



**EVIDENCE-BASED POLICY IN A  
POST-CONFLICT CONTEXT:  
A CASE STUDY FROM NEPAL**

**Binod Bhatta**

*Research and Policy in Development Group  
Overseas Development Institute*

**Report Commissioned by UNDP Governance  
Centre (Oslo)**

**Discussion Paper 18**  
Oslo Governance Centre

#### ACKNOWLEDGEMENT

This paper was written in response to several country office governance officers and national counterparts engaged in governance assessments projects requesting some clarity on the definitions of governance and its relationship to development objectives. The authors would like to thank OGC colleagues for their comments on earlier versions. The authors would also like to thank IDRC Canada for financial support. The preliminary findings of research in this paper were discussed in an international conference on "The role of think tanks in developing countries" that was organized by the Information and Decision Support Centre of the Prime Minister's Office in Cairo Egypt in January 2009.

#### DISCLAIMER

The views expressed in this discussion paper are those of the authors and do not necessarily represent those of the United Nations, including UNDP, or UN Member States.



**United Nations  
Development Programme**

Oslo Governance Centre  
Democratic Governance Group  
Bureau for Development Policy

Borggata 2B, Postboks 2881 Tøyen  
0608 Oslo, Norway

Phone +47 23 06 08 20  
Fax +47 23 06 08 21  
[oslogovcentre@undp.org](mailto:oslogovcentre@undp.org)  
[www.undp.org/oslocentre](http://www.undp.org/oslocentre)

## ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
BA	Bachelor of Arts
CBO	community based organizations
CA	Constituent Assembly
CERID	Research Centre for Educational Innovation and Development
CIAA	Commission for the Investigation of Abuse of Authority
CPN-UML	Communist Party of Nepal – United Marxist and Leninist
CTEVT	Council on Technical Education and Vocational Training
DANIDA	Danish International Development Agency
DFA	Dakar Framework of Action
DFID	Department for International Development
ECD	Early Childhood Development
EFA	Education For All
EPC	Education Policy Committee
ESP	Enabling State Programme
GDP	Gross Domestic Product
GoN	Government of Nepal
HDI	Human Development Index
HEI	Human Empowerment Index
HMGN	His Majesty's Government of Nepal
HPI	Human Poverty Index
ICG	International Crisis Group
ILO	International Labour Organisation
INGO	International Non-Governmental Organization
INSEC	Informal Sector Services Centre
MoE	Ministry of Education
MoF	Ministry of Finance
MoLD	Ministry of Local Development
MoWCSW	Ministry of Women, Children and Social Welfare
NC	Nepali Congress
NEPAN	Nepal Participatory Action Network
NER	Net Enrolment Rate
NESP	National Education System Plan
NGO	non-governmental organization {{all other starts with capital letter, only this one is suggested with small?}}
NHRC	National Human Rights Commission
NPC	National Planning Commission
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODI	Overseas Development Institute
OHCHR	United Nations Office of the High Commissioner for Human Rights
PGA	Participatory Governance Assessment
PRSP	Poverty Reduction Strategy Paper
SDC	Swiss Agency for Development and Cooperation
SLC	School Leaving Certificate
SSR	School Sector Reform
TEVT	Technical Education and Vocational Training
TIN	Transparency International Nepal
TOR	Terms of Reference
TYIP	Three Year Interim Plan
USAID	United States Agency for International Development
VDC	Village Development Committee
WB	The World Bank

## 1. BACKGROUND

Bringing evidence on governance issues into policy is not an easy task, but broadly sharing the same evidence to enable greater democratic ownership to take root, is even more challenging.

International donors are mainly involved in producing evidence on the topic of governance because of their interest in influencing country-based policy by scoring and ranking across countries in order to produce a naming and shaming effect. In the case of developing countries, this evidence is also used as conditionality for foreign aid. Meanwhile, in-country think tanks and research institutes are producing governance evidence. Ruling national elites, however, may question the rigour, ideology and alliances used in generating such evidence.

