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**POLICY DEBATE  
ON  
SOCIAL INCLUSION PROGRAMME**

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# 1. Background

There is a compelling need for Nepal to demonstrate its commitment to establish a multi-cultural, multi-social, multi-linguistic, multi-religious, and multi-ethnic federal state, as the new government prepares to restructure the state taking into consideration the diversity of the state and its people. Historically, the country had suffered from social exclusion. Spatial diversity and political ideology of Nepal as a Hindu state managed by monarchy contributed high level of social inequality in Nepal. Social exclusion is said to occur when a group is excluded "from rights or entitlement as a citizen, where rights include the social rights to a certain standard of living and to participation in society" (HRD, 1997). Nepali citizens were excluded from exercising their rights on the basis of their social identity in terms of caste, ethnicity, race and gender. Discrimination and violence against individual citizens of these identified groups nurtured by the state has been the foundation of social exclusion. As late Dr. Harkha Gurung puts it "State advocacy of Hindu religion relegates the Janajati, ethnics and other non-Hindus as peripheral subjects. Cast system perpetuates untouchability that inhibits the right to equality of Dalit..... In addition, there is the Madhesi community being discriminated on regional basis." The state created structural barriers in access to state resources, justice and services to these identified socially excluded groups: women, *janjati*, *madhesi* and religious and linguistic minorities.

Social inclusion is a political agenda which was brought forth by the armed conflict started in 1996 which took the lives of more than thirteen thousand people, both from the State and the CPN (Maoist) After the peace talks between the conflicting parties and the signing of a comprehensive peace agreement (CPA) in 2006, an interim government consisting of six political parties and the Maoist was formed in 2006. In April 10 2008, the interim government (GoN) successfully conducted constitution assembly election. In addition, the direct first past the post system to elect members of the constituent assembly, a proportional representation system was also introduced to ensure that wider spectrums of the population including representatives for excluded groups are represented in the assembly. As a result the excluded groups are fairly represented: more than 33% women members, about 31% from Janajatis, 8% from dalits and 34% from Madheshis.

There is a need for Constituent Assembly to focus on structural inequalities and their implications for building a more inclusive Nepal as nation state. In addition, there is also need to modify or develop a new state mechanism that will allow for representatives of excluded groups and civil society organizations advocating their interests. There is an understanding among CA members regarding the barriers of social exclusion; however, they lack understanding and knowledge to develop tools and mechanism for making the state structure and state mechanism **inclusive**. In this regard, there is an urgent need to initiate a dialogue with the CA members and their respective 25 political party's policy makers and civil society representing voices of excluded group.

## 1.1 Context of the State:

Social exclusion is paramount in Nepal's poverty and human security. Since the conquest by Prithvi Narayan Shah and the forceful unification of the state, an informal 'rules of the game' had come in place that wittingly or unwittingly subjugated majority of its populations i.e. women, *dalits*, *madheshis*, ethnic groups, linguistic and religious minorities because it structured itself as a unitary Hindu state that unequivocally gave

prerogative to 'high' caste Hindu men from the hills and all others were left out in the process of accessing resources and power. The civil code of 1856, the constitutions that were promulgated until 1990 and the Panchayat period kept on supporting the dominance of one group over many communities which gradually obliterated the very identities of the diversities of the people in the country. Over the years, the hegemony of the Hindu state and culture over all other communities not only gave way for social exclusion producing disparities and inequities among different groups but also produced a gap in understanding about the different groups themselves.

The context of exclusion is multi-fold. Rooted in the constitution itself, whether by denying rights to citizenship or studying in their mother tongues or practicing religious faith/culture, different groups of people born in the country are treated differently. Their implications were also felt in innumerable ways whether in social, economic, administrative, or political areas. Women and landless communities were not only discriminated against in the citizenship but were less nominated for candidacy by political parties. Besides, forming parties by ethnic groups were also banned. Obviously in parliament, cabinet, judiciary, civil service, security service, media, academia and political parties, excluded communities have continued to be poorly represented and had been in declining trend since 1959 to date (Neupane, 2001, Lawoti, 2007). As such, in absence of these groups at the decision-making levels, Bahun-Chhetris became the default decision makers emerging as the dominant group.

