Universal Social Protection in Nepal: What is (the) Left to do?

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Neha Gautam

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Members of the Examining Committee:

Andrew Martin Fischer
Amrita Chhachhi

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Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

Inquiries:

International Institute of Social Studies
P.O. Box 29776
2502 LT The Hague
The Netherlands

t: +31 70 426 0460
e: info@iss.nl
w: www.iss.nl
fb: http://www.facebook.com/iss.nl
twitter: @issnl

Location:

Kortenaerkade 12
2518 AX The Hague
The Netherlands

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List of Acronyms

CIT- Citizen Investment Trust
CPN- Mao - The Communist Party of Nepal (Maoist)
CPN-UML - Communist Party of Nepal-Unified Marxist Leninist
CSE- Civil Service Exams
GoN – Government of Nepal
CSO – Civil Society Organisation
EPF- Employee provident fund
ILO – International Labour Organisation
ISS – Institute of Social Studies
KEP- Karnali Employment Program
NCP- Nepal Communist Party
NGO – Non Governmental Organisation
NPC – National Planning Commission
NSPF- National Social Protection Framework
PMEP - Prime Minister's Employment Programme
RCIP -Rural Community Infrastructure Works Programme
REA- Right to Employment Act
SSA – Social Security Assistance
SSF- Social Security Fund
SPTT - Social Protection Task Team
UML- Communist Party of Nepal-Unified Marxist Leninist
UN- United Nations
WB – World Bank

Abstract

In comparison to the immense progress made in the 2007-2012 era, there seems to be a stagnation in the Social Protection arena in Nepal beyond the completion of initiatives taken during that area. This research paper will explore the situation in Nepal through the framework of Franzoni & Sanchez-Ancochea (2016) where they look at the role of the state and social actors in the move towards universalism. Looking at the schemes introduced by Government of Nepal; their position, external actors, local actors and the interaction between them, there seems to be a move towards away from universalism. This has been due to priorities of the current government, the weakening of civil society and increasing influence of international actors who promote residual notions of social protection on the government.

Relevance to development

There is growing literature that shows the key role that social policy plays for equitable development. In the context of Nepal where growth is highly uneven and leading to increasing inequality, social protection has an important role to play in assuring redistribution. However, the impact of social protection policies are highly contingent on how universal they are and how well they reach marginalized sections of the population.

Key words

Social protection, Nepal, Universalism, Social Policy, Citizenship

Acknowledgements

During the course of my research, I came to appreciate very deeply how privileged I am to have been born in a diverse and beautiful place like Nepal, to my family, in this particular time. Raised far away from the turmoil that the country went through in my lifetime, it is through this research that I have come to realise the sheer resilience and tenacity that the people of Nepal possess.

I would like to acknowledge foremost my respondents and thank them for their time. I am especially grateful to the people that I had no prior connection with, who took their time out of their busy schedule just to speak to me.

I would like to dedicate this paper to my family :

बाबा मामु – Thank you, for sacrificing your home and your time with your family just to give us a better chance in life. Thank you for taking interest in my work and humouring me when I try to explain things to you that you actually know more about. Thank you for your constant love and support, no matter the choices I make.
To all the incredible women who have housed me, fed me and loved me - Thank you for keeping me connected to my home
ठुलो बाबा भिनाजु मामा and Uncles – Thank you for your wisdom, guidance and going out of the way to connect me to potential respondents.
To Susmita *दीदी* – You are a superwoman and one of my biggest inspirations. Thank you for being so indulging, during the course of this research, but also every time we come home.
To *दादोहोजो* – Thanks for pushing me to do this and the reminders to exercise and drink water, love you.

I would like to take this opportunity to express my gratitude towards the friends I made at ISS. Sometimes it felt like we were part of a strange experiment where people from all over the world live in close proximity under very stressful circumstances. But this experiment has been one of the biggest learning experiences of my life. It is amazing how much my education at ISS was not in the classroom, but in learning about the experiences of my friends, some from parts of the world I did not even know existed before coming here. Thank you, to everyone that has opened up and shared a bit of their world with me. I am also especially grateful for the handful of people who diligently dragged me out of bed almost everyday to get me writing – to my housemate, roommate, RP-study buddy and adopted-sister, thank you.

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Hari om tat sat

Chapter 1

About Nepal

Nepal is a land-locked country in South Asia covering an area of roughly 147 thousand square kilometres. It is home to a very heterogenous society, with over a hundred ethno-linguistic groups within an estimated population of 29 million. Formally a Hindu Kingdom, its diversity is further complicated by the continued existence of a caste system. Nepal is also geographically diverse, ranging from the fertile *terai* (flatlands) to the mountainous regions most famously known for the tallest point on earth, Mount Everest. Within the context of these ethnic and geographical divides Nepal experienced a decade long civil war, known as **the peoples war**, from 1996-2006 which resulted in the deaths of over thirteen thousand Nepalese. The conflict was led by The Communist Party of Nepal (Maoist) (CPN-Mao) against the royal army. According to the CPN-Mao the resort to violence was due to the "social and economic injustice against the poor, particularly in rural and remote areas" (Sharma 2006: 1238). The war officially ended in 2006 when the government signed a peace agreement with the leader of the CPN-Mao. The agreement heralded a historic event, known as *Jan Andolan two*, which led to a special parliamentary assembly that voted to abolish the monarchy, turning the Kingdom of Nepal into a republic.

Unfortunately, the peace agreement was followed by a long period of political instability and deadlock, especially in regards to forming a constitution. After a devastating earthquake in 2014, the squabbling political parties finally came together in the second constitutional assembly.[1] In 2015 a new constitution was adopted and elections took place in 2017 at local, provincial and federal levels in which a record number of voters took part. The Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and the CPN-Mao announced their merger in May 2018 as The Nepal Communist Party (NCP) which has a strong majority in government. The constitution of Nepal ascribes fundamental rights to its citizens, including rights to social security and employment. The NCP now has a 5 year mandate to deliver to the citizens their constitutional rights while managing the transition into federalism.

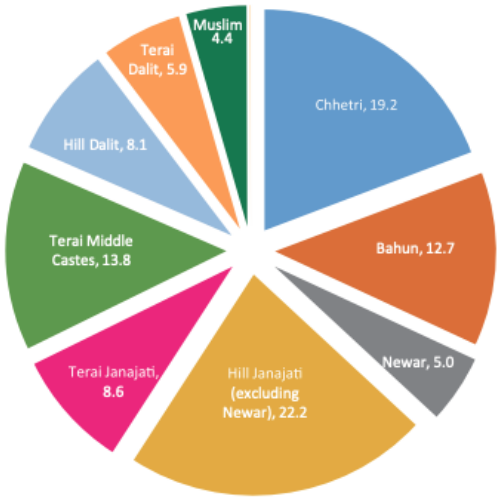
[1] This is a gross simplification of a rather turbulent period in Nepalese politics which saw a revolving door of governments formed by different political parties including the Nepali Congress (currently the strongest opposition party)

The Kingdom of Nepal

Nepal has a slightly different trajectory from other developing countries, even its South Asian neighbours, in that it does not have a colonial history. Concurrent to decolonization movements all over the world, pro-democracy movements were happening in the Kingdom of Nepal against the 'Ranas', the ruling class, by other upper-caste groups. The first elected government was led by B.P Koirala of the Nepali Congress in 1959 but the then reigning monarch, King Mahendra, conducted a military coup and abolished the government. The coup led to the formation of "a party-less local government system known as the Panchayat system" which "augmented upper caste dominance in local areas by undermining the many types of indigenous governance structures operating at the local level" (Drucza 2018 : 315) in 1959.

The Panchayat system was autocratic and served to take away what little independence local indigenous communities had and advocated for a homogenous Nepali identity (Tamang 2017). Under this system, citizens had to continue to accept the caste system, in which the *Bahun-Chetri's* occupied the highest status and had to speak the Nepali language (Gurung 2009). Nepal only adopted a multi-party constitutional democracy in 1990 after a multi-party, multi-ethnic, nationwide social movement called the *Jana Andolan one* bought an end to absolute monarchy. However, "the multi-party parliamentary democracy did not meet the expectations and aspirations of Nepali people. Although the new constitution of 1991 recognized Nepal as multi-ethnic, multi-cultural and multi-lingual country, the fundamental tenets of the Hindu religion and culture remained the same" (Gurung 2009: 8). This was followed by the peoples war, the overthrowing of the monarchy, political instability and currently a precarious peace. However, pockets of violence have still been occurring in protest of the current political situation by previous cadres of the Maoist Party (Satyal 2019a).

Demographic make up



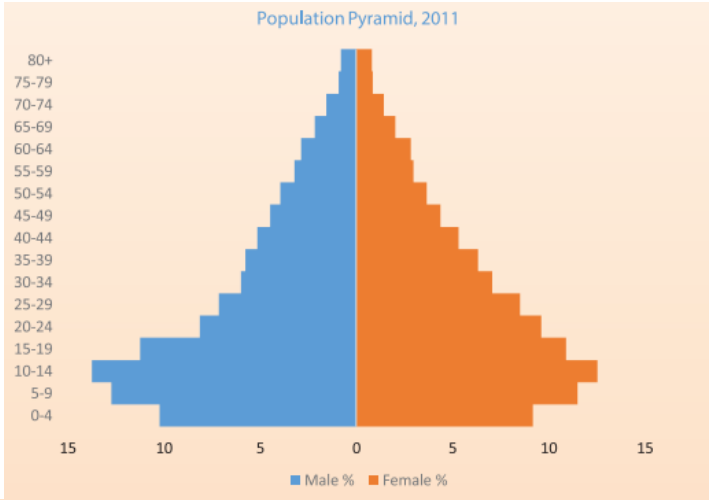


Figure 1 & Figure 2 Source : UNFPA 2017

The socio-demographic make up (in terms of gender/ethnicity/caste/class) of ruling elite in Kathmandu have not changed significantly since the 1990's. Upper caste hill- tribe men from '*Khas-Arya'* group, also known as the *Bahun-Chetri* , who make up about 30% of the population are widely acknowledged as dominating economic, political and social life in Kathmandu (Bista 1980, Gurung 2009, Tamang 2017). Some authors also point out that the smaller *Newar* and *Thakali* communities are also affluent and politically influential (Holmberg 2014, Lawoti 2014) despite facing cultural exclusion during the Panchayat era. Indigenous people, known as *Janajati*, the *Dalit* (previously categorised as untouchable under the caste system) and Muslims face extreme forms of discrimination on cultural, religious and linguistic grounds (ibid). Women, irrespective of class, caste and ethnicity are still marginalized in all sectors of public life, faring poorly in all socio-economic indicators compared to their male counterparts.