This paper looks at the production as well as the use of research-based evidence in the field of governance in Nepal and attempts to answer the following research questions:

- What are existing efforts to generate evidence on governance at the national and sub-national levels, including any home-grown governance assessments that may have taken place in the past few years?
- What are the existing measurement tools for research on governance (e.g. corruption, public administration, decentralization, etc.) that are used in Nepal by state entities such as ministries and non state entities such as research institutes, think tanks and NGOs?

In order to address the limited linkages between the general governance discussion and its sector specific policies, education in Nepal was selected as the focus of this case study. The aim is to examine the extent to which governance evidence is influencing education governance. With access to education being one of the basic rights of every citizen, there has been significant effort and investment in the sector and it therefore provides a useful window into the country's broader governance practices. The education sector was also considered relevant due to the influence of governance reforms in shaping the provision of primary and secondary education in Nepal.

The analysis highlights the supply and demand constraints of evidence production from a think tank/research institution perspective. It does so by considering the rising role of think tanks and research institutes as key players in the collection of evidence on governance, and also as key players in efforts to bring that evidence into policy. Within the context of governance reform of the education sector, the study looks at the specific role (or lack thereof) played by Nepalese research institutes and think tanks in bringing evidence into the policy debate. ODI's RAPID analytical framework is used for the analysis: 'evidence' is considered the quality and type of research produced by think tanks; the 'political and policy context' is Nepal-specific; and 'linkages and external influences' include the roles of donors, government, policy makers, etc.

### 1.1 Research Methods and Paper Organization

The study is based on a review of secondary sources such as government policy documents and programme and project reports. In addition, 25 semi-structured interviews were conducted with key informants from government, donor agencies, civil society and research institutes. Originally, 32 interviews were planned for the project period 20 November to 1 December 2008. However, a series of strikes in Kathmandu, alongside regular and protracted power cuts and violent events, made it impossible to conduct the investigation as planned. Moreover, a number of people agreed to talk only on the condition of anonymity. The experience has been a stark reminder of the social and political tensions common in post-conflict situations and how these tensions can affect the research activities required to produce sound and solid evidence that can be communicated and disseminated to inform policy development.

The study is organized into nine sections. Section 1 presents the key questions that guided the investigation. Section 2 looks at human development conditions in Nepal and describes past efforts with governance reforms. Section 3 highlights how governance is understood in Nepal. Section 4 focuses on local production of governance evidence and its use. Section 5 draws attention to the effects of the internal conflict on governance reforms. Section 6 focuses on the

education sector as the chosen social sector for this study. Section 7 introduces the key elements of recent governance reforms in education. In section 8 the role of evidence-based research in policy reforms in the governance of education is analysed. Section 9 draws attention to the role of think tanks and the impact of their research on governance reforms in Nepal and concludes the study by highlighting some challenges, knowledge gaps and ways forward.

## 2. NEPAL HUMAN DEVELOPMENT AND GOVERNANCE REFORMS

Until 1950, Nepal was under the autocratic rule of Rana Prime Ministers (the king was a mere figurehead) for 104 years and was a country mainly closed to the outside world except for its close relation with the British Government. The system of governance at the time was ostensibly 'verbal law', meaning that the Prime Minister had ultimate law or rule.

### 2.1 From the Rana Dynasty to End of Panchayat System

In early 1951, the Rana dynasty was overthrown by a popular uprising and King Tribhuvan assumed power. In his historical proclamation on 18 February of that year, King Tribhuvan promised that the Government of the Nepali people would be carried out according to a democratic constitution prepared by an elected constituent assembly. This constitution did not materialize, however, and about a decade passed in political turmoil. A democratically-elected government eventually came to power in 1959. Within two years, King Mahendra dissolved the elected parliament, arrested the Prime Minister B. P. Koirala, along with leaders of his party, and took over full control of the country. This new takeover led to three decades of direct rule by the monarchy under the name of *Panchayat* system. All political parties were banned and the King had immense power vested in him by the constitution he proclaimed on 15 December 1960 (Thapa, 2003). During this period, most citizens' rights were curtailed. The autocratic system supported limited transparency and people had extremely limited opportunities to voice their concerns. This situation led to poor governance and rampant corruption.

### 2.2 New Constitution in 1991 Raises Governance Expectations

In 1990, popular protests supported agitations initiated by banned political parties and forced the King to remove the Panchayat System and become a constitutional monarch with the passing of a new constitution followed by an election.

