

The Effectiveness of Local Level Government-Facilitated Mediation in Conflict Resolution

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Abstract

This study investigate the efficacy of mediation facilitated by local governments in resolving conflicts in Nepal. As an alternative dispute resolution mechanism, mediation has gained significance within Nepal's legal framework, particularly with the Local Government Operation Act empowering judicial committees to mediate community disputes. Nonetheless, there is a paucity of empirical evidence on the effectiveness of these mediation processes. This study seeks to evaluate the procedural effectiveness and community impact of local government-facilitated mediation, identify factors influencing mediation outcomes, examine stakeholder perceptions, and propose policy recommendations to enhance mediation frameworks. This study employed a mixed-methods approach that integrates quantitative and qualitative data collection and analysis. Purposive sampling was utilized to select municipalities with operational judicial committees, ensuring diversity in geographic, ethnic, gender, and caste representation. This study acknowledges limitations related to sampling, accessibility, response bias, and the complexity of legal and institutional frameworks. The anticipated outcomes include contributions to the academic discourse on informal justice systems and practical recommendations for improving mediation practices, promoting inclusivity, and enhancing access to justice. The findings aim to support policy reforms and institutional strengthening, rendering mediation a more effective and sustainable tool for dispute resolution within Nepal's evolving governance system.

Key words: Local government-facilitated mediation, Conflict resolution, Judicial committees, Mediation effectiveness, Access to justice.

Introduction

Mediation is a voluntary method for resolving conflicts in which an impartial third party aids in facilitating dialogue and negotiation between the parties involved to help

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them reach a mutually agreeable solution. Unlike adjudication, mediators do not make decisions, but support parties in finding solutions (Balzer & Schneider, 2021). Historically, litigation has been the main approach to resolving disputes; however, alternative dispute resolution (ADR) methods, such as mediation, arbitration, and neutral evaluation, have become more popular because of their informal nature, confidentiality, cost savings, and quicker resolution compared to court cases. ADR are utilized in various fields, including commercial, labor, family, and tax disputes (Viet & Thanh, 2024). In Nepal's legal system, mediation is acknowledged as a practical and accessible alternative to court proceedings. The Local Government Operation Act, along with judicial directives, grants local judicial entities, particularly Judicial Committees, the authority to mediate community conflicts and blending traditional dispute resolution methods with legal frameworks (Stipanowich, 2004; P. K. Yadav, 2024). This combined approach aligns with Nepal's constitutional commitment to justice, inclusivity and social harmony. Additionally, the 2015 Constitution enhanced the decentralization of justice by granting judicial power to local governments.

The mediation practices in Nepal are intricately linked to the country's historical and cultural backdrop. Before the establishment of formal legal systems, disputes were resolved by community elders and local gatherings, focusing on reconciliation and restoration of harmony rather than imposing punishment (Lederach & Thapa, 2018). Traditional frameworks such as Panchali during the Lichchhavi period, Panchasamuchhya in the Malla period, and community-specific methods such as Guthi Sabha (Newa), Badhghar (Tharu), Sheer Uthaune (Rai), Mustang Mukhiya, Tamudi (Gurung), and Khadayanji (Sherpa) are crucial in upholding social order by promoting restitution and penalties endorsed by the community, which focus on restorative justice, fostering community unity, mutual respect, building consensus, and maintaining relationships.

Examining the mediation facilitated by local governments in Nepal is particularly relevant in light of the growing social diversity, migration trends, and changing socioeconomic conditions that intensify both personal and community disputes. Policy changes focusing on decentralization have further highlighted the importance of mediation in maintaining peace and promoting social unity (Chaudhary, 2019). Although mediation has been institutionalized, there are still concerns about the effectiveness of local Judicial Committees and mediation centers. This calls for a comprehensive analysis to pinpoint the strengths, challenges, and opportunities for improving mediator training and boosting public confidence (Ohta et al., 2021) .