Nepal is still considered an extremely impoverished country by various measures of poverty, regardless if the measures are as crude as per-capita income or various multi-dimensional approaches that take into account inequalities, capabilities etc. Many households face basic economic insecurity with as many as 6 million households living below poverty levels (Ministry of Finance 2017/18). These particular numbers still do not provide a reliable estimate as the cost of accessing even basic necessities actually increases in rural areas such as the mountainous regions. Lack of access to stable and adequate wages or services that would help to lessen these insecurities coupled with Nepal's vulnerability to climate hazards, has led to seeking foreign employment as the main strategy of coping. 4.3 million Nepalese workers (out of which 74.5% are unskilled, 24% semi-skilled) have, through formal and informal means, chosen to seek employment abroad

(Central Bureau of Statistics 2017/18). While there has been significant reduction in poverty rates in the last two decades, much of this is attributed to remittances and demographic changes such as a decline in fertility rates. "At almost 30 percent of GDP in 2015/16, Nepal's remittances are among the highest in the world" (IMF 2017: 20). Agriculture is still responsible for the livelihoods of most Nepalese but due to migration patterns (both within and out of the country) the service industry is rapidly catching up. There has been little success in establishing industries or developing the agriculture sector. Poverty reduction thus has been uneven and could be interpreted as consequently leading to widening inequality (Uematsu et al 2016).

This increasing inequality coupled with uncoordinated and slow response to disasters such as the 2015 earthquake, yearly devastating floods in the *terai* region and the failure to complete reconstructing even the most significant national landmarks like the *Dharahaha,* seem to signal to the population the utter futility of deaths of thousands of Nepalese instead of the transition to a *Naya* (new) Nepal that has been promised[2]. There seems to be little progress on implementing policies that would be in line with the constitution, despite the promises of political parties in Nepal. The political upheavals of the past decade have, in the minds of the general population, reflected the inability of people in power to overcome their personal agendas and actually effect change in the country. From the brief description of its history since 1959, Nepal is changing politically, economically and socially at breakneck speeds. Yet there seems to be little progress or change especially for the marginalized and vulnerable in the country.

General Objectives (Main Qn)

The objective of the research is to investigate the current social protection climate in Nepal that is situated in the tensions between the (expressed) desire for radical change and (observed) maintenance of a status quo.

Statement or Research Problem / Research Qn

Why is there a lack of progress in advancing universal social protection policies in Nepal by the current government?

Sub Questions

How is universal social protection being understood by the Government of Nepal?

How do external actors influence the government in their understanding of universalism?

[2] Slogan that was very popular in the late 2000's and early 2010's, especially after the fall of the monarchy

How do local politics and process influence the Social Protection policies?

Relevance and Justification of topic

In 2015, the constitution of Nepal emerged out of decades of instability, war and a chaotic political situation. Nonetheless various actors came together to contribute to a constitution that has an idealistic vison of Nepali society. Elements of universal social protection have been enshrined in the constitution. I will be exploring how the government has interpreted the constitution in practice, and how external actors both local and international influence this interpretation. How is the aspiration to move towards universal welfare state being played out in dynamics of power within and outside the state and what results from the conflicts, tensions and contestations of power.

Given that the current leftist government has been elected with a strong mandate by the people, I felt that it is a very pertinent and timely period to study social protection in Nepal specially to observe if there have been any changes in the nature of social protection policies.

Scope of research

Recognising that such a research is an ambitious undertaking, I will be restricting the time period of my research from the 2008 to the present, with a specific focus on the events of 2018 to 2019.

What my research will add to this

My research will attempt to look at the interaction of key actors on the topic of social protection and the resultant policy changes/lack of changes that have emerged out of this interaction; specifically in regards to the transformative and universal potential of the constitution. It is also a contemporary look on social protection policies after the election of a majority left-wing government.

Methods of data collection

The research paper has drawn on mix-method data collection. Mixed-method research 'can allow for methodological diversity…and both inductive and deductive reasoning' (O'Leary 2017 : 222). This was important for me to understand the climate of social protection in Nepal – being in Kathmandu and speaking to key informants pointed me to very relevant and current local dynamics that I would have otherwise missed out on. Secondary data has enable me to triangulate the information I've gathered and make sense of it.

Interviews

I have conducted in total 14 in-depth semi-structured interviews with 15 key informants. These include interviews with people in government : high level bureaucrats, previous vice chairpersons and existing members of the National Planning Commission (NPC), the Prime Minister's advisor and senior members of Nepali Congress (opposition party) to better understand their views on Social Protection as state actors. I relied on family contacts for access which restricted the number of respondents and was also dependent on availability within my short time frame in Nepal. While my respondents were willing to meet me due to their relationship with my family members, they evaded technical questions about policies rather skilfully. This could be due to their high-status within a highly politicized system and my positionality as a much younger female. Despite my insistence that interviewees be conducted privately, my uncle who introduced me to some of the participants would sit in during the interviewees which would undoubtedly have an impact on the information readily shared by the respondents. As the purposive sampling method used does not 'guarantee representativeness' (O'Leary 2017 : 80), research pertaining to government initiatives are heavily supplemented by secondary data.

For alternative views I have interviewed people active in civil society including prominent feminists, members of local non-governmental organisations (NGO) who work with reproductive health rights, housing rights, domestic rights, Dalit rights and journalists. This was done through contacts given by colleagues and supervisors in ISS and furthered using a snowball sampling method. Two of these interviews were conducted with two people present, journalists who were colleagues were interviewed together. A cousin, who is currently a faculty member at Trichandra University introduced me to her ex-colleague; previously a faculty member and currently a director at a NGO working on women's rights. Although the interview was largely conducted with him, she was also present, engaged and contributing in some parts of the interview (she is not included in the list of respondents). This particular interview I did not find as problematic as the director was very forthcoming in his views, answered my questions readily and did not seem to share a

hierarchical relationship with my cousin in the way my uncle did with other respondents. The views of the civil society will also be substantiated with secondary data.

Secondary data

To better understand government initiatives, the secondary data I have collected includes : government documents and brochures, previous research done by Nepalese authors, reports by non-governmental organisations within Nepal (local and international) and inter-governmental organisations such as the UN, ILO, World Bank and Asian Development Bank. I also looked at newspaper articles reporting on the social security system, and other online resources that help explain it.

To supplement the interviews done with local actors, I will also look at research by Nepali academics discussing the types and levels of inclusion/exclusion within Nepal. This will be supplemented by contemporary journal articles. I have also been graciously provided resources by some of my interviewees which include books written about *Madhesi* and *Dalit* experiences in Nepal.

Positionality and its limitations

My interest in conducting this research is strongly tied to my identity. Born in Nepal, to highly educated, *Bahun* parents then subsequently being raised in Singapore from the age of seven as an 'other' (based on the Singapore government's racial classification) has certainly led to what is known as 'diasporic imagination' (Brah 2006). I understand this term to mean that the narrative that I tell about myself will always be inextricably linked to a country I unfortunately know little about apart from the comforts of my extended family's hospitality. Luckily it also means that I am very aware of the privileges afforded to me within Nepal by virtue of caste and class, having experienced most of my life what it feels like to be a child of immigrants and a racial minority within Singapore.

It is within this very hospitality that I conducted my research which has implication for the kind of data I may had access to. Having family members who are part of the political elite through party affiliations meant that I had access to policy makers and other relevant potential respondents. However, some of the respondents I was introduced to through my family were not quite the people I was looking for or would not answer my questions. An example is that while I was looking for government bureaucrats to speak to about the technicalities of the newly introduced social security system, I was introduced to one of the current prime-minister's advisors. This is of course a politically appointed position and advisors are not usually people who deal with the specifics of

a certain policy. I was also able to meet him in the Prime Minister's office, which is a secure building housed in the *Singha Durbar*[3] where technically one cannot enter without permission, especially if one is a foreigner. However as I followed my uncle who is a first-class officer[4] into the complex, the security guards did not even look at me after they checked his ID. They let us through despite the fact that the appointment was booked under my name. Therefore despite not being able to get to speak to people specifically informed about the topic, it was also an illuminating experience to understand how social/familial connections work and the ease of access one has when in a privileged position in Nepal and to reflect on the implications that has for people who do not have access to those networks.

Upon reflection I realise that I was hesitant to assert that the high-ranking individuals I was introduced to may not have been the most appropriate. I was also unable to assert the importance of conducting interviews in private, as such there are 2 interviews which were conducted in the presence of a family member who, due to the nature of his relationship with the interviewees, would have affected the responses they gave. The research required a delicate balance of conducting myself with the culturally expected obsequiousness and displaying sufficient knowledge about the context to be able to utilize these family connections well which given the short time frame I was unable to do so fully.

Another part of the research which was equal parts illuminating and equal parts frustrating as researcher within these elite networks was access to the casual conversations that happened outside of recorded interview time. These conversations reflected the reality of what respondents felt much better than what they said in the interviews. For example one of my interviewees (with many years experience working as a government bureaucrat) voiced that the various social protection policies are only piecemeal and geared towards pleasing the international community to receive funding without any real impact while discussing my research with another individual. That was a very potent statement which could have been followed through during the interview. However during the interview, this person was very diplomatic and did not share anything this specific or critical about the policies. This was frustrating but also in a sense reflected to me exactly what I am trying to research : this uneasy gap between 'official' discourse and what is felt/vocalized/practiced outside of official channels.

The irony of having access to some of my respondents via the very social structures that may be impeding universalism in Nepal is also not lost on me. It is through the familial *aafno manche*

[3]Large complex which holds 20 ministries, the House of representatives and the National Assembly

[4] The highest non-politically appointed position one can have as a civil service officer, gaining a promotion above this level (vice secretary) without being politically aligned is unheard of

(Bista 1980) practice that I was able to secure appointments with high ranking officials who would not have otherwise made time to meet with a student researcher. This was emphasised strongly in my meetings when respondents would share, prior to or after the interviews, how positive and long-lasting their relationships were with members of my family that introduced us. During the course of my research I found ample evidence pointing towards the state taking a proactive role in trying to ensure social security to all. However, these invisible structures which I personally encountered during the research have undoubtedly influenced my decision to problematize the aspect of social inclusion/exclusion within the concept of universal social protection.