The April 2006 *Jana Andolan* two or people's uprising 'en masse' was an indication of reaching the limits of tolerance, inequity and injustice that people have suffered and people demanding to be treated as 'dignified citizens of the state' with rights to civil, political, economic, social and cultural rights as bestowed by Int'l conventions, declarations, and protocols (CRC, CEDAW, ICERD, CCPR, CESC, UDHR, CBD, MWC, ILO 169, UNDDIP)<sup>1</sup>. All of these international instruments are placed to ensure basic human rights such as freedom to citizenship, language, religion, education, territory land & other resources, life and livelihood, rights to self determination and collective rights to indigenous peoples as dignified citizens than to regard people as subjects to 'rule' them.

At the international level, Nepal is party to the commitment to achieve the Millennium Development Goal by 2015 which would only be possible if there are rights for equal opportunity ending discriminations and marginalization with an environment to be free from being poor.

## 1.2 Paradigm shift caused by HDR 2004

Human Development Report 2004 is an important milestone in addressing social inclusion. Shifting the paradigm from economic indicators of development of the past, HDR 2004 acknowledged that social exclusion and inequities in the countries created due to discriminations based on ethnicity, gender, caste,

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<sup>1</sup> CRC= convention on Rights of the Child, CEDAW= Convention on the Elimination of All Forms of Discrimination Against Women, ICERD= International Convention on the Elimination of All Forms of Racial Discrimination, CCPR= Convention on Civil and Political Rights, CESC= International Convention on Economic, Social and Cultural Rights, UDHR= Universal Declaration of Human Rights, CBD= Convention on Biological Diversity, MWC= Convention on the Protection of the Rights of All Migrant Workers and members of Their Families, ILO 169=Indigenous and Tribal Peoples Convention, UNDDIP= united Nations Draft Declaration on Indigenous Peoples,

class, colour, religion, language, region, etc. is the reason behind conflicts that ensued in 177 out of the 200 countries in the world. The report shows that 'Nation building' has been a dominant objective of the 20<sup>th</sup> century, and most states have aimed to build culturally homogenous states with singular identities. Sometimes they succeeded at the cost of repression and persecution. It is very clear that diversity is an asset that countries can be proud of and it further indicates that managing conflict and poverty depends on the ability to successfully confront the challenge of how to build inclusive, culturally diverse societies.

Therefore it emphasized that if the world is to reach the MDGs and ultimately eradicate poverty, it must first successfully confront the challenge faced by those attempting to create inclusive societies. Not just because doing so successfully is a precondition for countries to focus properly on other priorities of economic growth, health and education for all citizens. But because allowing people full cultural expression is an important development in itself.

### 1.3 Definition of Social Exclusion

Social Exclusion is an emerging concept and it has been defined as follows:

Duffy (1995) defined social exclusion as *'low material means and inability to participate effectively in economic, social, and cultural life, and, in some characteristics, alienation and distance from the mainstream society'*.

Room (1995) defines as ... *'denial or non-realisation of civil, political, and social rights of citizenship'*.

WB and DFID in the seminal work on GSEA (2006)<sup>2</sup> define social inclusion as... *'the removal of institutional barriers and the enhancement of incentives to increase the access of diverse individuals and groups to development opportunities'*.

In the context of Nepal, and for the purpose of this report, the following have been identified as socially excluded groups and direct stakeholders for the institution under consideration: women, *janjati*, *madhesi* and religious and linguistic minorities.