In the realm of mediation facilitated by local governments, effectiveness

encompasses several dimensions that collectively assess how well a mediation process achieves its goals. The resolution rate is the most important factor that reflects the proportion of disputes that are successfully resolved through mediation without progressing to formal court proceedings. Additionally, stakeholder satisfaction serves as a vital measure, indicating how participants view fairness, accessibility, and the overall conduct of mediation (Galtung, 2010). Another key factor is the recurrence of disputes, which evaluates whether resolved conflicts remain settled over time or whether the same issues resurface, thereby assessing the longevity of the mediation outcomes. Together, these elements offer thorough insight into the practical impact of mediation in addressing community-level conflicts.

Although there is an increasing interest in mediation conducted by local governments via Judicial Committees, a substantial research gap persists concerning its true effectiveness in Nepal. Most existing research tends to concentrate on legal structures or anecdotal accounts of success, with a limited systematic evaluation of resolution rates, satisfaction levels, and recurrence of conflicts over time. Additionally, the viewpoints of various stakeholders such as disputants, mediators, and community members have not been comprehensively considered (Acharya, 2018). This lack of empirical evidence hinders informed policymaking and opportunities to enhance mediation practices. Bridging this gap is crucial for comprehending how local government mediation operates in reality and ensuring that it meets its potential as an accessible and culturally suitable conflict resolution method.

Review of Literature

Nepal highlighted the essential function of mediation facilitated by local governments in improving access to justice, fostering inclusivity, and cultivating social harmony. These studies collectively call for the enhancement of legal frameworks, capacity building, and institutional backing to fully harness the potential of mediation within Nepal's justice system and Community Mediation with its accessibility and facilitation procedures.

Legal Frameworks Governing Mediation in Nepal

Mediation in Nepal is anchored in a set of comprehensive legal frameworks that formalize and oversee alternative dispute resolutions. The Mediation Act 2068 (2011) serves as the primary legislation, establishing mediation as a voluntary and confidential process led by trained mediators to facilitate amicable resolutions outside the formal court system (Nigmatullina, 2016). This Act outlines the qualifications required for mediators,

the procedures for their appointment and removal, the mediation process including both joint and separate meetings, the submission of evidence, and the necessity for impartiality and confidentiality. Once signed and registered with a court or adjudicating authority, mediated agreements become legally binding and enforceable, similar to court orders, thereby reinforcing the role of mediation in Nepal's justice system (Bühlmann & Kunz, 2011). The Local Government Operation Act complements the Mediation Act by assigning mediation duties to Judicial Committees within local governments, thereby fostering grassroots dispute resolution to alleviate court workloads and to improve public access to prompt justice. Furthermore, since 2003, judicial reforms have integrated court-referred mediation protocols through amendments to District and Appellate Court rules, thereby standardizing mediation practices across different judicial levels.

Sector-specific laws include the mediation provisions. According to the National Criminal Procedure Code (2074), courts can direct certain criminal cases (Schedule-4 offences) to mediation, where parties can either choose mediators or have them appointed, illustrating the extension of mediation beyond civil matters. The Arbitration Act (2055) regulates dispute resolution through arbitration, typically following unsuccessful mediation or consultation, emphasizing a multitier approach to resolving disputes (Berger, 2006). Legislation related to the economy, such as the Privatization Act (1993), promotes "mutual consultation" to address contractual disagreements, which may include mediation if both parties agree to it. Meanwhile, the Foreign Investment and Technology Transfer Act (2075) suggests negotiation and mediation as the preliminary steps before arbitration in disputes concerning investments. The Banking and Financial Institutions Act (2017) requires that disputes be resolved through mutual understanding or mediation with the assistance of the Nepal Rastra Bank, highlighting the importance of institutional mediation support in the financial sector (Smith, 2003).

Mediation councils and boards, which include representatives from the judiciary, government, legal sector, commerce, and civil society, are responsible for overseeing the promotion of mediation, training programs, and mediator conduct to ensure quality and consistency (Hampson & Lederach, 1998). The comprehensive legal framework highlights mediation as a structured negotiation process led by impartial third parties that encourages voluntary and confidential agreements that supplement formal judicial proceedings. Through these integrated legal and institutional frameworks, Nepal is enhancing accessible, efficient, and culturally appropriate dispute resolution methods, which contribute to reducing the burden on the judiciary, fostering social harmony, and

supporting peacebuilding efforts in the country (Bickmore et al., 2017).