There were nevertheless few respondents who also agreed to meet me based on their willingness to contribute to my research due to their interest in the topic despite not having known anything about me or any social contact prior to the interviews. These were the respondents from civil society and the journalists that I managed to speak to through asking previous respondents (introduced by an ISS student and professor) for contacts. Although none of these respondents stated their membership explicitly, some of them when referring me to other people would mention Martin Chautari. According to the website "Martin Chautari is non-profit organization of Nepal established to allow development professionals and academics to meet every two weeks to share their insights and experiences about various current social issues" (Martin Chautari 2019). This organisation reflected to me, an attempt by civil society to engage critically in issues relevant to Nepal. Ironically, this organisation was co-founded by a Nepali citizen and Norwegian academics, reflecting this long-standing symbiotic relationship with external actors that seems to permeate all levels of society in Nepal.

There were more contacts given to me, however as my time in the field was short I was unable to follow up with them, another limitation that I had. The research could also have benefited from voices from labour unions, but I have had to rely on secondary data to glean their contribution.

Chapter 2 : Literature Review

Social protection and Universalism

There are many debates surrounding the concept of Social Protection, especially the disagreements between residual and universal approaches (Kabeer 2014). This section will take a brief look at the history of Social Protection and the differing approaches. It will then look at the research done around social protection in Nepal and finally will explain the framework that I will be using for my analysis.

Residual approaches

Upon independence, post-colonial governments all over the world initially undertook universal approaches towards provisioning of social welfare as a means of nation building. However, the "power of vested interests within largely unaccountable state structures gave rise to highly bureaucratic and dualistic welfare systems that subsidized a privileged minority while leaving poor and socially excluded groups reliant on their own meagre resources or the patronage of the more powerful" (Kabeer 2014: 340). The solution to what was perceived as a failure of state provisioning, introduced by powerful organisations such as the World Bank, were termed as structural adjustment programmes. These programmes "involved cutting back on state expenditures and reducing the role of the state to a minimum regulatory function" (Cook and Kabeer 2010 : 4) hence social protection was also kept at a minimum and targeted to only the poorest populations.

The structural adjustment programmes had widespread consequences and were often much costlier than expected (Britto 2018). Operationalizing these programmes meant costs of determining the 'poorest populations,' and administrative costs of targeting such as employing more people to ensure that the people who accessed the safety nets were the 'poorest.' This proof could range from collecting documents to making field visits. Most often, in many countries the poorest were in rural, hard to access areas and could not even afford costs of travelling to the offices from which these programmes were running. Determining a cut off for who is 'poorest' versus who is not also affected communities where the difference of a few cents could determine who gets assistance and who does not. This was even more difficult for countries where most of the population was, for a lack of a better word, poor. For co-dependent, close knit communities, these measures affected their social solidarity (Britto 2008, Ellis 2012), because in the words of

beneficiaries themselves "we are all poor here" (Ellis 2012 : 202) or, in Nepal "how can you single out the poorest in a sea of poor?" (Koehler 2011: 16). Despite the academic research to show that the concept of Social Protection as safety nets targeted only to the vulnerable is not effective, it remains a dominant discourse, one that is still strongly championed by the World Bank.

Rights based

Scholars studying social policy (and within it social protection) tend to lead towards a rights based approach, also championed by organisations such as the ILO. Expanding on the rights based conceptualization of social protection, Devereux et al (2011) state that social protection has to be conceptualized as a set of entitlements rather than discretionary measures used to protect the 'most vulnerable'. In this regard, social protection is inextricably tied to social justice which looks at structural causes of poverty and attempts to address them. While there is increasing consensus that a citizenship based entitlement approach that looks at dimensions such as social inclusion would be best suited to address root causes of poverty, many governments around the world are unwilling or unable to do so (Devereux et al 2011). One reason for this is because "social welfare has been an essentially elite project to achieve goals determined by the ruling elite. Such goals have usually included nation-building, development or co-optation of subordinate class" (Mkandawire 2004 : 13). However, it is acknowledged that "in some cases, social welfare has been the result of popular pressures for equity and inclusion" (Mkandawire 2004 : 13).

'Bivalant' injustices

When witnessing such 'popular pressures', we are compelled to understand the different forms of injustices affecting people, the reasons why they put pressures on their 'ruling elites' so to speak. Using Fraser's approach of redistribution and recognition, Kabeer (2000) states that "where disadvantage is largely economic, disadvantaged groups are likely to mobilise around their *interests*, and to formulate their demands in terms of *redistribution*. Where disadvantage is largely valuational, mobilisation is more likely to be around the question of *identity*, and demands to be formulated in terms of *recognition*" (pp 86). Fraser readily acknowledges that most groups face a combination of both types of disadvantages that often fuel each other, calling this form of injustice 'bivalent,' and also recognises that these two demands are often in conflict with each other as one calls for everyone to be treated equally and the other calls for highlighting differences (Fraser 1997).

History of Social protection in Nepal

Nepal first introduced social pension, in the form of cash grants for the elderly in 1995, under the CPN-UML government followed by grants for other populations identified as vulnerable such as widows and people with disabilities. These grants were by no means transformative and were limited in their impact (Adhikari et al 2014). Subsequent governments introduced their own targeted schemes, some of which have been discontinued. The people's war brought ideas of social inclusion and rights to the forefront of social debates. However, it has been observed that "new or revised social policy measures introduced by successive coalition governments since 2007 are insufficient to actually address the country's severe poverty, social exclusion and conflict issues"(Koehler and Chopra 2014 : 6).

Impact assessment of social protection schemes have been attempted by multiple authors (Pyakuryal et al 2012, Adhikari et al 2014, Sijapati 2017, Ghimire et al 2018, Holmes et al 2019). Using Devereux and Sabates-Wheeler's framework Sijapati (2017) highlights the **potential** of some initiatives to be not only protective but also preventive, promotive and even transformative considering the protections for children, women and citizens enshrined in the civil code. However, Sijapati eventually concludes that "social protection initiatives in Nepal are influenced more by populism and less by concrete evidence or fiscal calculations" (2017 : 32). Researchers have critiqued "the fragmented nature of the many social protection transfers and the low levels of the actual monetary benefits" (Koehler 2011: 15, Pyakuryal et al 2012). Furthermore, "coverage rates for the key social protection groups vary widely - from an estimated 30 per cent for the elderly to under 10 per cent for people with disability or those entitled to health insurance" (Khanal et al 2013: 39). Holmes et al (2019) explore the barriers to receiving the disability allowances. One reason for the low coverage, despite measures taken to address them is the pre-existing exclusion faced by minority groups who are deprived of access to social services.

Koehler (2011) points out gender, caste, and ethnicity based exclusions (among others) as one of four key determinants of insecurity in her analysis of socioeconomic insecurity and the role of social protection in Nepal. Little has changed since 2011, evidenced by Tamang (2014), who points out that while poverty is a class based issue for the upper-caste, for others it is "perpetuated due to exclusion based on ethnic, linguistic, cultural, and religious identities" (pp 26). Owning to a long history of dispossession, forced labour (*Kamaiya*[5], *Kamlari*[6]) and practices of untouchability,

[5] This refers to the practice of bonded labour which was abolished in 2000 affecting the *Tharu* community

[6] Young girls from the *Tharu* community sold to servitude, to pay off generational debts which was abolished in ***2013*** only after several mass movements took place against the practice

certain groups like the *Tharu* community and *Dalits* continue to face extreme forms of discrimination and barriers to accessing even their most basic rights. It is therefore important to understand the various processes and structures which exclude when trying to conceptualise universalism within a given context such as Nepal where many forms of exploitation and subordination can be seen as 'bivalent'(Fraser 1997).

While the current system in Nepal does address caste through the child grant and scholarships, it also runs the risk of "re-confirming the caste hierarchy, and having a divisive effect" (Kohler 2016:5). Also, considering Nepal's diverse socio-demographic make up, there are other marginalized groups (some mentioned above) who sometimes fare worse than those in the lower castes, like women and children in the Muslim community who have faced severe exclusion historically within the Hindu Kingdom of Nepal (Kohler 2016). Rights based agenda's that solely advocate for marginalized groups run the risk of co-optation by actors that may subscribe to the residual notion of social protection. In such a case small targeted groups are covered to minimize their vulnerabilities, over the creation of a cohesive system that benefits the entire population. "Rather than creating an additional social protection category to address the rights of this socially vulnerable group, an approach of universal coverage would automatically include, without stigmatizing, them." (Kohler 2016:5)

Universalism

For the purpose of this paper, universalism, is then a set of citizenship based entitlements or rights that **all** citizens should be able to access equally and of a quality such that citizens across socio-economic classes *chose* to access. According to Franzoni & Sanchez-Ancochea (2016), drawing on Skcopol, "in most cases, countries do better at redistributing when governments implement what Skocpol called 'targeting within universalism'"; this means that governments create programs that provide "extra benefits and services that disproportionally help less privileged people without stigmatizing them" (Skocpol, 1991: 414). In such a scenario, "social assistance programs become interlinked to services used by the general population such as health care and education" (Franzoni & Sanchez-Ancochea 2016: 44-45).

In this understanding of universalism, the 'differentiation between strong and weak universalistic principles within social assistance is more along the lines of whether the provisioning of assistance is based on rights-based criteria or means-tested criteria" (Fischer 2018: 247). A rights-based criteria of targeting within a universal system also addresses Fraser's (1997) bivalent injustices, whereby "policies that cover the whole population and provide similar, equitable benefits enhance the social status of the poor by making them subject of rights" (Franzoni &

Sanchez-Ancochea 2016: 38), while at the same time addressing the needs of less privileged groups without stigmatizing them (Skocpol, 1991: 414). This is part of what Fraser calls transformative remedies which "typically combine universalist social-welfare programmes" with a range of other macroeconomic policies (Fraser 1997: 25). In such a system, universalistic principles across social provisioning is key.

Policy architecture and actors

I will use Franzoni and Sánchez-Ancochea's policy architecture framework to inform my analysis of the opportunities and constraints towards universalism in Nepal. According to Franzoni and Sánchez-Ancochea, apart from unification of various instruments, another important factor in the move towards universalism is "the **presence of state actors capable of** promoting unified architectures through the adaptation of international ideas. What makes this actor successful in some countries, sectors, and periods yet not others is the combination of the **right political, ideational, and bureaucratic resources**" (2016 : 4-5). As such the interactions between important state and non-state actors and the ability of non-state actors to influence may speak to the direction in which social protection is heading in Nepal. Both Franzoni and Sánchez-Ancochea's (2016) and Theda Skocpol (1992) stress the importance of tracing the history of social protection within a country in addition to other factors that determine how universal particular systems are in particular countries. However, Skocpol provides an extra element of looking at identities beyond that of state actors to understand the types of welfare systems adopted.