### 1.4 The sources, causes, nature of discrimination

The main source of social exclusion in the conventional state is the forceful unification of the country after the conquest by Prithvi Narayan Shah some 238 years ago. The nation states of different indigenous groups were assimilated into a geographically unified state declaring it as a 'Asli Hindustan' (a true Hindu country) at a time when Hindus fled from India during the invasion by mogul empire. The civil code of 1856 was based on Hindu philosophy and patriarchy that gave the basis to subjugate women, dalits and non-Hindu indigenous peoples. The subsequent constitutions of the country written in 1948, 1951, 1959, 1962 and 1990 all declared Nepal as a Hindu Kingdom and provided a moral basis for continuity of values and practices

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<sup>2</sup> WB, DFID 2006, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal, Summary*

implied in civil code and thus gave continuity to the practice of exclusion on social grounds that inevitably implicated peoples lives culturally, economically and ultimately politically as well.

The implication of social exclusion is such that the marginalized and excluded groups live in greater poverty than the general population and they have poor health, illiteracy, degraded natural resource base, no access to basic services and are more prone to social disintegration.

Democratically, exclusion from political participation and decision-making and weak access to information and education means that the communities are pushed to the margins of the society. Their governance institutions and decision making structures are not recognized nor are they given true justice by the mainstream judiciary systems.

Further, in terms of human rights, these groups face severe violations of their cultural, economic, social and political rights. Lack of awareness and attention to human rights abuses means that these groups bear disproportionate scale of human rights violations.

## 1.5 Cost of Social Exclusion

Our economy depends on social well-being; a healthy, educated society is the basis of healthy economy. Social and economic exclusion is both cause and an effect of poverty, poor health, unemployment and crime. All of those have costs and we all pay. Social exclusion may have close empirical relations to other social problems that threaten the stability and prosperity of society at large, such as crime, violence, social pathologies, societal divisions, racism, xenophobia, etc.

In the case of social exclusion of children, there is additional worry that socially excluded children will pose a threat to the future well-being of society as they may grow up with little stake in the existing order. In addition, to the extent that social exclusion is transmitted inter-generationally, social exclusion of children may create even deeper divisions within society that amplify across generations.

## 2. Policy Debate on Social Inclusion Programme

### 2.1 Rationale

After nearly two and half centuries of social exclusion and 10 years of conflict in the country, Nepal now has an opportunity to redress the past problems that have been created purposively or consciously due to social exclusionary practices. Centuries of exclusions have created an enormous gap in understanding on the life, philosophy, and attributes of different groups of people. Many myths of fragmentation and division had been milled about being inclusive and restructuring the state into a federal one based on ethnicity and language. Through years of subjugation and marginalization of different ethnic and caste communities, the knowledge base on them had been depleted as to who they are, where they live, how they live, what are their social, economic, cultural and political status, etc. How the knowledge and skills of these groups can turn into resources in the creation of a new Nations' state? Where are the gaps and shortcoming in policies devised in absence of proper understanding of the people they were aimed for? What new policies would be needed that are best suited to the people to provide better living conditions where all individuals and groups can feel belonging to the nation state.

The Constitutional Assembly (CA) is now well placed to play a pivotal role in addressing the issue of social exclusion in Nepalese society. For the CA members to better understand the people, their needs, resources, their assets and how to build nations state devoid of exclusion, there is a strong need for the constituents of the CA members, their political parties, civil society organizations to enter into dialogue. Such dialogue will ensure that CA members are well informed of the problems of exclusion and that they are empowered to take the issue of social exclusion into the assembly and to push for appropriate legislations to be passed to deal with the problems of exclusion at all levels of Society.

The Social Inclusion Research Fund (SIRF) has been successful in funding various research on social exclusion. The mid-term review of Social Inclusion Research Fund also recommended that it should initiate policy debate and focus on consolidating research results and disseminate them to media, policy-makers, development actors, and lobby and advocacy groups. It might also continue the good experience from the civil society forum in 2006 by making it an annual event. In this regard SIR should facilitate policy dialogue with the government agencies and civil society organisation through dissemination of critical discourse related to the outcome of the research programme, as well as allowing for advocacy groups to "take back" and use the research results for their own purpose.