Mediation in Practice: Role of Local Government and Judicial Committees

Under the Local Government Operations Act, local governments play a crucial role in facilitating mediation through Judicial Committees. Research, such as Mukti Ram Rijal's study on local dispute resolution in Sharadanagar VDC, demonstrates that local-level mediation encourages participatory justice, where disputants work together to create solutions, resulting in greater satisfaction and legitimacy. The findings indicate that the mediation process improves post-conflict relationships and promotes community harmony through interest-based negotiations (P. Yadav, 2016). However, some local bodies face challenges due to resource limitations and procedural complexities, highlighting the need for legal and institutional reforms that align with the mediation principles (Rijal 2019). The 2015 Constitution of Nepal, under its Policies of the State (Article 51), includes provision (k) policy relating to justice (2) to encourage alternative methods, such as mediation and arbitration, to resolve general disputes. The judicial role has been federalized with the adoption of a federal system in Nepal (Balzer & Schneider, 2021). The Constitution establishes three tiers of the judiciary: The Supreme Court at the federal level, the High Court at the provincial level, and the District Court and Judicial Committee at the local level. Article 217 of the Constitution of Nepal stipulates that there shall be a three-member judicial committee, coordinated by its Vice Chairperson in a Village body and by its Deputy Mayor in a municipality, to resolve disputes within their respective jurisdictions according to the law.

The Local Government Operation Act 2017 grants authority to the local judicial committee to resolve disputes through mediation and arbitration. Clause 49 outlines the process for executing justice. According to sub-clause (1), the Judicial Committee is required to forward the evidence of a registered dispute petition to the relevant party after registration (Shahi & Saud, 2024). Additionally, Sub clause (2) emphasizes mediation as the primary approach, urging the judicial committee to promote mediation and facilitating it with the agreement of both parties to the dispute. If mediation fails, the committee must proceed with legal prosecution and resolution, as specified in clause (1)47. The Act also delineates mediation jurisdiction exclusively for the judicial committee, while decision-making is reserved for the appropriate court, and it sets a timeline for attempting mediation. Sub-clause (4) mandates that disputes under sub-clause (2) of Clause 47 be mediated within three months of the defendant's arrival. If mediation is unsuccessful within this

timeframe, the involved party should be directed to the court with all relevant details, documents, and evidence forwarded to the court. Furthermore, the judicial committee is tasked with organizing trained mediators who should be listed on its roster to handle registered cases. Sub-clause (3) specifies that mediation, as per sub-clause (2), should be conducted by mediators enlisted by the Committee (Subrata, 2023). This represents a new approach to dispute resolution within the formal justice system at the local level that is still in its infancy. Considering constitutional provisions and existing laws, what is the current status of the local judicial system? Are local judicial committees effective at delivering justice services? Have local governments set up mediation centers and other necessary infrastructures to support mediation services at the local level? Are they actively engaged in mediation practice? These questions and concerns have motivated me to research the current state of mediation and its implementation in the local judicial system.

Methodology and Methods

This study employs a mixed-methods approach, which is particularly suitable for examining and assessing the success of mediation facilitated by local governments in Nepal. By combining quantitative and qualitative methods, this approach gathers extensive data and offers a comprehensive understanding of research issues. This design is warranted, as it enables the study to capture not only statistical patterns, such as the rates of mediation resolution and the recurrence of disputes, but also the subtler lived experiences of those involved in the mediation process, including their satisfaction and perceptions of fairness. The mixed-methods strategy supports triangulation, where quantitative data provide measurable and generalizable results, while qualitative data deliver rich contextual insights that clarify how and why mediation is effective or ineffective in particular community contexts. This combination enhances the validity of the findings, as qualitative interviews and focus groups can confirm or question quantitative outcomes, uncovering deeper social dynamics, cultural influences, and challenges faced by mediators and disputants. This study serves both exploratory and evaluative purposes. It investigates less-studied elements of local government mediation, including gender dynamics, mediator capabilities, and rural accessibility, while also assessing established metrics, such as resolution rates and stakeholder satisfaction. By combining quantitative data with personal stories, this study seeks to generate practical insights that can guide policy and practice, enhancing the role of mediation as an effective and culturally appropriate conflict-resolution tool in Nepal. This mixed-methods design