In Theda Skocpol's analysis of the American welfare model (1992), she looks at various frameworks that have been applied to explain why America did not adopt similar practices as its Northern European allies from the 1870-1920s. Skocpol highlights the inadequacy of frameworks such as the logic of industrialisation, national values to explain America's trajectory and even finds limitations in the social democratic approaches which argue that class mobilisations lead to implementation of a welfare state. Instead she argues that there must be 'a theoretical frame of reference that sensitizes us to the ***full range of identities and relationships, including class but not restricted to it***, that may figure in a nation's social politics' (Skocpol 1992 : 26). Drawing on her framework, I will attempt analyse the data gathered through understanding how the processes of state formation and patterns of political organisation intersect (Skocpol 1992) in Nepal at a macro level to understand the direction that social protection in Nepal seems to be heading towards.

Chapter 3

This chapter will present key findings collected during the research that pertain to state led initiatives. It will attempt to determine the (GoN) position or understanding of social protection through looking at the GoN's initiatives. This includes the pre-existing social security allowances, the newly implemented social security scheme and acts/laws passed that deal with social protection in Nepal. It will then explore the (lack of) presence of state actors who promote universalism.

Position of GoN

The current position of GoN seems to adopt a universal idea of social protection based on rights. In the latest budget, the President announced the governments first priority as "rapidly improving the living standard of people ***through fulfilment of the basic needs and fundamental rights*** of the citizens as enshrined in the constitution" (Ministry of Finance 2019 : 3, emphasis mine). She went on to elaborate that the first course of action to fulfil the GoN's priorities was "***building a welfare state*** by ending extreme poverty, rapidly uplifting the backward regions, classes and communities, and expanding social security"(ibid, emphasis mine). However, it is not clear what kind of welfare state is envisioned.

A closer look at the constitution may also shed light on the GoN's position on the entitlement towards social protection as the president explicitly mentioned constitutional rights. Article 34 declares social security as a fundamental right of every employed citizen, a right that the GoN seems committed to fulfilling, despite the poor execution. Enshrining the available social security allowances within the constitution under Article 43 means that the GoN is legally obligated to continue them, something that members of the Constitutional Assembly must have considered when drafting this particular article. However, it then means that social protection is not seen as an entitlement for ***all citizens***, as it specifically mentions vulnerable communities and the poor. What the constitution and the presidents announcements do make clear is that the entitlements are meant to be citizenship and employment based, and that the GoN intends to ensure **basic** provisioning.

NPC and National Steering Committee on Social Protection

The National Planning Commission (NPC) of Nepal is the main institutional body that has the mandate to plan the budget for the country every year. The NPC took the initiative to start creating a coordinated framework for Social Protection in Nepal through the creation of the National Steering Committee on Social Protection under the chair of the Member-Secretary of the Commission (Handayani and Domingo-Palacpac 2014). This steering committee was supported

by a group of development partners known as the Social Protection Task Team (SPTT) in order to help the GoN advance the National Social Protection Framework (NSPF), first initiated under the Maoist government in 2009. A NPC member[7] who I met with briefly shared that they had created the workgroup and come up with a draft of the NSPF. However, he had since been shifted from that department and could not recall where the document went. He instead directed me to someone working for one of the development partners[8]. According to Drucza (2016), during her research for her Ph.D. in Nepal, government bureaucrats also informed her back then that the very same NSPF was still in draft. The process was apparently stalled due to various back-and-forth with the SPTT together with the constant reshuffling of the bureaucrats within the NPC.

National Social Protection Framework (Draft)

Chopra and Wadhawan (2014) from the Institute of Development Studies review the draft NSPF. Through their review, one can glean slightly the stance of the GoN regarding Social Protection. According to their document Social Protection in the NSPF is defined as "a set of benefits available to individuals, households and communities from the state, market, civil society or households, or through the combination of them all, aiming at reducing multi-dimensional deprivations and providing people with a basic minimum livelihood" and a "a crucial policy tool for supporting equity, social justice" (Chopra and Wadhawan 2014 : 10-11). This generic definition, does not quite make clear what the GoN's stance is because it describes various types of entitlements (state, market and community). Most welfare systems around the world do have a combination of the different types of entitlements, however, which set of entitlements are readily available to majority of citizens makes the difference between a residual and universal approach.

The draft also speaks extensively about the Social Protection floor, and considers providing free secondary education (in community schools) and basic health services as part of this floor. This corroborates with the constitution and the Presidents announcement. One can then assume that the GoN's view on Social Protection closely reflects the ILO's understanding of universalism. Whether the adaptation of the floor has truly moved the GoN towards a more universal provisioning of social welfare will be further discussed in Chapter 4, under ILO.

[7] An ex-alum of ISS

[8] Multiple attempts to reach this person to procure the draft failed. They always said they would call back and never did, nor did they ever send me the draft despite having my number and email.

How universal is Social Protection in Nepal?

Social Assistance	Who qualifies	Benefit (NPR)	Date introduced & benefit & qualification	Financed by
Old age allowance	All citizens 70 years or older All Dalit citizens and those living in Karnali 60 years or older	Currently 2000/mth, Announced to increase by a further 1000/mth	1995 100NPR for all citizens 75 years or older	GoN
Single women/ Widow allowance	Single women 60years + Widows of all ages	1000/mth	1995/1996* 100NPR for all widows above 60	GoN
Disability allowance[9]	All citizens with 'full' disabilities carrying red ID cards	2000/mth	1995/1996* 100NPR for All citizens with disabilities	GoN
	All citizens with 'partial' disabilities	600/mth		
Endangered Indigenous Group Allowance	For all members of 10 endangered ethnicities stated in the constitution	2000/mth	2008 500NPR	GoN
Child Protection Allowance	All children under 5 in Karnali Province and Bajura and Bajhang district, up to 2 children per household All 'poor' Dalit children under 5, up to 2 children per household in all of Nepal	400/mth per child	2009 NPR 200 Children under 5 in Karnali up to 2 per household 'Poor' Dalit children under 5 in all of Nepal up to 2 per household	GoN

[9] It is unclear if the 'partial disabilities' criteria still exist as the two sources used are conflicting : GoN's 2017 document says they do but Palacios (2016), document complied by development partners in in SPTT says they have been removed in 2014/2015

Public Works Programmes				
Karnali Employment Program (KEP)	'Poor' in Karnali Households without any employed member – 1 member from such a household qualifies	NPR 50/day for a 100days[10]	2006 Called 'One family one job' No changes since Means tested	GoN with aid agencies
Rural Community Infrastructure Works Programme (RCIP)	21 selected districts To assist poor households facing food insecurity	NPR 130- 140 per day or 4kg rice and 0.5kg pulses per week, or combination	1995 No changes since	GoN and WFP
Education related transfers				
School meal programmes	To address malnutrition and serve as an incentive for school attendance All children of government primary schools	One mid-day meal per child per day amounting to NPR15	Fiscal Year 2005/06) Started with Karnali and 19 selected districts	Ministry of Education and WFP
Basic education grants	For all girls, all Dalit children, all children with disabilities and marginalized communities – amount is based on means	Scholarships of up to NPR 600 for stationary and uniforms	-	Ministry of Education
Scholarships for secondary education	For girls, all Dalit children, all children with disabilities and marginalized communities – amount is based on severity of need/disability	From 2500/mth to 100/mth	-	Ministry of Education

Table 1 Source : GoN 2017, Koehler 2011, Palacios 2016

The table above summarises the pre-existing social security allowances(SSA) or cash transfers in Nepal which are funded and distributed by the GoN. It also lists the pre-existing labour programmes (before 2017) and educational transfers.

[10] Differing data for the benefits under this programme have been reported with some sources stating NPR 180-350 but GoN's document stating NPR50

Looking purely at the SSA's, or cash transfers, it would seem that the GoN has a universal approach. With the exception of the child grant, all other grants are categorically universal. Categorically targeted transfers towards marginalized groups, is universal to all within the group, and serves to address the injustices they face and help strengthen their ability to access their rights on par with other citizens. This is especially important for historically marginalized groups like the *Dalits*. However, targeted transfers also run the risk of what Fraser (1997) calls 'affirmative redistribution,' which "mark the most disadvantaged class as inherently deficient and insatiable, as always needing more and more. In time such a class can even come to appear privileged, the recipient of special treatment and undeserved largess" (pp 25). This research will not focus on the reparations made for the armed conflict, therefore table 1.1 has omitted them.

The child grant is explicitly mentioned in the NSPF as 'an ongoing targeted programme which will be made universal in the next 10 years' (Chopra and Wadhawan 2014: 22). One of the GoN's reasons for initially targeting the Child Grant towards 'poor' Dalit households instead of all Dalit households for a start was that there was not enough budget at the time of conception. However, since then the GoN has doubled all the SSA's and in the most recent budget announced that the old age allowance will be increased to 3000NPR/month. This increase would cost more than to universalise the child grant to *all* Dalit households[11]. Despite its commitment to universalise the grant, since 2009 the GoN has only extended it to 2 more districts. While the GoN has in the NSPF committed towards universalizing the child grant, it does not act readily on all its commitments. Instead, in the latest budget announcement, the GoN announced that the grant would be expanded to "include children from families below the poverty line" (GoN 2019), therefore expanding the SSA but using a means-tested measure. This particular choice of the GoN reflects a more residual approach to social protection.

Universal allowances help form social solidarity between people and also form a relationship between the state and its citizens. Research by Drucza (2016a) has shown this to be true for the SSA's in Nepal, in particular the old age allowance and single women allowance. The beneficiaries she interviewed felt of equal status to everyone else regardless of income level as they felt that the government had treated them all the same. As such we see that, "policies that cover the whole population and provide similar, equitable benefits enhance the social status of the poor by making them subject of rights" (Franzoni & Sanchez-Ancochea 2016: 38). It is also possible

[11] Even assuming generously that Dalit children under 5 make up 2-3% of the population, and full coverage, considering the quantum of the child grant vis a vis the old age allowance (which has the largest coverage)

that in Nepal, the elderly are easily seen as the most 'deserving' group to receive social allowance due to the cultural importance of taking care of ones elders. It would also explain why, almost all the political parties in their election manifestos talk about raising the quantum of this particular SSA, but there are hesitations within the GoN to expand the coverage of the child grant – the elderly can vote, children cannot.

Labour market interventions such as the Karnali Employment Program (KEP) and Rural Community Infrastructure Works Programme (RCIP) due to their targeted nature have been limited in their impact. Karnali is the least populous province in Nepal, with the highest levels of poverty and yet the KEP is further targeted only at 'poor' households. Educational grants are also targeted, and have not been successful in their intent to improve educational outcomes for girls and marginalized communities (GoN 2017).

