

## **Conflict Resolution and Collaborative Governance in Nepal's Federal Structures: Analyzing effective conflict resolution mechanisms and strategies for fostering cooperation between tiers of government within the federal system.**

The Constitution of Nepal (*hereinafter, Constitution*) in Article 56 provides for three levels of government, namely Federation, Province, and, Local level governments and the state power being divided among them, where state power is defined in Article 36(h) as power relating to executive, judicial, and legislative of the state. The Constitution has outlined the division of the state power among three levels in these schedules of the Constitution: a) Federation- Schedules 5, 7, and 9, b) Province- Schedules 6, 7, and 9, and, c) Local- Schedules 8, and 9. While the powers have been outlined, the division of power among the three levels of government is unclear as jurisdictions listed in the schedules conflict with each other. For, eg. radio and health services are within the exclusive jurisdictions of Federation and the Province, cooperative institutions are under exclusive jurisdictions of both local and provincial levels, while penalty and service fee fall under all the levels of the government. Now, this ambiguity is further compounded by the fact that the Constitution in Article 133(1) empowers the Federal laws as the supreme law where the provincial and local laws inconsistent with the Federal law will be void in full or part. Article 57 provides for the hierarchy of laws where the lower level of government has to make laws consistent with the upper levels of government. The government tried to solve this ambiguity in the Constitution with the help of Federalism Implementation and Restructuring Directive Committee chaired by the Prime Minister which prepared the Unbundling report after studying schedule 9 but failed to clarify most of the issues except providing for some sort of clarity on matters relating to secondary level but not completely. Another issue relating to this matter is the judiciary which remains centralized. There are more issues and conflicts between the levels of government which in part is caused by the unclear language or ambiguous language of the constitution. For further research [[The Interrelationship between Three Levels of Governments](#)].

The drafters of the Constitution were well aware for the need of collaboration and conflict resolution between the structures of the government from local to the federal level from the addition of the part-20 of the Constitution of Nepal on Interrelations between the Federation, Province, and Local Level. The principle enshrined there is that of cooperation, co-existence and coordination between the levels of government. The Inter-province council in Article 234, inter-province fiscal council in Article 236, and, provincial coordination councils are the mechanisms envisioned by the constitution along with some role of the national assembly to resolve the conflicts and improve collaboration between the different tiers of government. National Natural Resource and Fiscal Commission Management Act 2074 is one of the other mechanisms present. Matters related to coordination is detailed in Article 235. The recent [reports](#) show that the mechanisms, especially the inter-province council and national coordination council has been ineffective in dealing with the problems effectively and efficiently.