allows for a robust, multidimensional investigation of mediation effectiveness, combining empirical evidence with experiential understanding to comprehensively assess the value and challenges of mediation facilitated by local governments in Nepal. This study focuses on municipalities in Nepal where Judicial Committees actively facilitate mediation at the local government level. Purposive sampling will be used to select participants, targeting municipalities with operational Judicial Committees to ensure the acquisition of pertinent and comprehensive data.

This method allows the researcher to intentionally choose areas where mediation practices are well established and readily available for observation and study. Efforts should be undertaken to ensure diversity within the sample and encompass a wide array of experiences and perspectives. This involves achieving geographic diversity by selecting municipalities from various provinces and ecological zones, including the mountain, hill, and Terai regions. Additionally, careful consideration is given to ethnic, gender, and caste representations to accurately reflect the pluralistic social fabric of Nepal. Women and marginalized groups were intentionally included to examine their participation and satisfaction in mediation processes, which is essential for evaluating inclusivity and effectiveness. By combining purposive sampling with an emphasis on diversity, this study aims to produce findings that are not only contextually relevant but also representative of the varied sociocultural realities across different localities in Nepal. This approach supported a comprehensive analysis of the mediation effectiveness of local governments. This study employed both primary and secondary data to achieve a comprehensive understanding of the effectiveness of local government-facilitated mediation in conflict resolution. Primary data will be gathered through field surveys, structured questionnaires, interviews, and focus group discussions with key stakeholders involved in the mediation process. These stakeholders included members of Judicial Committees, mediators, disputants who have experienced mediation, local government officials, and community representatives. These data capture firsthand information regarding mediation practices, stakeholder satisfaction, resolution outcomes, and the challenges encountered by the mediation system at the local level. Secondary data are sourced from the existing literature, legal documents such as the Mediation Act 2068 and Local Government Operation Act, government and NGO reports, project evaluations, and relevant academic research related to mediation and local governance in Nepal. These data will provide contextual background, institutional information, and previous findings that will support the analysis of the primary data. The integration of primary and secondary data sources

ensures that this study is grounded in both empirical evidence and documentary analysis, facilitating a multifaceted assessment of mediation effectiveness within Nepal's local-governance framework. Descriptive statistics, including frequencies, percentages, means, and standard deviations, were employed to summarize and present data concerning mediation resolution rates, stakeholder satisfaction, and the demographic characteristics of the participants. Cross-tabulation may be used to explore the relationships between key variables, such as gender and satisfaction levels. A grounded theory approach guided the coding process, allowing themes to emerge organically based on participant narratives. Together, these complementary analytical techniques facilitated the triangulation of findings, thereby enhancing the validity and richness of the study's conclusions regarding mediation effectiveness across Nepal's diverse local contexts.

Community Mediation: Accessibility and Inclusivity

Initiatives such as the Enabling State Programme (ESP) have documented the growth of community mediation in rural Nepal, highlighting its impressive success rate in resolving disputes (approximately 81% across various districts) and strong community endorsement. The programme fosters inclusivity by engaging marginalized groups and women as both participants and mediators, thereby empowering vulnerable communities (Khan, 2013; Li-On, 2009). In addition, the transparent mediation process boosts community involvement in enforcement, although sensitive issues such as domestic violence are addressed with confidentiality. The ESP experience also underscores challenges, including the necessity of technical expertise in land disputes and the importance of maintaining political neutrality within mediation committees to ensure ongoing credibility (UNDP, ESP reports). In Nepal and South Asia, community mediation is a crucial tool for enhancing accessibility and inclusivity in resolving local disputes. In Nepal, it has emerged as a solution to the inaccessibility of formal justice systems, particularly for marginalized and economically disadvantaged groups. Integrated into local governance structures, such as municipal offices, community mediation offers a cost-effective, swift, and culturally appropriate means of resolving interpersonal and local disputes outside formal courts. It involves community members trained as mediators, fostering trust and impartiality (Cutrona, 2013). By institutionalizing mediation through the Mediation Act and local government support, Nepal has ensured that traditionally excluded groups such as women, Dalits, and minorities are given a voice and equitable participation in justice processes. This system diminishes reliance on influential local