Changes in the past decade

A critique by researchers in the early 2010s was that the quantum of the SSA's in Nepal were too low to be significant. From 2012 to 2015/2016, the coverage rate of the SSA's has increased by 10.78% (Khadka 2017). The GoN also "continued its commitment to the SSA, whereby, they have now doubled the total budget from NPR 16 billion to NPR 32 billion for FY 2016-2017" (Palacios 2016 : 5). Although the largest share of the budget is channelled to public sector pensions, an estimated 3.5% of the budget of the GoN now goes towards social protection (World Bank 2019). The current quantum of most of the allowances, with the exception of the child grant, is substantial as the average per capita income of Nepal stands at 8611.25NPR (Ministry of Finance 2017/18). Other changes have been mostly labour centric.

Labour market interventions

Laws	**Date introduced**
Right to employment Act	2018
Labour Act	2017
T**he Contribution-based Social Security Act**	2017
Foreign Employment Act	2017

Table 2 Source: Nepal Law Commission

The GoN has also passed a series of laws (table 2), in line with the constitution that are meant to ensure the rights of workers in Nepal. It is widely accepted that in terms of laws regarding social

protection, specifically labour laws, Nepal has been very progressive (Sijapati 2017). This could be due to the GoN's long history of ties with labour unions, going as far back as the 1990s when constitutional democracy was first established. Then, the Nepali Congress "a party with ties with labour unions, introduced the country's first Nepal Labour Act in 1992 and the associated Nepal Labour Rules in 1993 in an attempt to modernise labour market policies and address labour-relation issues in the growing formal sector" (Wagle 2015: 106). By the 2000's almost all the major trade unions were affiliated with a major political party (Basnyat et al 2017, Tulachan 2019). The Labour act has since been reviewed in line with the constitution, through tripartite alliances with the GoN, employers and workers resulting in its latest rendition in 2017. This process has also been facilitated by the ILO.

Since 2017 the latest change in labour law has been that the GoN raised the minimum wage by 38.66% in July 2018 for all workers (Estupinan 2019). Unfortunately, enforcement of the laws are still a problem in Nepal as the GoN acts in a lethargic manner to enforce workers rights, especially the most marginalized workers. A prime example was seen in the labour strike by tea plantation workers in May 2019, who had neither received their minimum wage since the minimum wage law was raised nor any of the benefits they are entitled under the labour law of 2017. Protests by the workers had begun since September 2018 but by May 2019 workers had to resort to a strike for almost 2 months, with the support of the National Trade Union, before the GoN issued a warning to the owners of the tea plantations to provide workers with their rightful wages (Gurung 2019, Gadtaula 2019, The Himalayan Times 2019). The workers will not be compensated for the 2 months of strike as per the new labour law of 2017. Despite the many labour laws meant to protect **all** workers, tea-estate workers not only get a lower rate of minimum wage, but female workers are persistently paid lower than male workers; showing us the limitation of universal policies that do not take into account pre-existing social hierarchies.

Prime Minister's employment programme

The GoN has introduced the Prime Minister's employment programme (PMEP) in April 2018 under the Right to Employment Act (REA). The REA is similar to the Employment Guarantee Act of India which calls "for a universal employment guarantee and came close to a citizenship-based entitlement to the right to work" (Chhachhi 2009:24). The PMEP, very similar to the National Rural Employment Guarantee Act (NREGA) of India, is meant to assure every household in Nepal has at least one employed person through job creation focusing on public works. The additional element in this programme compared to the other two public works programmes, is that the PMEP aims to give training and unemployment benefits to individuals

who are unable to find work even after the training. Called a 'livelihood allowance' the unemployment benefit consists of 50% equivalent wages of 100 days of employment. Eligibility for this benefit has a few conditionalities:

"

(a) If any member of the family cannot get employment as prescribed,
(b) To the families having annual income less than that fixed by the GoN
(c) If no member of the family is self-employed
(d) If no member of the family has gone to foreign employment

" (Nepal Law Commission 2019b)

The concept of the 'household' in the NREGA has been problematised by feminists as excluding single women and reinforcing the male-breadwinner bias (Chhachhi 2009), something that is reflected in the PMEP's concept of 'family'. Considering the various conditionalities, which would render a larger part of the population ineligible, the PMEP does not quite translate to universal unemployment guaranteed by the REA.

Social Security Fund

"It is the states main responsibility to provide security to citizens who are economically and socially disadvantaged. According to article 34 of the constitution, social security is a fundamental right of every employed citizen of Nepal…Since 2076 Shrawn 1, the social security scheme has come into being. Contributions need to deposited on the 15th of every month – 20% from employers and 11% from employees."

(GoN 2019) translation by me

The GoN launched the much discussed Social Security Fund (SSF) scheme in July 2019. This is a social security scheme covering formal sector workers and meant to replace existing schemes and pensions where possible. Old age pension and gratuity was first set up in 1956 for all government employees and a contributory provident fund was started in 1962. Various market-based contributory schemes have since been started but the SSF is the first attempt of the GoN since 1962 to expand social security to all employees. Table 3 shows the various benefits and how the contribution is distributed. As we can see, most of the fund is channelled towards old age pensions. This leaves little in terms of protection for health, accidents or dependents. As such the SSF, just like the SSA's seem to be geared towards protection related to vulnerabilities associated with the life cycle.

Distribution of 4 types of programmes and contribution		
	Programme	How the contribution is distributed
1	Health, medical and maternity benefits (20% OOP payment for most benefits)	1%
2	Accident and disability benefits	1.4%
3	Dependent benefits	0.27%
4	Old age pension	28.33%
	Total	31%

Table 3 Source: GoN 2019 translation by me

The SSF has been in planning for more than a decade now, pushed for and sustained by labour unions and ILO since 2008, with the GoN collecting social security tax to finance the scheme since 2009. In 2017 the Social Security Act was passed and the rules were set out soon after. As such, although passed now, this scheme has been a combined effort of various governments since even before 2009, including that of the 2 constitutional assemblies which promulgated social security as a right of every employed citizen. Even then the lack of attention given to the planning stages by the GoN has been critiqued by an ILO consultant who has reported bluntly that "developments of social security protection at the national level has witnessed limited planning and coordination… recommendations suggesting a planned approach provided by these experts have not received the due attention of policy makers, administrators and politicians." (Singh 2019).

This legally binding scheme aims to be the social security scheme that covers all workers regardless of occupation type and income however it is not social security promised in the constitution. This is for the very glaring fact that a majority of the population, 62.6%, works in the informal sector (Central Bureau of Statistics 2017/18), and a significant portion of the population works overseas. As such for them to enrol in the scheme that requires a 20% contribution from employers would be an incredible challenge. A contribution based social security also discriminates women in Nepal. "For every 100 males in the working-age population, there were 125 females. However, when it came to employment, for every 100 employed males there were only 59 employed females" (CBS 2017/18: 12). There are also more women in the informal economy then men (CBS 2017/18). As such, the social security fund launched by the GoN recently would disproportionally leave women behind. The scheme is also meant to include self-employed individuals, but it is unclear how the self-employed in the informal sector, for examples small scale farmers, would contribute.

The SSF will continue to face many hurdles before it is implemented at its full capacity. There is a lack of manpower for implementing the scheme and low levels of uptake by private sector despite it being compulsory by law due to the low enforcement capacity of government. Information about the scheme is also largely disseminated in Nepali; if there is an intention to eventually engineer the scheme in such a way that it covers all workers, it would disadvantage ethnic minorities in the informal sector who do not speak Nepali.

The introduction of the SSF also leads to questions about the fate of pre-existing schemes such as the Employee provident fund (EPF) and the voluntary Citizen investment trust (CIT) under the Ministry of Finance. The EPF has covered government employees since the 1960's and is currently resisting transferring some funds to the SSF (Poudel 2019). The Ministry of Health also launched its own health insurance scheme in 2014. As such, presented with a myriad of options, it is unclear if employees will tend towards the SSF. Nevertheless, it is a start of a state owned scheme which the government plans to ultimately extend to all workers.

From the new initiatives taken by the GoN, it is clear that it has a strong focus on labour rights. In order for the general population to benefit from these policies however, they need to be either educated enough to work in the formal sector or healthy enough to do manual labour prescribed by the PMEP. As such provisioning of health care and education for the general population would affect the viability of the Social Protection schemes undertaken by this government.

The preference for market based entitlements

> "Last year there was a document released by the Ministry of Finance which showed that out of 28 million population, only 0.8 million people, less than 1%, are enrolled in the national (health) insurance system. Even though the government is trying to work on protecting the health rights of the poor, it is not equitable given that they are taking the money but the services given by the health facilities is not equitable and there are no medicines, there are no health workers" Respondent 7

It is also useful to take a quick look at health and education to understand if the GoN is moving towards a universal welfare system or one that is fraught by fragmentation. "By fragmentation we mean a situation where the provision of public social services varies in access and entitlements across groups of people and/or where there is a prominent outside market option" (Franzoni & Sanchez-Ancochea 2016: 43). Every citizen in Nepal has rights to free public health care below district levels and education up to the 10th grade. "There are various, fragmented social security

schemes offering free health care, providing cash transfers, or subsidizing the cost of care under the Ministry of Health" (Pokharel and Siwal 2018: 574). However, free public health services are of very low quality and rarely available in rural areas (Gurung et al 2017). Public education is also seen as something that only the poor access as there has been a steady decline in quality of public schools over the years (Pherali et al 2011). Private alternatives are preferred wherever available or affordable. Research done in Nepal has found that "remittance-receiving households tend to spend more on non-food consumption, education and health, while remittance non-receiving households spend more on the consumption of food and durable goods." (Thapa & Acharya 2017 : 8). This indicates to us that when household income goes up, people tend to spend more, most likely on market options as public health care and education are meant to be low cost or almost free.

Studies have found that "out-of- pocket expenditure in health care is over 80% and is catastrophic for poor families, perpetuating poverty, and the ill-health trap" (Karkee and Comfort 2016:3). Despite health insurance schemes for the poor, due to the poor quality of public health care provision, people tend to access private health care at very high costs. This channels money into the private health sectors instead of the public health system such that fiscally the government does not benefit from their own schemes. The fragmentation in the health system has led to a move away from the social protection floor envisioned by the NSPF, to a deterioration of public health and education such that citizens opt for private options when they can afford it, and sometimes even when they cannot.

