largely forgiven, on the assumption that over time the federal system would be able to manage such crises more effectively. It is also worth highlighting here the significant role civil society and local and national non-governmental organisations played in earthquake response, once again filling a service delivery void that government authorities were unable to manage.

In the five years since the earthquake however, attitudes have changed. In early 2020, Nepal, like the rest of the world, faced another unprecedented crisis – the COVID-19 pandemic. Once again, the federal system is being tested in how it responds to a national crisis that is having significant impacts on communities across the country. This evolving crisis now has the potential to become the biggest threat to federalism and wider stability in Nepal. Public expectations are still high and patience in federalism's ability to deliver has worn thin. Protests against the

perceived poor response from government have already broken out in quarantine camps along the Indian border and in the capital Kathmandu and major cities.

The crisis is still evolving and it will be many months – and possibly years – before the full impact of COVID-19 will be seen. Saferworld has started to assess some of the biggest risks to security and stability in Nepal as a result of the pandemic, and has identified where programming will need to focus in the near and longer term:

- **Inadequate responses are once again highlighting inequalities and marginalisation.** Insufficient support and service delivery have already led to an increase in community grievances, further dismantling public trust in government. The lack of clarity over jurisdiction and budgets between government spheres as highlighted earlier has severely restricted the ability of local and provincial governments to respond to localised issues. This is further compounded by a weakened civil society that was so vital to the successful earthquake response in 2015.
- **Strict lockdown measures have prevented many workers from accessing employment and have confined families to their homes.** Not only is this leading to a critical shortage of livelihood opportunities and income generation, there are increasing concerns that women and girls are bearing the burden of household shortages. There is also a rise in gender-based violence, particularly domestic and intimate partner violence.
- **The global economic decline as a result of the pandemic has already had a catastrophic impact on two of Nepal's main sources of income: tourism and foreign remittance.** The tourism industry has all but shut down and with Gulf countries and South and South-East Asian neighbours also closing industries, numerous Nepali workers overseas are unable to maintain employment. This economic downturn is having knock-on effects with the return of thousands of migrant workers from overseas, many of whom have their own underlying grievances with the Nepali political elite. As part of the comprehensive peace agreement, certain members of the Maoist movement, particularly senior leaders and commanding officers, were brought into national bodies such as the Nepal army. However, large swathes of recruits were not, including some 18,000 lower-ranking fighters, many of whom were young people who felt abandoned and let down by Nepal's centralised governing systems. With few opportunities for employment in Nepal following the end of the conflict, many of these groups migrated to The Gulf, Malaysia, India and other neighbouring countries to seek work. In the impending global recession, work for migrant labourers in these countries is already drying up and Nepal has seen – and will continue to see – a significant number of these workers coming back from overseas. A return to a situation where employment opportunities are scarce and pre-existing grievances continue to go unaddressed will likely see large groups of people who are disenfranchised and disempowered. Critically, this poses a concern that there will be a rise in violent community mobilisation, and even that returned workers will be re-recruited into Maoist splinter groups that are still actively opposing national government efforts and espouse a return to violent action.

Since the 2015 earthquake, Nepal has made a considerable shift towards a federal system of government. As the world now faces down the unprecedented threat of COVID-19, Nepal's response measures are once again being put to the test. While it is too soon to see if lessons from the earthquake response have been learnt, national and local responses to COVID-19 need to be monitored

to ensure they put people at the centre and reflect community priorities, demonstrate inclusivity and accountability, and respond to growing risks of violence and conflict.

Recommendations to ensure people are at the centre of programming

There are no elections due in Nepal now for three years, and so the national and local response to this pandemic will set the tone for the coming years. COVID-19 presents a range of challenges for federalism and stability in so far as it brings to the fore underlying threats that have been growing since the 2017 elections. As such, the recommendations made earlier remain valid, if not more urgent, and programmes must remain cognisant of significant conflict risks as they look to respond to the evolving crisis.

- **Municipal and provincial governments need to be given the clear jurisdiction, funding and capacity support required to adequately respond to COVID-19.** Building trust between communities and government is critical and including marginalised voices in decision-making is central to these efforts. This current crisis could mark a turning point for citizen-state relationships in Nepal, with an effective, inclusive and accountable response to the crisis demonstrating the real potential for federalism in Nepal. As in 2015, civil society will be central to this response and must be given the space and support needed to engage. Building on the recommendations outlined earlier, any response programmes looking to support recovery post-COVID-19 must promote civil society through partnerships, advocacy and funding. This will reinforce civil society's role both as service providers and in holding the government to account, pushing for clearer mandates, informing budget decision-making

and highlighting community-specific priorities so state actions are responsive and appropriate.

