STATE RESTRUCTURING AND FEDERALISM IN NEPAL
Objectives

- Analyze principles of federalism and bases of state-restructuring
- Analyze constitutional provisions of state restructuring and power sharing
Coverage

☐ Context and principles of state restructuring and federalism
☐ Constitutional provisions
☐ Administrative federalism: provisions, models issues
Think a while

Two critical issues that you think important about state restructuring and federalism in Nepal
Constitution of Nepal
What is pressing issue of implementing federalism in Nepal?

A. Appreciation of Constitutional Provisions
B. Finance
C. Administrative Arrangement
D. Developing Federal Culture
E. Power sharing
F. Others
Redefining Nepali State

(1) Nepal is a multi-ethnic, multi-linguistic, democratic, secular, federal, and sovereign state.
Why Nepal requires state restructuring?

- Establishing rights
- Recognizing voices
- Sharing resources
- Offering choices
State restructuring is something that is directly associated with political re-imagination of the state as per the spirit of the time and is a continuous process.
Sectors of Restructuring

- Political
- Administrative
- Social/Cultural
- Economic

NASC, 2019
Why is state restructuring?

With due respect to Prof. Pitambar Sharma

NASC, 2019
Why...

सामन्ती, निरंकुश, केन्द्रीकृत र एकात्मक राज्यव्यवस्थाले सुजना गरेका सबै प्रकारका विभेद र उत्पीडनको अन्त्य गर्दै
Why...

cfly{\s ;dfg\text{tfs}, ;d[l4 /}
;\text{dfflhs Gofo ;'}lglZrt ug{
;\text{dfg'kflts ;dfj}zL /
;\text{xeflutfd"ns l;4fGtsf cfwf/df}
;\text{dtfd"ns ;dfhsf] lgdf{0f}
ug}\{ ;+sNk ub}\}{
Principles of Restructuring

- Principle of subsidiarity
- Economy of scales
- Equity and inclusiveness
- Building ownership and trust
# Federalism vs Devolution

<table>
<thead>
<tr>
<th></th>
<th>Federalism</th>
<th>Devolution</th>
<th>Functional Decentralisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiers of government</td>
<td>two or more</td>
<td>two or more</td>
<td>two or more</td>
</tr>
<tr>
<td>Competencies of lower units</td>
<td>broad</td>
<td>broad</td>
<td>narrow</td>
</tr>
<tr>
<td>Competencies of central government</td>
<td>limited</td>
<td>broad</td>
<td>unlimited</td>
</tr>
<tr>
<td>Division of power</td>
<td>Entrenched in constitution</td>
<td>Subject to ordinary laws</td>
<td>No divisions of powers</td>
</tr>
</tbody>
</table>

NASC, 2019
1. Horizontal power sharing: power sharing between the three organs of government (legislative, executive and judiciary).

2. Vertical power sharing: sharing state power between different territorial layers of government (federal, state, and local levels).
1. Principle of cooperation (Cooperative federalism)
2. Principle of competition (Competitive federalism)
3. Synthesis
Wff/f %^ = /fHosf] ;+/rgf
-!_ ;+3Lo nf]stflGqs u0ftGq g]kfnsf] d"n ;+/rgf ;+3, k|b]z / :yfgLo tx u/L tLg txsf] x'g]5 .
-@_ g]kfnsf] /fHozlQmsf] k|of]u ;+3, k|b]z / :yfgLo txn] o; ;+ljwfg tyf sfg"g adf]lhd ug{} 5g\ .
Wff/f %^ = /fHosf] ;+/rgf

^-^_ ;+ 3, k|b]z / :yfgLo txn] g]kfnsf] :jtGqtf, ;fj{ef}d;Qf, ef}uf]Ins cv08tf, ;jfwLgtf, /fli6«o lxt, ;jf{+uL0f ljsf;, ax'bnLo k|lt:kwf{Tds nf]stflGqs u0ftGqfTds ;+3Lo zf;g k|0ffnL, dfgj clwsf/ tyf df}Ins xs, sfg"gL /fHo, zlQm k[ysLs/0f / lgoGq0f tyf ;Gt'ng, ax'ntf / ;dfgtfdf cfwfl/t ;dtfd"ns ;dfh, ;dfj]zL k|ltIlglwTj / klxrfgsf] ;+/If0f ug]{ 5g\ .