From the discussed thus far, it seems that there is a lack of new universal initiatives for Social Protection in Nepal by the GoN, apart from the labour laws. Situating Social Protection within wider social policy shows us further the limitations of the SSA's, SSF and labour market interventions as health and education is clearly still very fragmented. While Nepal has succeed in financing its SSA's itself and has increased all SSA's substantially, these alone would not reduce the vulnerabilities of a large portion of the population. The SSF also excludes a majority of the population, and the targeted PMEP has a large list of conditionalities. The increase in the SSA is beneficial in that the increased amount of transfers may potentially help improve the situation of those that are entitled to it but is likely that the increase is not championed by various political parties following universal principles, instead are most likely populists measure. It is also observed by many of my respondents that all political parties seem to speak about increasing the quantum around election time.

What are the motivations of these political parties and where does the NCP stand? To better understand the GoN's priorities, it is pertinent to understand the NCP. The current NCP

which holds the majority is actually made up of two differing political parties, the CPN-Mao and CPN-UML both of which have differing ideologies and motivations.

CPN-Mao and rights based agenda

As mentioned previously, many of the innovations that have taken place in the social protection arena in Nepal happened under the CPN-Mao government. During the war, the CPN -Mao had wide support in the rural areas across ethnic and caste lines (Sharma 2007). This support was opportunistically cultivated by the CPN-Mao, riding on the upsurge of ethnic discontent in the early 1990s. "The CPN (Maoist) concerted efforts to blending ethnic rights and class war is evident by the formation of ethnic and regional based frontier organizations. Between 1998 and 2000, the Maoist formed seven ethnic based and two regional based front organizations" (Hachhethu 2008:150). During the war, the CPN-Mao "promoted a vision of autonomy and affirmative action for the lower castes and self-determination for ethnic minorities. The abolition of discriminatory practices against lower castes (such as Dalit children being prohibited from entering mainstream schools) in areas under Maoist control"(Deraniyagala 2005:53) strengthened support for the CPN-Mao during the war.

The late 2000's witnessed the end of the protracted civil war, the overthrowing of the monarchy and bringing the CPN-Mao into the fold of the government. This meant the CPN-Mao now had the legitimate space to introduce the demands of people who supported them in the war, adopting the rights based agenda of minority groups facing social exclusion by the Nepali state. The first constituent assembly that was elected in 2008 saw the CPN-Mao win a majority in government. This time period between 2008-2012 also saw the initiation of the now functioning social security fund, the introduction of allowances for the endangered indigenous group, the creation of the child protection allowance, the lowering of age for the old-age allowance and the changes in the widow scheme. It also saw the drafting of the first constitution, which enshrines social protection as a right and pushed for representation of minorities within the government. While some of these initiatives had assistance from international organisations such as the child grant from UNICEF, or the social security fund from the ILO, the government formed by the CPN-Mao was central in bringing them into policy.

In the 2017 elections, the Maoist party performed poorly in comparison to its biggest rivals the CPN-UML (40.3%) and the Congress Party (32.4%), with only 15.6% of the votes (Election Commission 2019). In 2018, the Maoist party merged with the CPN-UML to form the current government as the Communist Party of Nepal. However, factions within the party still

remain as the formal rivals struggle to operationalize the power sharing agreement, with the previous CPN-UML leaders holding majority of the leadership positions within government. While the current leaders obviously refer to the constitutional rights of the people when promulgating policies such as the PMEP and SSF, they were not the drivers of the rights based agenda within the government. This may account partially for the lack of attention given to universalising social protection in the current GoN.

The CPN-UML governments did not see the introduction of any state-led innovations since their introduction of the old age pension in 1995. This was an important step for starting the concept of universal social protection in Nepal and its popularity led to subsequent governments following suit. However, as previously discussed, these schemes have been seen to be "driven by populist or political concerns and do not constitute a comprehensive strategy" (Khanal 2012: 2). Strongly aligned with labour movements and the creation of an inclusive, equitable agenda in Nepal, the current GoN clearly prioritises labour-centric policies such as the SSF and PMEP. It is widely acknowledged that universal social protection alone is not a panacea for poverty alleviation. Infrastructural development and inclusive growth also contribute to alleviating poverty and are important steps towards transformative policies (Fraser 1997). As such the GoN's priorities of 'inclusive growth', which it oft repeats, may be reflective of the previous CPN-UML's leaders' stance towards poverty alleviation versus the CPN-Mao's who explicitly championed the rights of the people.

National Planning Commission

Within the GoN, the NPC still shows interest in Social Protection in Nepal, having organised the "International Conference on Resilient Social Protection for an Inclusive Future" as recently as September 2019 in collaboration with development partners (UNICEF 2019). However, this is the **third** international conference on Social Protection to have taken place in Kathmandu in 2019 alone. In July a conference titled 'On the path to Universal Social Protection in Nepal: The role of integration and harmonization', was jointly organised by the Ministry of Finance and the German Development Cooperation (Federal Ministry for Economic Cooperation and Development 2019). In April 2019 the "International Conference on Universal Social Protection and Labour" was jointly organised by the Asia Europe People's Forum and the Integrated Development Society Nepal with the Minster of Labour as the chief guest. This shows us that there are multiple interested actors within and outside of Nepal, in dialogue with various ministries on the topic of Social Protection. While officials at the ministries concerned are clearly open to attending

conferences where they are updated on the latest international discourses surrounding Social Protection, it is not clear which discourse they adopt and if these lead to changes in policy.

The start-stop process of the NPC's initiatives towards Social Protection could be also be explained by the presence of, or lack of, interested state actors within the institution. Franzoni & Sanchez-Ancochea (2016) illustrate that in Costa Rica "the existence of a state actor with techno-political capacity – including the ability to adapt international ideas to domestic debates – explains the successful adoption of primary health care" (p.153). Drucza found that there had been such a state actor who had been key in the formation of the NSPF. Her research found that "the NPC had a secretary who had worked for the UN and had prior social protection experience. He firmly believed in the need for Social Protection…Once this particular person was moved out of NPC in March 2010, the process of formulating the NSPF slowed until it stalled completely in 2012" (Drucza 2016b :125).

NPC's interest seemed to have peaked again when in 2016, "the most senior National Planning Commission (NPC) official used the experience of the earthquake to publicly acknowledge and promote the beneficial role that more universal schemes could play in humanitarian response" (Garde et al 2017: 3). There is no lack of actors exposed to international ideas within the NPC as one member told me "half this building studied in your school.[12]" The government changed yet again in 2017, which means a change in political appointment of secretaries. As such, perhaps currently the lack of a state actor with the techo-political capacity and interest to push for a cohesive Social Protection agenda within the GoN, together with the decreased power of the CPN-Mao could also be impeding a move towards universalism.

12 The Institute of Social Studies, this was probably an exaggeration but met two alums in just one afternoon

Chapter 4

International actors

Development Agencies

> "Donors haru ko jaile pani ek kissim ko divide and rule policy bhai halcha ani Nepal is heavily aid dependent. So that's where the resource is and that's where Nepalis also try to like kasla katti pauncha tessla gardha aafu aafu lai"
>
> (Donors always end up having some sort of divide and rule policy, and Nepal is heavily aid dependent. So that's where the resource is and that's where Nepalis also try to see who gets what, and end up looking out for their own) Respondent 8

International development organisations have been active in Nepal for the last 60 years and yet they have had limited success in assisting the country to reduce poverty. "A total of 39,759 NGOs and 189 international non-governmental organizations were registered in Nepal between 1977 and 2014 in various sectors, including health, agriculture, poverty alleviation, and good governance" (Karkee and Comfort 2016:1). Despite the presence of a large number of such organisations with foreign funding, all of whom seem to have a similar goal of helping to reduce poverty and associated vulnerabilities in Nepal, the goals desired do not seem to be achieved. It was widely acknowledged by my respondents that up to 30% of government budget yearly is through loans and aid. According to the UNDP, "in Nepal, international development cooperation represents a significant amount of public finance – over 22% of the national budget in fiscal year 2017/18" (UNDP 2018: 17). These large numbers show that external actors exert real power over government policies. During the interviews, respondents representing the government did not seem to problematize this source of income. One of them even reassured me not to be worried and that international actors are bound by internationally set treaties to continue to assist countries like Nepal.

However it is problematic when the creation of a cohesive social protection strategy is driven by external agencies, rather than by the Government with consultation of its people. An example of external agencies limiting the social protection agenda in Nepal is seen in the Social Protection Task Team (STPP) mentioned in chapter 3. The "STPP is a group of development partners who are committed to coordinating and cooperating in their support to improving social

protection in Nepal. The SPTT has been meeting regularly since 2006 and includes UNICEF and ILO (chair and co-chair, respectively), Asian Development Bank (ADB), Department for International Development (DFID), the World Bank, United Nations Capital Development Fund (UNCDF), WHO, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and the WFP." (Schmitt et al 2014 : 8). These organisations hold different ideological standpoints when it comes to what they understand to be social protection, some of which will be discussed later this chapter. As such, perhaps one contributory reason for the NSPF never taking off could be that there were too many conflicting voices within the SPTT, and the document had to be reviewed, translated and edited multiple times (Drucza 2016). Research by Bhatta (2011) in Nepal shows that INGO's tend to dictate to the government, rather than working with them. It also seems from the joint report compiled by Schmitt et al that the GoN was barely a part of the process as of 2014.

This example shows us how large development organisations operating within a particular arena - where they have to cooperate despite their ideologies being in competition, where they might influence but ultimately do not make the decisions - can drown out local voices and cause local governments to become passive. We will now discuss some influential developmental partners, and their contribution to the social protection landscape in Nepal.

World Bank and Asian Development Bank

The World Bank (WB) is Nepal's largest international agency contributor in terms of loans according to the latest budget statistics. It has 40 active projects in Nepal currently which amount to about 3.047 billion dollars and 9 more in the pipeline with a total approved budget of about 4.366 billion dollars. Out of the active 40 projects, 12 pertain to the social sector (health, education and social protection) amounting to around 1.118 billion dollars (WB Group 2019a). In terms of social protection, apart from being involved in the SPTT, as recently as December 2016, the WB approved the project titled "Strengthening Systems for Social Protection and Civil Registration Project" (The WB Group 2019a). As such, we can see that the WB is readily contributing to Social Protection policies in Nepal. However, its conceptualisation of Social Protection is still very residual and subscribing to a notion of 'safety nets.'

Looking at the WB's 2018 report on social safety nets, it would seem that the WB has expanded on its conceptualisation of social protection which according to the report is meant to promote "resilience, equity and opportunity" (WB 2018: 5) through not only safety nets but also including social insurance and labour programmes. It gives examples of "non-contributory interventions designed to help individuals and households cope with chronic poverty" such as

"unconditional and conditional cash transfers, non-contributory social pensions, food and in-kind transfers, school feeding programmes, public works and fee waivers" (WB 2018 : 5). However the WB still sees social protection as a means to "manage risk and volatility" and to "minimize the negative effects of economic shocks and natural disasters on individuals and families" (WB 2018 : 5).