After the 1991 election, people expected significant improvement in the governance sector. The democratic constitution provided and ensured most civil rights to its citizens, but the political parties that formed the Government after the 1991 election were not able to provide good governance. The parties were caught in an internal power conflict that led to a mid-term poll resulting in a hung parliament in which no political party had an outright majority. During this period there once again was no strong government providing good leadership to the nation. An excerpt from Thapa (2002) describes the situation:

Panchayat rule had just ended and the struggles of the People's Movement were still fresh in everybody's minds. The first elected Government embarked on providing relief to the senior political activists who had suffered and made sacrifices to overthrow the Panchayat regime. It formed a 'Political Sufferers' Assistance Committee' and began to provide compensation. But the programme turned into a farce as many payments went to the supporters and favourites of the new leaders, many of whom were not genuine sufferers.

... Since 1990 many politicians have been busy undermining legal judgements by demanding that criminal charges lodged against their supporters be withdrawn. Each ruling party has abused its powers in this way and has never made public the reasons for withdrawing these cases. The alliance formed between the criminals and Government officials have led to the criminalisation of politics in Nepal.

... Koirala and Deuba's lust for power has undermined their ability to work for the benefit of the nation. They have failed to come up with any guiding, visionary leadership to move the country forwards. ... The hunger for power of these two

rivals caused terrible pollution and degeneration in Nepalese politics and has seriously affected the country's economy and development programme. ... with 11 Governments and 6 prime ministers (three of whom have served more than once) in 11 years, has undermined the country's stability. Every change in Government has seen the sitting secretaries, departmental heads, planning heads, and boards of directors of corporations kicked out and replaced with the new Government's favourites.

... The Nepali people have recognised that Nepal's post-democracy leaders have been no less corrupt than their Rana and Panchayat predecessors. ...

The aspirations of marginalized sections of society, raised after the people's movement of 1990, could not be realized by the Government as it did not adequately deliver on its promise of socioeconomic improvement. The development and growth of Nepal has been urban-biased as well as pre-disposed towards certain areas of the country such as the Central, Eastern and Western regions.

The Eighth Plan 1992-1997 set three principal objectives: sustainable economic growth, poverty alleviation, and the reduction of regional imbalances (HMGN, 1992). To achieve these objectives, the plan proposed the reform of the public administration as one of its major priorities, which included governance reforms mainly in the civil service sector. The plan also recognized the need for effective decentralization through devolution of power to sub-national administrative levels. The administrative reforms included in the plan were the result of the recommendations presented in 1991 by the Administrative Reform Commission, but the government failed to implement them<sup>1</sup>.

The achievements of the plan were mixed. The average annual Gross Domestic Product (GDP) during the Eighth Plan period (at factor cost) increased by 4.9 percent against the targeted 4.8 percent. The non-agriculture sector grew by 6.3 percent against a targeted 6.1 percent growth rate. In this sector, the progress of the financial services was particularly significant due to the establishment of commercial banks, financial institutions and insurance companies following the adoption and execution of open market and liberal economic policies (HMGN, 1998). On the downside, the agriculture sector growth rate was only 3 percent against targeted 3.7 percent. The industrial sector also underperformed. The lower growth rate in the agricultural sector was particularly damaging as about 85 percent of the Nepali population live in rural areas (CBS, 2007). In short, the plan failed in its objective of poverty alleviation.

By 1996, conflict and insurgency led by one of the Maoist-inspired groups, Nepal Communist Party (Maoists), had started. Recognizing that poverty and unemployment were the major causes of unrest, the Government prepared its Ninth Plan 1997-2002, with 'poverty alleviation' as its main objective (HMGN, 1998). The Tenth Plan 2002-2007 was developed as the Poverty Reduction Strategy Paper (PRSP) of the country, continuing the focus on poverty alleviation from the previous plan (HMGN, 2003). Both of these plans emphasized good governance, decentralization and inclusion. However, since they coincided with the turmoil produced by the conflict with the Maoist insurgency, they have not been properly implemented.

