



The Coherence Programme (II)

Background

The election of all three spheres of government in 2017 practically established Nepal as a federal democratic republic. In these three years post-election, Nepal is slowly moving towards institutionalization of the federalization process. COVID-19 context might have helped energize the federalization process to some extent but as the youngest federal country, it seems there's still a long way to go.

The Constitution of Nepal, 2015 established a federal system of governance consisting of three spheres of governments – Federal, Provincial (Pradesh, 7) and Local (Palika, 753) that exercise the state powers within the ambit of the Constitution and other laws. The state powers, which have been categorized into exclusive and concurrent, are exercised by three spheres of governments on the basis of the principles of cooperation, coordination, and coexistence. Subsequent legislations together with guidelines, model laws, and templates have been designed by the federal government to institutionalize federal structure and ease the way for the new provincial and local governments to function. Arrangements were set in place to ensure that the local governments have the human and financial resources to deliver on their mandates.



Coherence Mentor Team meeting the Chair and Vice-Chair of Kumakh Gaunpalika, Salyan

In 2015, Ministry of Federal Affairs and Local Development (now the Ministry of Federal Affairs and General Administration) and Department for International Development- DFID (now Foreign, Commonwealth and Development Office- FCDO) commissioned a study in Dailekh district of Nepal - known as the Dailekh Mapping Study - which revealed that the distribution of resources by both the government institutions and development partners in Nepal was haphazard and scattered in many fragmented projects and implemented as silos. The lack of co-ordination between these programmes had led to a duplication of projects, causing an inefficient distribution of resources and the capture of benefits by a few influential people. With the outcome less than satisfactory, there was a consensus that this had led to an undermining of local governance and a flawed understanding of the concept of citizenship dominated by user-ship.

With the new Constitution and the transition to the federal system, an opportunity was created to support the political coherence and technical coordination in local governments. In addition, the new state structure and new systems and procedures put in place mandated the Development Partners (DPs) including DFID (and DFID Implementing Partners, now FCDO) to re-think their programme approach and delivery

mechanisms. In such a backdrop, a partnership between MoFAGA, DFID, and International IDEA co-created the Coherence Programme with the aim of promoting political coherence in local governments through deliberative decision-making process. For the past three years, Coherence has been supporting the Nepali federalization process through a unique mentoring (helping hands) approach, amongst others, in promoting democratic local governance.

What is the Coherence Programme?

The Coherence Programme (Phase 2) is the second phase of the partnership between MoFAGA, FCDO, and International IDEA, in operation for a two year period from 2020 to 2022. It builds upon the earlier phase of the Programme implemented during 2017 to 2019. During this period, the Programme extended mentoring (helping hands) support to a selected local governments through a team of young mentors to help elected representatives better understand and discharge their roles and responsibilities. Further, it also attempted to support Nepal's federalization process by interpreting and assessing the wider implications of Constitution and other key laws relating to federalization and simplifying these into easily accessible resource materials on local governance. The mentoring support was piloted in different phases to six Local Governments (LGs) of Karnali Province (Adanchuli Gaunpalika (GP), Chankheli GP, Tajakot GP of Humla district, Sanibheri GP and Chaurjahari Nagarpalika (NP) of West Rukum district and Kumakh GP of Salyan district). Later, during 2020, the pilot support was also extended to Jugal GP of Bagmati Province and Aurahi GP of Province 2 in partnership with Kathmandu University School of Arts (KUSoA).

Emerging from the new political context, and learnings from the mentoring pilot in various Palikas, the Coherence Programme aims to build common understanding of democratic local governance through political deliberation, its concepts and practices among national and sub-national stakeholders.

What do we mean by deliberative decision-making?

Deliberative decision-making is a process through which political decisions are made collectively on the basis of reasons, facts, data and evidences for common public good. It is a formal way of reaching a decision on the issues of common public good in the best interest of the citizens. This contrasts with decisions that are taken by one person (or a small group of people) which often leaves sections of society feeling that decisions, including the allocation of resources, i.e., "who gets what", have not been fairly reached. While deliberation in decision making enhances collective accountability, lack of which will undermine its legitimacy and further endangers the sustainability of such decisions.