The fundamental reason for safety nets then is still as a 'risk-management' tool, which is limited in its conceptualization of poverty. Nepal's SSA's despite being categorically universal reach a very limited number of people, which should adhere to the WB's concept of a 'net'. However, in their latest development update of Nepal, the WB states that social protection in Nepal could be improved *through further targeting* as "social assistance schemes are not targeted explicitly toward the monetarily poor. Instead, they rely on targeting based on ethnic and social categories" (Ezemenari et al 2019 : 9). The report gives significant attention to social protection and treats it as a solution for many developmental problems and yet feels that the reason that social protection in Nepal has had limited impact thus far is because conditionalities have not been attached to them (pp 14). This argument puts the blame of poverty squarely on the individuals. The focus on individuals and households show that the WB **does not acknowledge structural factors that keep people in poverty nor the generational impact of severe poverty on people who are denied even the most basic human right**s.

The WB together with other partners, has had a large hand to play in many areas of social policy in Nepal. The restructuring of education in Nepal since the 1990s was driven by the WB such that the GoN's role in reforms became largely managerial (Bhatta 2011). Regmi 2017 argues that these reforms introduced by development partners, namely the WB, largely failed due to their neo-liberal orientation which largely pushed for the marketization of education. Considering the WB's considerable influence in Nepal in other areas of Social Policy, their conceptualization of social protection could easily be adopted by policy makers, which would push social protection policies into a largely residual category, as is happening with the child grant currently. The WB also supports the PMEP, through the " Youth Employment Transformation Initiative (YETI) Project" for which it has set aside US$ 120 million. The WB's interest could be part of its "strategy to increase protection as greater participation of disadvantaged groups in the global marketplace increases payoffs and reduces vulnerability. Given the emphasis on increasing participation in the market, the idea is to expand the reach of the market and to invest in activities that ensure pro-poor growth and wealth creation" (Wagle 2015:95). It is clear that the WB continues to take active interest in the policies introduced by the GoN and support them for its own interests.

The Asian Development Bank (ADB) has also taken an active role in the social protection climate of Nepal. The ADB has provided technical assistance on the creation of the NSPF and is still involved in the SPTT. Together with the WB, the ADB's involvement shows us how the discourse on Social Protection is framed by agencies that advocate for targeting tend to do so while promising equitable returns. This is despite the fact that ample research has shown that targeting is often detrimental rather than useful (Britto (2008) Ellis (2012) Deveraux (2011) Fischer (2018)).

What is notable, and slightly alarming, is that the GoN and within it the Ministry of Finance especially seem to align with ADB's promotion of "inclusive growth." As discussed previously, the GoN is clearly promoting labour centric policies within social protection. It is within this strategy that Social Protection is seen as a tool to increase labour market participation of disadvantaged groups, not necessarily as a means to ensure the rights of citizens. This adaptation of Social Protection also ultimately tries to push people towards market based entitlements, as they 'graduate' from poverty, leading to fragmentation. This points to a tension between being a left-wing government that is financed heavily, and influenced by ADB and WB, while at the same time trying to protect its citizens using rights based frameworks such as the social protection floor.

ILO- The Social Protection Floor

The International Labour Organisation (ILO) takes a position that social protection should not just be to "repair the problems identified by the crisis in global financial, monetary and economic systems, but should be advocating and supporting the development of a *social protection floor* to protect people during the crisis, and thereafter" (ILO and WHO 2009 : 2). The idea of a social protection floor is multi-layered and is loosely based on the idea of human rights. It firstly advocates for access to essential services based on concepts of rights to food, health, education and sanitation. There is also emphasis given to social transfers "in cash and in kind, paid to the poor and vulnerable to enhance food security and nutrition" and "minimum income security" (ibid). Lastly the ILO also speaks about legislative changes to ensure the rights of people, to "uphold and protect the rights of those likely to be affected, based on key human rights principles such as non-discrimination, gender equity and people's participation" (ILO and WHO 2009 : 2).

The ILO has had its presence in Nepal for over 50 years. It works most closely with the Ministry of Labour and Employment on a broad range of issues centring on increasing protection for workers with a special focus on decent work in Nepal. It also works very closely with the existing labour organisations and employers in a tripartite alliance and has helped facilitate dialogue between them. The ILO provided technical assistance in designing a social security scheme which

it highlights as "one of the milestones of the ILO's on-going interventions in Nepal" (ILO 2019). Most recently, the ILO has also published, among many others, a situation analysis of social protection in Nepal (Khanal 2012), a briefing on the social security sector (2017) and worked with the NPC and the National Statistics Bureau to publish the "Report on National Labour Force Survey 2017/2018". The ILO also champions the idea of the Social Protection Floor, which has been mentioned in the draft NSPF as part of the GoN's framework and seems to closely align with social policy towards health and education. As such it can be seen that the ILO's influence on discourse surrounding labour rights and social protection is strong in Nepal and seems to have been adopted readily by the GoN.

However, the ILO's conceptualisation of social protection has also come under critique for accepting the bare minimum in terms of universal rights. Fischer (2018) points out that accepting a basic provision of health and education services without taking into account quality or provisioning goes against the very concept of universalism as it would mean an obvious segregation that disadvantages poorer parts of a population. Franzoni & Sanchez-Ancochea (2016) also state that "policy interventions that prioritize coverage as a stepping stone to promote generosity and equity may never succeed. Instead, they are likely to fuel socio-economic stratification since the better off will exit poor quality services and rely on private options" (pp. 29). As such, focusing on essential services without seeking to ensure that these services are of high enough quality that the middle class would also want to excess them, would move away from universal provisioning, something that we have discussed in Nepal in terms of social security, health and education. Instead of assuring quality basic services for all, it has led to the marketization of such services. Despite the ILO's well intentioned efforts at ensuring basic social protection for all in Nepal, the concept of the social protection floor, adopted by the GoN, has inadvertently led to a more residual form of social provisioning within Nepal.

UN- UNICEF

It is also worth mentioning the UNICEF among the various development partners due to its contribution towards trying to universalise the Child grant. The UNICEF in 2016 released a publication recommending that child grant be universal, and not to be poverty targeted. According to Köhler (n.d.) "the Government of Nepal is revising the social protection framework in a social protection floor modality, together with ILO, UNICEF and other UN agencies. One of the issues they are discussing is the child grant programme, with the intention of universalising it to the whole country and to raise the benefit level to accomplish an impact on the household's income as well." However, as we have seen from the aforementioned budget announcement, the GoN has decided

to adopt a means-tested measure instead, despite placating the UN representatives with assurances of universalising. This example shows us that the GoN does negotiate with certain external partners and also indicates that, in this instance, has deviated from its original intent to universalise the child grant.

It is difficult to accurately determine how much influence each major organisation wields within Nepal. Just like the GoN, both the WB and ILO focus on improving labour participation, albeit for different reasons. However in the GoN's actions we can see that some of changes made tend towards a more residual approach preferred by the WB. While the SSF tries to ensure employment based entitlements to all, something that the ILO strongly advocates, it was initiated by previous governments, As we have discussed, both the conceptualisation of SP by the WB and the ILO are problematic in trying to create a universal system of provisioning. The sheer influence and attention given to these organisations, among various others not discussed here, also reduces the space for local actors to interact with the GoN. According to Tamang, "the potential for the Nepali state to even respond to the demands of the people have been greatly diminished as many of the decisions which affect the lives of people in Nepal are no longer in the hands of the state, but in 'development' decisions made by various international agencies and institutions" (2002 : 321). We see this with social protection in Nepal whereby almost every newly introduced policy seems to involve an international partner. This could also point to increasing residual nature of the GoN's stance in practice.

India and China

It is necessary to understand Nepal's current development in relation to its neighbours. Nepal is geo-politically situated between two economic and political giants, India and China. Nepal adopts a principle of non-alignment and its official view on both its neighbours is that "maintaining close and cordial relationship with them is our consistent priority" (Ministry of Foreign Affairs 2019).

Given that the Himalayan mountains guard its border with China (Tibet) and the difficulty of navigating that terrain in comparison to the flat-land (*terai*) border with India, majority of Nepal's trade and interaction has historically been with India. As such throughout most of its history, Nepal has been religiously, culturally and politically influenced by India. Most of Nepal's food imports come from India, 64% as of 2017 (WB Group 2019b) and numerous infrastructural projects like highway construction and hydropower plants have been carried out using funds provided by India. This has allowed India enormous influence in Nepal. The current largest opposition party, the Nepali Congress Party, historically one of the biggest agitators during the

Rana's rule and the ruling party for many years under constitutional democracy was actually founded in Calcutta, India (Nepali Congress 2019). Major political events such as the signing of the peace agreement in 2006 have also taken place in India. However, Nepal's relationship with India was significantly affected due to a blockade in the Nepal-India border in 2015 which occurred soon after a devastating series of earthquakes rocked the country.

India's enduring influence

Despite the recent strain, India's influence on the existing Social Protection policies in Nepal is still clear. The old age allowance was introduced in Nepal "following India's Social Assistance Program introduced the same year" (Wagle 2015: 106) and Nepal also seems to have copied India's NEGRA ad-hoc for its public works schemes. Nepal shares a cultural affiliation with India, in particular the existence of similar types of exclusions based on caste, ethnicity and gender leading to movements in India influencing local actors in demanding for their rights. An example, among many, would be India's Dalit's rights movements which seem to have galvanized Nepal's Dalits to seek their rights in terms of representation and social protection. However, this cultural affiliation with India has intensified issues of citizenship of border citizens, particularly women, and in turn questions about who is allowed to access citizenship based entitlements.

Although, currently China's influence on social policy seems to be minimum, Nepal and China have managed to find a novel way to avoid citizenship issues that plague Nepal and India's relationship. Nepal and China have a mutual agreement on border inhabitants, allowing people who live within 30 km of the border the flexibility to travel up to 30 km to the other side (Shneiderman 2013). This has clear implications on citizenship based entitlements for the border inhabitants, some of whom have chosen a Chinese citizenship despite culturally identifying as Nepali due to the reservations for education and jobs they are entitled to as a state-recognized minority in China (Shneiderman 2013). China has intensified its investments in infrastructural projects that link the two countries due to its belt-and-road initiative and the President of China visited Nepal in October 2019, the first by a Chinese premier in over 20 years. The legitimization of the insurgent *Mao*ist forces as political part(ies) and their subsequent coming into power through a democratically elected system seem to signal an increasing ideological alignment with China over India, which may have an implication for social policy in the future.