With this need, this **Policy Debate on Social Inclusion Programme (mid of Aug 2008- mid of July 2009)** is proposed.

## 2.2 Objectives of the Programme

The main objective of this Programme is to disseminate the research finding of the SIRF to the policy makers including CA members and to encourage all stakeholders including development partners to make their development strategies inclusive. The other objectives are as follows:

1. Interact with and assist 25 Political Parties to develop policy paper on Social Inclusion making the restructuring of the state more inclusive.
2. Empower CA members to articulate the need for including strong legislation on Social Inclusion and to ensure that any government in power implement any legislation enacted on SI.
3. Bring relevant issues of social exclusion and nation building from Civil Societies representing excluded group.
4. Share good practices, lessons and research outcome with other countries which are dealing with the issues of social exclusion in the Asia-Pacific Region, Africa and Latin America etc.
5. Engage Nepal's development partners to enshrine in their development strategies an inclusive clause making it possible for all programmes and projects to encourage diversity. Encourage NGOs to make their development activities all inclusive.

## 2.3 Methodologies and Approaches

SIRF will consolidate the research findings from various research fellowship projects in order to disseminate to policy makers and other development partners. It is proposed that following activities be carried out for a year.

### 1. Various semi-formal and formal Interactions with Political party members.

- Interaction with the members of 25 Political Parties involved in policy deliberation. Assist these members to develop policy paper on Social Inclusion making the restructuring of the state more inclusive.

*There may be about 2-3 interaction meetings with the 5 - 6 selected members (policy making) from smaller political party and 5-6 interaction meeting with 4 big political party culminating to a one day seminar where most of 25 political parties will present their policy paper (most printed) on issue of Social Inclusion.*

### 2. Capacity Building of CA members on Social Inclusion: Workshops and Training Programmes with the following objectives

- Act as a platform where various concepts, methods, new issues and agendas in the area of social inclusion are highlighted and presented
- Assist CA members to develop clear understanding of social inclusion so that they can learn to constructive dialogue and to ensure that they address social inclusion issues effectively. They should

also be encouraged to exchange their experiences on best inclusion policies, strategies and institutionalization of social inclusion practices at local, National and at the international arena.

- Build CA members capacity to support draft committee for making constitution inclusive.

*This will be long term programme with various workshops and training to CA members. This component of the programme should be carried out in collaboration with other donor agencies such as DFID, SDC and DANIDA. These agencies are also in the process of supporting various capacity building activities for CA members.*

### **3. Civil Society Forum Workshop: Conduct the Workshop with the following aim**

- Share the emerging issues raised and presented by individuals representing civil society of excluded groups to the potential researchers, educationists, policy makers and ISC.
- Get input on the relevance and urgency of issues pertaining to the exclusion of disadvantaged groups (Ethnic, Dalit, Women and Other Minority Groups such as Madeshi) that may serve as essential background and guide the Political parties to develop the policy paper to address issue of Social Inclusion

*Two workshops in a year. First workshop need to be conducted at the beginning of the programme so that the issues of social exclusion are articulated and second follow-up programme to be planned as the Political parties present their policy paper on social inclusion. There may be two more workshops for brings more detail agenda and issues that need to be addressed during and in constitution drafting process.*

### **4. Share good practices, lessons and research outcome with other countries which are dealing with the issues of social exclusion in the Asia-Pacific Region, Africa and Latin America etc.**

- Experiential Visits to Countries with track records of dealing with social inclusion and diversity in development and at social and political levels.
- Seminar on good practices and lessons from other countries by inviting experts on social inclusion from various countries.

*Two international seminars on Social Inclusion in Nepal. Experiential visits to countries and attend such seminars in other countries.*

### **5. Engage Nepal's development partners and NGOs to make their development strategies inclusive.**

- Seminar on outcomes of the research findings to be integrated in the development strategies with the development partners and NGOs.

*Maximum of Two Seminar in One year.*