We have identified five key elements that characterize good deliberative decision-making processes:

- **Formal:** Deliberative decision-making is a formal, rules-based process that follows particular procedures and formalities. The process needs to be chaired and sometimes facilitated with a pre-informed agenda, schedules, codes of conduct and rules for speaking, record-keeping/minute-taking. The final decision-making procedures (such as voting) are

agreed at the onset. The rationale behind this is to ensure fairness in the decision-making process as well as to hold one accountable for one's opinions and actions during the meeting. Therefore, deliberative decisions are legal and binding.

• **Inclusive:** Fair allocation of resources in the interest of all and leaving no-one behind is key to democratic governance. This requires chairs or mayors to facilitate an enabling environment for all representatives coming from different background and communities and holding different interest to participate in deliberation and be able to raise their issues without fear or hesitation. They should feel that they have been able to effectively present their issues; a proper space has been given to them and are heard seriously irrespective of their gender, caste, class, ethnicity, age creed and political belief. The element of inclusivity also builds upon the logic that those who are affected/influenced by a decision in any way, should have a say on it, thus, it is not limited to the elected representatives of the Executive alone. Local people and stakeholders having an interest or stake on the issue should also be consulted and asked for opinion. Lack of inclusiveness in decision-making not only gives space for questioning/challenging its legitimacy but



Coherence Mentor supporting the female Executive members of Adanchuli GP, Humla in preparing a draft strategic vision

also takes away the sense of ownership from those who are excluded. It also creates ample spaces for misrepresentation or underrepresentation of one's problem, and perpetuates the culture of patronage and appropriation. Deliberative decisions have greater legitimacy because it involves those section of society and stakeholders who have a stake on it. However, these require meaningful inclusion, since there is no point in people being invited who are not listened to or are unable to voice their opinions because of social and cultural barriers.

• **Reasoned and Evidence-based:** Deliberative decisions are not made on whims or assumptions - these are based on reasons and evidences. Reasoning goes beyond negotiation or bargaining for a win. Reasoned arguments are based on facts, studies, data, evidences, and examples. For a Palika, these may come from the Palika administration – the managers and providers of services such as Palika Health, Education, Agricultural and other sections, or departments as well as direct engagement with communities, interest groups, individual citizens and technical experts. Palika profile, laws, standards and guidelines issued by Palika, federal and provincial governments, past policies and programmes of own or other Palikas, monitoring and evaluation reports of the services and projects, citizen's feedback and grievances and collective articulations through consultation with citizens are some other important sources of data and information for local government representatives.

It is important to note that citing a data or an evidence may not always make an argument reasoned. Reasoning anticipates the element of sensibility, reasonableness and logic in the argument - that one should put the various facts, data and evidences together to understand both (or many) sides of an issue and its consequences so as to make a logical sense. For example, one may argue that Tole B needs a drinking water system more urgently than Tole A since the former has bigger number of affected people having to walk hours to fetch water. Though this argument uses data and information, it can't be considered as a reasoned argument taking the information at its face value. Firstly, because drinking water is not a luxury but a basic need and it can't be a subject matter of trade-offs only on the basis of number of affected people. Secondly, it does not consider the other side of the story, which for example, can be that the health and hygiene of Tole A residents might be worse due to unclean drinking water. Therefore, reasoned decisions require the elected representatives to sit together, hear each other to see the other side of the story in order to build a new and common understanding of problems or opportunities in the Palika - before arriving at decisions. *By the use of reasoned and evidence-based arguments, deliberative decisions lead to a new collective understanding of the issues and brings forth new ideas and new priorities.*

• **Collective:** Public decisions should be made in the public interest and for the common good (i.e. the good of society as a whole). However, all the decisions of a Palika may not benefit all the citizens and a Palika may need to prioritize one over the other based on its limited resources. Therefore, elected representatives and their constituents need to see the benefits of working together and of using reasoning as a means to identify the best option/solution for their wide-ranging problems. Therefore, deliberative decision-making encourages to build consensus in making public decisions and use voting only as a means of last resort. It should be noted that consensual decision will facilitate a win-win situation for all, and with voting, it will create winner and loser.

• **Capable:** The element of capability is a cross-cutting element that requires the participants to exercise and observe all other elements of deliberation. It requires the representatives to be fully able to understand the agenda/subject matter of discussion/meeting, access related data and information to articulate and voice their opinions in a reasoned and logical manner. Meaningful inclusion is possible only when there is a level playing field and that all participants have a more or less similar capacity to engage in the deliberative process. This assessment includes the capability of the elected representatives and administrative officials, especially of members from socially marginalized groups such as women, Dalits, youth, historically marginalized, sexual minorities and others.