Despite citizens' high expectations of the democratically elected Government between 1991 and 2002, human development in Nepal has continued to stagnate and the Government has not defused socio-economic sources of conflict. The country's Human Development Index (HDI) slightly improved from 0.403 in 1996 to 0.471 in 2001. However, the HDI in urban areas of 0.581 has been quite high compared to 0.452 in rural areas, where the majority of the population lives. Moreover, the HDI has been lowest in the mountains, followed by the Terai and hill regions. Similarly, the far-western and mid-western development regions lag far behind the other regions (UNDP, 2004).

Substantial discrepancies also exist within and across regions in terms of the Human Empowerment Index (HEI). The national HEI was at 0.463 in 2001 and showed considerable regional

---

<sup>1</sup> Interview with Dr. Sumitra M. Gurung.

disparity and mismatching among the three dimensions of empowerment: economic (0.337), social (0.406) and political (0.646). The high level of political empowerment is an indication of democratic practices. The low level of economic empowerment gives an indication of low income, limited access to productive assets and a lack of gainful employment opportunities. Poverty reduction cannot take place on a sustained basis when both economic and social empowerment remains so low — and such imbalances provide fertile ground for conflict (UNDP, 2004).

The mountain regions continue to have the lowest level of economic empowerment, and also lag behind in terms of political and social dimensions of empowerment. The mid-western and the far-western development regions also have not progressed significantly. The typical case of multiple disempowerments is evident in the mid-western hills and far-western Terai, where people experience very low status in all three dimensions of empowerment. The continued impoverishment and underdevelopment of the mid- and far-western development regions is an example of geographic exclusion that has affected every population segment irrespective of caste, religion and sex, shutting them out of mainstream development (UNDP, 2004). The Maoist insurgency effectively exploited this situation and these areas became their stronghold (Thapa 2003).



Source: UN Nepal Information Platform ([www.un.org.np/maps/maps.php](http://www.un.org.np/maps/maps.php))

The Government tried to develop some good policies and legal instruments for governance reform during the Ninth and Tenth Plan periods. It took steps to support decentralization, for example, by passing the Local Self Governance Act (HMGN, 1999) and starting the Governance Reform Project with support from the Asian Development Bank (ADB). The World Bank carried out a study on financial accountability in Nepal in 2003 and found a certain degree of improvement; it then agreed to increase its level of support to Nepal (World Bank, 2003). Although the Government tried to put forward the agenda of governance reform and witnessed some success, it could not reach peace with the Maoist insurgency, which made it difficult to achieve significant results.

### 2.3 Maoist Insurgency Impedes Governance Progress

The Maoist insurgency that had started in 1996 went on to claim more than 13,000 lives over a period of 10 years. On 4 February 1996, Dr. Baburam Bhattarai, leader of the communist party, led a three-member delegation to present a memorandum to Prime Minister Sher Bahadur Deuba. The memorandum carried a list of 40 demands and a warning that an armed struggle would start unless the Government started to take appropriate measures towards addressing these demands. The Government did not respond and the Maoists declared the People's War on 13 February 1996 (Thapa, 2003).

It is possible to say that the insurgency has been a political and ideological movement that gained strength because of people's dissatisfaction with socio-economic disparities and exclusion, as well as governance failures such as the lack of public services, high levels of corruption and political in-fighting. The insurgency, however, has had a significant negative effect on Nepal's fragile economy through damage to infrastructure, lost revenue due to long and frequent strikes, and a dramatic drop in the income generated by tourism. Furthermore, the insurgency has directly affected the livelihoods of millions of individuals, primarily in rural areas, whose reality has included killing, extortion, confiscation, forced recruitment, state of fear, migration, decreased agricultural production and a decline in living standards (World Bank, 2004).

In terms of research, there was a missed opportunity in the early 1990s when two western scholars, Andrew Nickson (1992) and Stephen Mikesel (1993) independently wrote articles arguing that Nepal provided a perfect setting for a Maoist insurgency in the style of Peru's Shining Path to take root in Nepal (Thapa, 2003). These two articles made comparisons with the Peruvian movement to support their conclusions. Unfortunately, neither of the articles received the level of attention required, as such early warnings might have been able to reduce or even halt the impact of the war (Thapa, 2003).