- **Conflict and gender sensitivity must be incorporated in all crisis responses to ensure the risks to stability and opportunities to enhance peacebuilding are recognised in programme design.**

In contexts affected by conflict, no programme can afford to sideline its peacebuilding responsibilities and potential. This is no less true in crisis response where poorly managed community assistance will likely exacerbate feelings of marginalisation and exclusion, further deepening long-held grievances aggravated by any additional turmoil. Across Nepal, with the rise in returning workers and increased pressures caused by the economic fallout of COVID-19, competition for resources will increase, and responses must make sure existing and evolving tensions are understood and mitigated. This means programmes must be responsive to evolving dynamics and inform design through **regular context and conflict analyses**. This crisis is evolving rapidly with every country in the world seeing its effects; how people are affected and the resulting response will therefore change too. If programmes are unable to adapt to these changes, responses will be ineffective at best, harmful at worst. Over recent years Saferworld has been implementing an 'early warning, early response' (EWER) mechanism that looks to identify conflict risks and emerging trends and promotes prompt programming initiatives and adaption to respond to these risks before significant escalation. Saferworld's programmatic interventions have been informed by EWER analysis since 2014, which has enabled us to respond effectively to de-escalate violence during the 2015 mass protests in our programming areas. Adopting such an approach during this volatile time will ensure programming will be relevant and responsive, and communities will be able to absorb the shocks and respond to them.

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COVID-19 presents a range of challenges for federalism and stability.
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Shiva Nath Yadav, a young community activist from Saferworld's partner Jana Jagaran Youth Club, shares information about Nepal's new federal system with people in Bahudarmai municipality of Parsa district.

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Conclusion

Emerging out of a decade-long violent conflict, Nepal has made remarkable progress in managing the peace process. Nine years of political transition culminated in the commendable achievements of a new constitution and elections for three new tiers of government. However, Nepal remains fragile and the dangers of relapsing into conflict are real. As a peacebuilding organisation, our experience of working in fragile contexts around the world has shown that countries that invest in addressing pre-existing grievances and strengthening peace dividends are more likely to prevent relapse into violent conflict. For Nepal, this means focusing on governance-related insecurities and tensions, and increasing effective state-society relations, including by addressing the marginalisation and exclusion of disadvantaged caste, ethnic, social and religious groups, and investing in their political and social empowerment.

Federalism presents a real opportunity to manage this, in principle by opening up spaces for citizen-state engagement and wider representation of marginalised groups in decision-making processes at local, provincial and federal levels. However, the transition to this new system is far from smooth and still has a way to go. Marginalisation, corruption and little or no accountability all threaten effective and stable governance and will need to be addressed with urgency. For programming, this means raising the voices of marginalised groups, advocating for and with civil society representing citizens and holding governments to account, and facilitating citizen-state engagement at all levels to bring about inclusive and responsive governance. As Nepal grapples with the COVID-19 crisis, which risks further destabilising and dividing communities, these programmatic responses are more critical than ever.

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Nepal remains fragile and the dangers of relapsing into conflict are real.

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A woman writes down her thoughts at an advocacy training in Nepal.

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About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

Nila Ram, community activist, shares information about Nepal's new federal system with people in Bahudarmai municipality of Parsa district.

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Acknowledgements

This paper was written by Anurag Acharya, Ashlea Brewer, Swechchha Dahal and Ashim Pandey. Comments and advice were provided by Tamara Duffey-Janser and Elizabeth Bourne. Jessica Summers and Martha Crowley provided valuable publication and copyediting support. The paper was designed by Jane Stevenson.

Saferworld's work in Nepal has been carried out with partners, including:

- Informal Sector Service Center (INSEC)
- Child Workers in Nepal (CWIN)
- Collective Campaign for Peace (COCAP)
- Nepal Madhesh Foundation (NEMAF)
- Nepal Transition to Peace Institute (NTPI)
- Peace Action Group (PAG) Nepal
- Center for Information Concerning Social Awareness (CICSA)
- Samagra Jan Utthan Kendra
- Support Nepal
- Jan Jagaran Youth Club (JJYC)
- Madhesh Human Rights Home (Mahuri Home)
- United Youth Community Nepal (UNYC)

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