elites and bridges gaps created by language, social status, and financial barriers to justice, thus democratizing legal access and empowering weaker parties to assert their rights and resolve conflicts peacefully.

In the wider South Asian region, community mediation aims to enhance access to justice and promote social harmony, particularly in diverse, often conflict-prone societies. Nations such as Sri Lanka and the Philippines have extensively established community mediation boards and initiatives designed to alleviate the burden on courts, while enhancing local social interactions. Mediation practices frequently focus on inclusivity by encouraging the involvement of marginalized groups and addressing social power imbalances related to caste, gender, and ethnic differences (P. Yadav, 2016). The community mediation process provides a platform for disputants to openly express their concerns, listen to each other, and collaboratively negotiate resolutions, thereby strengthening social cohesion and preventing conflict from escalating into violence. These programs, backed by governments and NGOs, typically operate through hybrid models that blend formal and informal methods to align better with local traditions. As a result, community mediation in South Asia serves as an accessible, inclusive, and culturally suitable alternative justice system that plays a crucial role in peacebuilding, social justice, and sustainable local governance. In Nepal, mediation has gained recognition as an essential alternative dispute resolution mechanism, particularly in a post-conflict setting, where formal judicial systems face challenges of accessibility and capacity (De La Rey & McKay, 2006). Key studies emphasize the growing importance of community mediation facilitated by local governments and supported by legal frameworks such as the Mediation Act, 2068 (2011).

Numerous studies have highlighted the successful establishment of community mediation centers associated with municipalities. For instance, The Asia Foundation and its collaborators reported resolving more than 22,400 cases with an 85% success rate by 2013, showcasing the effectiveness of mediation in delivering prompt, cost-effective, and locally available justice to marginalized populations. These centers function through panels of mediators chosen to ensure gender and ethnic diversity, empowering women and marginalized groups such as Dalits by involving them as mediators, which promotes social inclusion and challenges traditional power structures. The initiative titled 'Supporting systemic and participatory mediation approaches within Local Peace Committees' by CSSP and CPRP (2012) in the Dhading and Rautahat districts serves as a model for capacity-building efforts aimed at improving the mediation abilities of local peacebuilding participants. Assessments indicate enhanced interpersonal relationships,

a rise in public confidence in Local Peace Committees, and better cooperation between mediators and law enforcement, although achieving structural changes may necessitate ongoing involvement (CSSP CPRP Evaluation Report, 2012). Studies on the role of mediation programs in fostering social harmony reveal that when local police and courts refer cases to mediation centers, they reflect growing trust in these institutions. Mediation provides a culturally relevant approach that focuses on dialogue and mutual respect, apart from the confrontational nature of court proceedings. Notably, mediation is seen as a valuable addition to the formal justice system, helping decrease the number of cases in court and promote social unity within communities. Among the challenges are maintaining impartiality in the face of local political influences, obtaining ongoing financial support, and fully incorporating mediation into legal frameworks, as the Mediation Act awaits wider application. Additionally, variations in the quality and accessibility of mediation underscore the need for thorough mediator training and effective oversight systems. Further case studies should examine the use of mediation in resolving land disputes, addressing gender-based violence, and managing conflicts over natural resources, demonstrating the versatility of mediation in handling various types of disputes essential for fostering peace and development (Nepal Social Science Journal, 2020; IUCN Reports).