### **3. DEFINITION/UNDERSTANDING OF GOVERNANCE IN THE NEPALI CONTEXT**

Throughout the interviews conducted for this study, it has been interesting to note the different definitions that policy makers, scholars and development practitioners give to 'governance'. Interviews described governance in terms of (1) the improvement of civil service, (2) decentralization and devolution of power/authority to local Government bodies, (3) service delivery and regulatory processes, and (4) the absence of corruption in public service delivery.

To some, governance means a mechanism to deliver service and essential commodities to citizens. The delivery should be such that quality, sufficiency, adequacy and timeliness are maintained, while the process should be conducted at the doorstep of the people. The ultimate goal of governance is the availability of goods and services without any discrimination.

Some of those interviewed mentioned that, regardless of the way governance is defined academically, it has to be considered a means and not an end. The means of governance are the rule of law, transparency, accountability and participation. Governance also includes political empowerment processes that influence the redistribution of political power.<sup>2</sup> Some interviewees said that good governance is a precondition for the proper functioning of a democratic government.<sup>3</sup>

The Three Year Interim Plan (TYIP 2007/08 to 2009/10) of the Government of Nepal (GoN) states that the concept of good governance covers the whole spectrum of services rendered by the public administration, communities, non-governmental organizations, the private sector and all other sectors. If public administration could be operated according to the principles of good governance within these sectors, other sectors would also be positively influenced due to overlapping coverage (GoN, 2007).

The Government has prepared a guideline for service delivery to the people, which is in the process of endorsement by the cabinet. It is expected that once it is approved, the implementation of the guidelines will bring some means of good governance to the citizens of Nepal.<sup>4</sup>

The new Government has shown more enthusiasm about governance than did the previous Government, although its understanding of governance does not seem to differ significantly.<sup>5</sup> The Maoist party has come to power after approximately a decade of war, and they have promised to improve justice and good governance. This has increased the impetus of the present Government towards good governance. The current budget also appears to be people-oriented

---

<sup>2</sup> Interview with Mr. Ananda Aditya.

<sup>3</sup> Interview with Mr. Achyut B. Rajbhandari.

<sup>4</sup> Interview with Mr. Deependra B. Thapa.

<sup>5</sup> Interview with Mr. Deependra B. Thapa.

in the sense that it includes specific allocations to programmes that will provide relief to poor people and support rural development in remote areas. However, it is too early to assess the performance of the present Government.

## 4. MAPPING LOCAL PRODUCTION OF GOVERNANCE EVIDENCE

In Nepal, production of governance-based research has been very limited and sporadic. Few actors, including state and non-state, have been seriously engaged in producing such evidence in a credible manner. Some sporadic studies have been conducted, but mainly by or with support from donor agencies such as the Asian Development Bank (ADB), World Bank and the United Kingdom's Department for International Development (DFID). The ADB supported a governance study through a small team of consultants in 1999, the objective of which was to improve the targeting of its work on governance and public sector management in Nepal (Shrestha, 1999). The World Bank supported two studies that supported its decision to provide assistance to Nepal: 'Nepal Priorities and Strategies for Education Reform' (2001) and 'Financial Accountability in Nepal: A Country Assessment' (2003). The Enabling State Programme (ESP), supported by DFID, commissioned the Pro-Poor Governance Assessment in 2001 to provide a benchmark of the current state of pro-poor governance in Nepal and to identify future focus areas for ESP support (ESP, 2001).

Various donors in the governance sector have supported several activities and projects, almost all of them have focused on implementing activities rather than generating evidence on governance processes. Some donors have also been supporting the activities of NGOs working on human rights and anti-corruption (e.g. DANIDA support to the NGO Informal Sector Services Centre and SDC supporting the activities of Transparency International's Nepal Chapter).

The production, dissemination and uptake of governance evidence in Nepal is discussed in the next section of this study in four specific areas: human rights, corruption, government practices (i.e. transparency and accountability), education. The first three are discussed here whereas the fourth one, education, which forms the focus of the present paper, is discussed in sections 6, 7 and 8.