Chapter 5

Citizens of Nepal

> "Why the interim constitution was so progressive was because there was a movement and the movement gave a lot of legitimacy to write a progressive constitution. Whatever discourse happened in the 1st constitutional assembly gave more rights to minorities especially *Madeshis*, Dalits, minorities (*Janajatis*) and women." Respondent 12

When speaking about Social Protection, it is very important to consider the local dynamics and the states relationship to various social actors. This is especially pertinent as social protection in Nepal is, according to the GoN, meant to be a citizenship based entitlement. The limitations of citizenship based rights, which affect women and other minorities mostly, link back to the creation of a "Nepali" citizen. The state gets to decide who is a citizen and to assume that the state is neutral in this regard is problematic as the state can also be exclusionary. This is clear in the case of Nepal where due to a controversial citizenship bill, women are not allowed to pass on their citizenship to their husbands or children. Feminist scholars have made a case for the state being gendered; universal principles may eventually apply but if large swaths of the population are excluded on the basis of the intersection between gender and ethnicity (among others) then these policies are not really effective (Chhachhi 2009). This was explored with the SSF and gender, but could easily apply to any category of identity (ethnicity, caste, religion), including the people who face additional exclusion due to the intersection of their identities.

Local actors interviewed were very much motivated by this unequal relationship the state has towards different social groups; highlighting that the government's priorities in regards to development do not seem to resonate with the average Nepali. Due to the extreme diversity in Nepal, and the social-political-economic dominance of *Bahun-Chetri* men, the average Nepali is part of what Fraser (1997) calls bivalent groups, whereby the injustices they face are of recognition *and* redistribution and redressing these injustices together requires transformative policies that allow for inter-group solidarity. This is a mammoth task for any country, and especially difficult in Nepal as "social protection in aid dependent countries also tends to be driven by external agencies which limits the opportunities for strengthening the social contract between the state and its citizens and inhibits the emergence of coalitions across different social groups who collectively may be better placed to hold the state to account" (Molyneux et al 2016 : 1094). Tamang argues

that "the pervasive ideology of *bikas*[13] in Nepal has circumscribed the emancipatory potential of citizenship, as inhabitants of a 'developing society in need of being developed' cannot be conceptualized as autonomous, purposive, moral actors capable of choice" (2002: 320). As such, the voices of ordinary citizens of Nepal are often removed from the conversation between development agencies and the state.

Local NGO and CSO's are also heavily funded by external donors. This not only leads to a sense of competition for funds within local NGO's but also takes away from their autonomy as they have to meet certain externally set targets by international 'experts,' again due to the 'pervasive ideology of vikas' (Tamang 2002: 320). The sense of competition results in what respondent 8 calls the 'divide and rule policy' with NGO's jostling for their particular agenda to be given priority. The most successful popular movements of Nepal, both of which led to revolutionary changes in the country, *Jan Andolan* 1 and *Jan Andolan* 2, were successful due to the inter-class, inter-group solidarity shown by Nepalese against the existing order. Citizen mobilization in Nepal have been significant since the autocratic Rana rule (Tamang 2017) and it is largely due to citizen mobilization, be it in the form of the civil war or Jan Andolan 2, that the idea of universal rights of citizens was bought to the forefront of political discourse in Nepal. The 'divide and rule policy' then does great disservice to organisations who could be working together to pressure the government to push for transformative policies which consider the voices of the marginalised. When civil society groups have differing yet pressing agenda's, the GoN tends towards the loudest and most powerful.

Local actors and strategies used

> "Because it is now a majority left government, *ani uniharuko nai ho baal activism ma ani uniharu chuplagide pachi ani aru ko tetti bal chaina telle garda kheri weak bhayo ke* that's being felt and noticed"
>
> (Because it is now a majority left government, their strength lies in activism and if they are the one who are keeping quiet then no one else has the guts to (take part in activism) so that's why it became weak you see that's being felt and noticed) Respondent 8

Guthi Bill and Social Movement

The *Newars* are known as the 'original' inhabitants of Kathmandu with their history in the valley dating hundreds of years, even before the arrival of the Ranas, the last monarchs of Nepal. Despite

[13] Development

being economically affluent, the Newari community faces cultural exclusion by the "Nepali" state starting from the dominance of Nepali as the national language and the authority of Hill Bhramin's (*Bahun*) orthodox Hinduism over the Newar's syncretic practices during the Rana period (Quigley 1987). Various multi-dimensional studies on exclusion/inclusion done have found the *Newars* "in general might be excluded from the dominant language and culture, but are included in the political and economic domain" (Pradhan 2014 : 44).

Guthi is a traditional form of social protection for various *Newar* communities that has existed for hundreds of years. Guthi traditionally consisted of land pooled together by a community "for the construction, operation, or maintenance of any temple, rest-house, road-side shelter, inn, well, tank, bridge, school, houses, etc. in order to celebrate a religious occasion, ceremony or festival, or religious and philanthropic purpose" (Upreti, 2010: 376). It also "provides informal social protection for its members through financial and in-kind assistance from the fund collected by its members" (Pyakuryal 2012: 46). There are both public and private Guthis, with over 2000 public Guthi's across Nepal that are managed by trustees.

According to the GoN, the Guthi bill tabled in April 29 2019 reflected the intention of the state to protect rural minorities land rights within the community, particularly the rights of tenants in the private Guthis, which have led to land conflicts in the past (Upreti 2010). The bill would nationalize all the remaining Guthi and replace the current Guthi organisation with another government led commission. One could argue that as the GoN moves towards state based provisioning of Social Protection, it is trying to dismantle traditional means of provisioning which have led to discrimination of the lower castes. However, a social movement against Guthi Bill was led by the Newars in Kathmandu who saw the bill as a means to wipe out their cultural and religious heritage (Nepali Times 2019, Satyal 2019b, Shrestha 2019). This movement had the support of opposition parties, in particular Nepali Congress which blocked parliament and forced GoN to recall the bill they had tabled.

The strategy used by local actors, in the case of the Guthi Bill, or as discussed earlier the tea estate workers, is to take to the streets to demand for change. When this happens, depending on the demands and the ***relative power*** of the groups pressing for the demand, ***reactive*** action is taken by the government. The Newari community, powerful in Kathmandu, had the means to organise rapidly, get the support of the opposition and demand for a change; they faced only the injustice of recognition. Meanwhile the tea-estate workers, both poor and from marginalized communities had to await support from the state to take action on its universal laws for **months.**

As we have explored earlier many rights-based agendas were taken up by the CPN-Mao, which now subsumed under the CPN, does not actively challenge GoN policies. This is most evident in the GoN's recent moves that reduced the constitutionally mandated reservations for minorities within the civil service exams (CSE) which were strongly fought for during the constitutional assemblies. Within the context of Nepal, considering the prevailing social structure, "social protection should be linked to other dimensions of social policy, such as tackling discrimination and social exclusion, which are often the root causes of poverty" (Devereux et al 2011 : 2). When the GoN tries to abdicate from implementing policies that aim to tackle this very discrimination it is clear that the state itself perpetuates the social exclusions that contribute to poverty in Nepal. Various affected groups (women, Dalits, *Janajatis*) have not been able to act together to demand accountability from the government. CSO leaders also reflected feeling that the atmosphere for civil society to make its voice heard is becoming unfriendly with the GoN's passing of bills that allow it greater control over the media and organisations like the Human Rights Commission.

The shrinking of space of CSO's and local actors to voice their concerns, coupled with the various differing agenda's of minority groups, their inability to work together in the face of the prolific presence of international actors is also hindering their ability to take the government to task. Fraser (2011) states that "many of today's characteristic forms of dispossession and exclusion arise from the convergence of multi-scaled processes... when global economic structures intersect with local status hierarchies and national political structures" (pp 461), something we see clearly in Nepal.

Conclusion

This research started out trying to investigate why, despite the adoption of a progressive constitution that espouses universal values, the GoN seems to not have made much progress in the arena of Social Protection. This is especially considering that many new initiatives were undertaken about a decade ago.

We have discussed that transformative agendas were fought for by the people and prioritized under the CPN-Mao led constitutional assembly immediately after *Jan Andolan* 2 and that the presence of a state actor who recognised the need for universal social protection may have contributed to the flurry of measures undertaken under in that period. We have also recognised that the spirit of revolution has weakened with this government which seems to be trying to undo some transformative policies through its actions with the CSEs and the child grant

We have found that while GoN has adopted some semblance of universal employment based entitlements, attempted with the SSF, this merely was completion of an initiative started 10 years ago. The GoN's understanding of universalism, in discourse, is close to that of the social protection floor, something that the GoN attempted to articulate also 10 years ago under CPN-Mao. Unfortunately, we have found that the new interventions undertaken, like the targeted PMEP, leave out large numbers of vulnerable people and need to be improved with a consideration for gender (amongst many other social exclusions). There seems to be little to indicate that that the government priorities are towards *transformative* social protection. We understood this reason to be that the GoN is heavily influenced by international actors, some of whom promote residual social protection policies.

We saw that with the weakening of civil society, the stage seems to be clearing for international actors to strengthen their influence. External partners heavily influence the policy agenda of the GoN, perhaps wielding more power under this government than local actors. They do so through funding, research, conferences, providing technical assistance and planning support in the social protection initiatives; leaving little room for the state or local actors to contribute. There are also many international development organisations with differing ideologies all trying to influence the GoN at the same time. We also recognise that some international actors seem to have been successful in pushing for a more residual approach. This influence of international actors has diminished the voices of the people for whom the social protection is most pertinent, rendering it less useful.

Lastly, we have discussed that civil society is motivated by citizenship based rights enshrined in the constitution and noted that some bivalent groups within Nepal require both recognition and redistribution or targeting within universalism. For this to be achieved however there needs to be a universal system of provisioning of not only social protection but also health care and education within which historical marginalization are addressed. Unfortunately, looking at the deteriorating quality of public health care and education in Nepal; this seems inconceivable in the near future. The strength of local actors or their ability to organise themselves and demonstrate effectively leads to transformative change, other than that the status quo is formidable or, worse, policies dictated by external actors with little stake in the outcomes are adopted.

There is still much to be explored in the arena of social policy in Nepal that this research did not have time for, especially in regards to the actions of local actors. For example, local health care professionals have been protesting against detrimental policies in the privatisation of tertiary health-care and education, forcing the government to pass laws to prevent further privatisation. However, as this research has shown, the various governments of Nepal have passed very progressive laws, but subsequent governments may not necessarily adopt policies in line with the laws. The stage in Nepal is still very dynamic and considering the immense changes in last 30 years, will continue to change rapidly.

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