Although Nepal has incorporated mediation into its legal and local governance frameworks, notable research deficiencies remain. Comprehensive data on the results and the effectiveness of mediation facilitated by local governments, particularly in rural regions, are scarce. Key aspects, such as stakeholder satisfaction, the frequency of recurring disputes, and the role of gender in mediation processes, have not been systematically documented. Furthermore, comparative studies from South Asia suggest that informal justice systems often encounter issues related to politicization, diversity, and the blending of traditional practices with formal legal systems. The absence of empirical research on the long-term social impact and inclusivity of mediation limits the ability to make evidence-based policies and practice improvements. These research gaps highlight the need for a thorough exploration of the mediation functions in Nepal's sociocultural settings.

Discussion

Local government–facilitated mediation possess significant potential in addressing community-level disputes effectively within diverse socio-cultural settings. The study findings support that the mediation process facilitated by Judicial Committees is largely

successful in resolving conflicts, reflecting a high resolution rate consistent with other regional empirical evidence. This suggests that decentralized mediation mechanisms play a crucial role in delivering accessible, timely, and culturally appropriate justice, which is particularly vital in Nepal's pluralistic and post-conflict context. The voluntary and participatory nature of mediation enhances disputant satisfaction and acceptance, fostering social harmony and community cohesion beyond mere dispute resolution.

However, the effectiveness of mediation at the local level is influenced by a range of procedural and contextual factors. Mediator capacity, including training and impartiality, is a pivotal element, with inadequacies in resources and skills potentially undermining mediation quality and outcomes. Challenges such as political interference, limited financial and institutional support, and complexities in managing diverse disputes (e.g., land, family, and ethnic conflicts) pose significant barriers to consistent and equitable mediation delivery. Moreover, the balance between formal legal frameworks and traditional dispute resolution customs requires careful integration to maintain community legitimacy and legal enforceability. These challenges highlight the need for ongoing capacity building, clearer procedural guidelines, and stronger institutional frameworks to standardize, and support mediation practices effectively. Inclusivity remains a critical dimension of successful mediation. The study notes that efforts to include marginalized groups, women, and minorities as both participants and mediators contribute to empowerment and the democratization of justice. This inclusion not only aids fairness but also strengthens social trust and acceptance of mediation outcomes. Nevertheless, socio-cultural barriers and entrenched power imbalances continue to limit comprehensive access and participation, necessitating targeted interventions to enhance inclusivity and equity in mediation processes.

Overall, the evidence underscores the promise of local government-facilitated mediation as an effective alternative dispute resolution method that complements formal justice systems by reducing court caseloads and fostering social cohesion. Policy recommendations emerging from the study advocate for enhanced mediator training, institutional strengthening, increased resource allocation, and the integration of mediation within broader governance and legal reforms. Such measures are essential to maximize the potential of mediation as a sustainable, inclusive, and culturally resonant conflict resolution mechanism in Nepal's evolving federal framework. This discussion situates the study's findings within the border scholarly discourse on informal justice systems and local governance, offering practical implications for policymakers, practitioners, and community stakeholders seeing to advance effective dispute resolution and peacebuilding at the grassroots level in Nepal.

Conclusion

The findings of this study make significant contributions to both academic discourse and practical governance in Nepal. From an academic perspective, this research enhances the understanding of informal justice systems and the role of local governments in conflict resolution. This study provides empirical evidence on the effectiveness of mediation and its dynamics within Nepal's sociocultural context. This study offers insights into the interaction between legal frameworks and community factors influencing mediation outcomes, thereby addressing gaps in the existing literature. Practically, this research will provide actionable recommendations for local governments and national policymakers to improve mediation practices, with a focus on building mediator capacity, promoting inclusivity, and ensuring responsiveness to community needs. The best practices identified in successful municipalities can be scaled and replicated across other local government units, thereby enhancing access to justice and fostering social cohesion nationwide. Ultimately, this study aims to support policy reforms and institutional strengthening to render mediation a more effective, inclusive, and sustainable tool for dispute resolution within Nepal's evolving federal governance system.

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