### 4.1 Human Rights

Several NGOs are working on human rights issues in Nepal: the Human Rights Organization of Nepal (HURON); the Informal Sector Services Centre (INSEC); the International Institute for Human Rights, Environment, and Development (INHURED); and the Forum for the Protection of Human Rights (FOPHUR). The Nepal Law Society is also involved in monitoring human rights abuses. In addition, a number of NGOs focus on specific areas such as torture, child labour, women's rights, or ethnic minorities.<sup>6</sup>

During the conflict period in particular, Nepal was a country of massive human rights violations, with one of the world's worst records of involuntary disappearances, custodial deaths, torture, extrajudicial killings, and arbitrary arrests and detentions. This situation led to strong lobbying by international and national human rights organizations during the 61<sup>st</sup> regular session of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2005. Nepal's Minister for Foreign Affairs, Ramesh Nath Pandey, and the UN High Commissioner, Louise Arbour, signed an 18-point Memorandum of Understanding on 11 April 2005 to deploy an international human rights monitoring team in Nepal for two years (Pathak, 2005). The agreement led to establishment that year of a United Nations Office for the Coordination of Humanitarian Affairs (OCHA) with the aim of coordinating effective and principled humanitarian action. OCHA works on four core functions: alleviating human suffering in Nepal caused by conflict; promoting preparedness and prevention efforts to reduce future vulnerability to natural disasters; advocating for the rights of people in need; and facilitating sustainable solutions to address root causes.<sup>7</sup>

<sup>6</sup> Nepal: country Reports on Human Rights Practices, Bureau of Democracy, Human Rights and Labour 2000, February 23, 2001. <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/711.htm>

<sup>7</sup> <http://ochaonline.un.org/Default.aspx?alias=ochaonline.un.org/nepal>

In addition to OCHA, the Government of Nepal established the National Human Rights Commission (NHRC) in 2000 as an independent and autonomous constitutional body to monitor and identify cases of human rights violations<sup>8</sup> and to answer the widespread criticism of serious violations of human rights in Nepal. However, the NHRC lacked the legal framework to pursue the cases of human rights violations, especially those conducted by the state security forces, until the interim constitution of 2007 further empowered it.<sup>9</sup> At present, the NHRC has a separate role and responsibilities in the constitutional legal system of the country. These responsibilities complement the responsibilities of the normal machinery of the Administration of Justice, the Supreme Court, the Office of the Attorney General, the Commission for the Investigation of Abuse of Authority, and other existing executive, quasi-judicial or judicial bodies performing in the legal system of Nepal.<sup>10</sup>

OCHA, the NHRC and various NGO watchdog organizations in Nepal have been active in observing and documenting cases of human rights violations. In addition, the INSEC has been publishing the Nepal Human Rights Year Book. These efforts have contributed to the production and dissemination of some good evidence in the field of human rights; in contrast, the uptake of the evidence has been a neglected area, even in the post-conflict period. This can be inferred from the state of impunity and weak security situation existing in the country.

Exemption from punishment (impunity) has created obstacles to the protection of human rights, guarantee of rule of law and democratization processes. On the one hand, there is no effective legal system in Nepal to check impunity, but, on the other hand, the Government has not signed and ratified the 1998 Rome Statute of the International Criminal Court or the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. Moreover, the existing 1996 Compensation Relating to Torture Act is unable to define torture as a criminal offence and to ensure the rights of and compensation to victims of torture (Siwakoti, 2009).

OCHA in Nepal recently stated that a lack of progress in the case of Maina Sunuwar, a teenage girl from Kavre district who was allegedly tortured to death by members of the former Royal Nepalese Army, is emblematic of the overall lack of accountability for human rights violations that occurred both during and after the conflict in Nepal between 1996 and 2006. It further said that the case of Maina Sunuwar is not only about the torture and killing of one person; continued impunity for conflict-related violations sends a message that political violence carries with it no consequences and thus emboldens those who seek to use violence to further current criminal and political agendas. OCHA noted that justice has been denied to the families of five students in Dhanusha District, hundreds of persons in Bardiya that were abducted and disappeared during the conflict, and to the families of more recent victims including those killed in Dang district two days prior to the Constituent Assembly election as well as those of murdered journalist Birendra Sah and businessman Ram Hari Shrestha. It further elaborates that, although Nepal has made remarkable strides since the beginning of the peace process, a lack of accountability and a widespread perception that human rights violators are not subject to the rule of law threatens to undermine the many successes of the process so far.<sup>11</sup>