What Does Coherence Do?

Coherence Phase II mainly supports the Provincial and Local Governance Support Programme (PLGSP) - a national framework programme for the capacity building of provincial and local governments. In doing so, it works at four inter-linked and inter-dependent areas at different levels and with different entry points that complement each other and feed each other with information/knowledge and lessons:

1. Understanding the ongoing federalization process: The Programme will continue to build on, modify and refine the understanding of the Nepali federal system and the ongoing federalization process. It will carry on with mapping the practices regarding the implementation and interpretation of the Constitution, major laws related to federalization, and legal and policy instruments prepared by MoFAGA - what we call 'the givens' - with local governments at the core.

The main product of this component will be a follow-up on the Dailekh Mapping Study carried out in 2015, to understand how the context has evolved with the new system. It will be complemented by the finalization of the glossary on federal system that contains refined understanding of the key terminologies and narratives related to federalization. All these will be shared formally and informally through dialogues with the media, opinion-makers, decision-makers, development partners, PLGSP, PCGG (Provincial Centres for Good Governance) and other key stakeholders to build a wider understanding of the emerging systems, structures, institutions, processes and practices and their wider implications in the Nepali federalization process. This analysis also underpins all the other work streams of the Programme.

2. Translating 'the givens' into accessible resource materials: The analysis of the 'givens' has also informed the design of other elements of the Coherence Programme; more importantly the resource materials for the local governments. These materials simplify the 'givens' with deliberative decision-making at the core in order to explain the systems and processes for local government representatives and

bureaucrats. The Phase II of the Programme aims to further develop, test and disseminate the resource materials in areas sought by the local government representatives, as well as make a maximum use of visual story-telling in the form of (animation) videos to communicate the key messages, information and knowledge gained from the analysis of 'givens', and emerging LG practices to a larger audience.

3. Mentoring support to LGs in promoting democratic local governance: The Programme will provide mentoring pilot support to altogether 18 LGs building on its learning and success from Phase I. It will extend additional support to 12 new Palikas, more specifically, six LGs in Karnali, three in Lumbini, three in Province 2 and will continue to provide support to the Palikas that received support during Phase I.



Coherence Mentor talking to female LG representatives of Aurahi GP, Dhanusha district

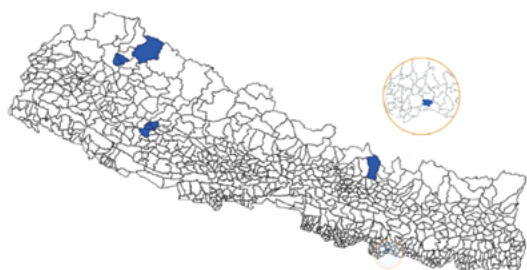
The young mentors undergo one month of comprehensive induction on Nepali federal system, and system and processes of local governance before joining the LG representatives. They provide hand-holding support to the LG representatives and officials in better understanding their roles and responsibilities, and promoting a practice of deliberative decision-making in LG matters, especially allocation of resources. These mentors will also disseminate the resource materials produced by the Programme to test their utility and effectiveness for their continuous revision and update. Mentoring approach is an extension of pilots from Phase I and will feed into the learning and analysis of 'givens' to see it in terms of LG functioning and into wider sharing with the PLGSP, PCGG and other key stakeholders.



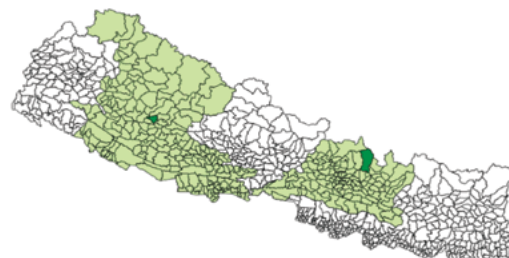
A glimpse of animation video on annual planning produced by International IDEA and GIZ



Resource Materials prepared by Coherence Programme



Blue color indicates the map of Coherence pilot Palikas in Humla, West Rukum, Salyan, Sindhupalchowk and Dhanusha from Phase I.



Light green color indicates the map of provinces (Karnali, Lumbini and Province 2) Coherence will extend its mentoring support in Phase II from which 12 new palikas will be selected. Dark green color shows the map of Palikas (Sanibheri and Jugul Gaunpalika) to be continued from Phase I.

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