NASC, 2019
□ Psn clwsf/
□ ;femf clwsf/
□ cjlzi6 clwsf/
## Education in Constitution

<table>
<thead>
<tr>
<th>Federal Exclusive</th>
<th>Province Exclusive</th>
<th>Local Exclusive</th>
<th>Federal/Province</th>
<th>Federal/Province/Local</th>
</tr>
</thead>
</table>
| • Central university  
• Central level academies  
• University standard and regulation  
• Central library | • Provincial level university  
• Higher education  
• Libraries | • Basic and secondary education | • Medical, legal, audit, engineering, ayurved, veterinary services, Amchi and other professions | • Education |

NASC, 2019
Policy and regulatory works

Back office functions

Frontline service delivery
tx cg';f/ clwsf/ tyf sfo{x?sf} auL{s/0fsf

;+3sf sfo{x?M ;+ljwfgdf Joj:yf ePsf Psn tyf ;femf clwsf/x?

□ /fli6«o gLlt tyf lgodgx?
□ dfkb08 tf]Sg]
□ cg'udg tyf d"Nof+sg
□ cGt/fli6«o ;DaGw
□ cg';Gwfg tyf gljgd\td k|lj|wsf] ljsf;
□ s]Gb|Lo tYof+s
□ cGt;/sf/L ;dGjo

NASC, 2019
k|b]zsf sfo{{x?M ;+ljwfgdf Joj:yf ePsf Psn tyf ;femf clwsf/x?

- k|fb]lzs gLIt tyf lgodgx?
- k|fb]lzs dfkb08 tf]Sg]
- cg'udg tyf d"Nof+sg
- cg';Gwfg tyf gljgd\td k|jlwsf] ljsf;
- k|fb]lzs tYof+s
- cGt/lgsfo ;dGjo
- ;+3Lo tyf :yfgLo ;/sf/nfO{ k|Zff;sLo tyf ;]jf k|jfxsf] nflu cfjZos Joj:yfx?
:yfgLo ;/sf/sf sfo{\{x?M ;+ljwfgdf Joj:yf ePsf Psn tyf ;femf clwsf/x?
- :yfgLo gLt tyf Igodgx?
- :yfgLo dfkb08 tf]Sg]
- cg'udg tyf d"Nof+sg
- :yfgLo tYof+s
- ;]jf kljfxs] nflu cfjZos sfo{x?
What constitution assures?

- Empowering local governments in service delivery and engaging with citizens
- Making provincial governments accountable in provisioning of services
- Making federal government responsible for policy and regulatory functions and resource assurance to ensure public provisions, protection of fundamental rights

NASC, 2019
FUTURE OUTLOOK

SHARES WHO BELIEVE THAT NEPAL IS GOING IN THE RIGHT DIRECTION (%)

Source: NASC, 2018
Potential risks (opportunities)

1. Implementing constitution
2. Reaching people
3. Building ownership on state and national solidarity
4. Making federalism a good means
5. Strengthening sub-national government
CONFIDENCE WITH LOCAL GOVERNMENT

Percentage of people who are either ‘fully confident or confident to some extent’ that local governments will undertake the following (N=12872)

<table>
<thead>
<tr>
<th>Service Provided</th>
<th>Confidence Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve implementation of development plans</td>
<td>84</td>
</tr>
<tr>
<td>Address the development needs of your locality</td>
<td>84</td>
</tr>
<tr>
<td>Improve public services</td>
<td>84</td>
</tr>
<tr>
<td>Ensure participation of people in the planning and development process</td>
<td>82</td>
</tr>
<tr>
<td>Promote social inclusion</td>
<td>82</td>
</tr>
<tr>
<td>Safeguard citizen rights</td>
<td>81</td>
</tr>
<tr>
<td>Provide an opportunity for you to express opinion</td>
<td>76</td>
</tr>
<tr>
<td>Control corruption</td>
<td>58</td>
</tr>
</tbody>
</table>

Source: NASC, 2018
Thank you