#### 4.2 Corruption and Anti-Corruption

The Nepal chapter of Transparency International was established in 1996 with the three main objectives: to combat corruption in all forms at national and international levels through advocacy, representation, networking, coalitions and awareness-building; to discourage abuse of public posts and authority for personal interests; and to motivate movements, organizations, groups and communities for pro-active roles against corruption. Transparency International Nepal (TIN) has been active in advocacy against corruption, although it has not been actively involved in systematic production of governance evidence. However, Transparency International has been ranking the country in its annual global corruption report based on a corruption per-

---

<sup>8</sup> <http://www.nhrcnepal.org/>

<sup>9</sup> Interview with Dr. Bishnu Pathak.

<sup>10</sup> <http://www.nhrcnepal.org/>

<sup>11</sup> <http://www.nepalnews.com/archive/2009/feb/feb16/news14.php>

ception index. The Global Corruption Report 2008 ranked Nepal in 131<sup>st</sup> position out of 180 countries (GCR, 2008).

TIN's annual report 2007/08 stated that during the transition period, several new laws have been enacted in Nepal. In 2007, new laws included the Rights to Information Act, Amendment of Special Court Act and Banking Offence Act. In 2008, new laws included the Anti-Money Laundering Act, Good Governance Act and establishment of the Public Procurement Monitoring Office. Despite these developments, however, an anti-corruption agenda did not become a priority of the transitional Government during the year covered by the TIN report. Its main priorities were peace building, conflict resolution, social inclusion and elections. In the absence of an effective political will to combat corruption, the peoples' aspirations for a corruption-free Nepal could not materialize (TIN, 2008).

TIN has been focusing on building systems that inhibit corruption through activities such as:

- Promotion of transparency in the conduct of public business and affairs;
- Creation of awareness among people about benefits of transparency in government, public institutions and societies at large;
- Encouragement to public institutions for formulation and enforcement of code of conduct to make their financial activities transparent;
- Adoption of measures to control all forms of corruption in development works, public constructions, purchases and sales involving national resources and foreign aid;
- Encouragement to the Government to prepare and observe a code of conduct for international financial dealings and actively support international moves in this direction.<sup>12</sup>

The Government of Nepal established the Commission for the Investigation of Abuse of Authority (CIAA) and strengthened it in 2002 through the Prevention of Corruption Act and CIAA rules. Its mission statement says that the CIAA is the apex constitutional body for corruption control, and that it strives hard to attain the goal of good governance by means of punitive, curative and preventive actions against corruption and by means of the establishment of the rule of law by reducing improper conduct and corruption.<sup>13</sup> Thus far it has not been very effective in achieving its mission.

Overall, the production of governance indicators related to corruption has been limited and not systematic. The dissemination has also been weak. However, TIN and some other agencies (such as Pro Public) have been active and have provided a useful contribution in creating awareness against corruption.

### 4.3 Government Practices

The monitoring of Government practices, which includes efficient and effective public administration, improving the quality of public services, and the development of the relationship between authorities and citizens, has so far been limited in Nepal. Some NGOs, such as Pro Public, have become active in creating awareness regarding the transparency and accountability of Government practices. Pro Public, for example, has been irregularly monitoring Government agencies that are most in contact with the general public in terms of service delivery. It has tried to improve the situation when it found poor service delivery by public institutions, mainly through various forms of advocacy. Pro Public has awarded and recognized some of the offices providing public services, as well as people who have contributed positively to providing services through the public offices.<sup>14</sup> It has also been trying to raise awareness through media advocacy, including radio programmes, which have been very effective and have received positive feedback. There is now a nationwide network of good governance radio listeners' clubs.<sup>15</sup> How-

<sup>12</sup> <http://www.tinepal.org/>

<sup>13</sup> <http://www.ciaa.gov.np/>

<sup>14</sup> Interview with Mr. Bharat Mani Sharma.

<sup>15</sup> Interview with Mr. Kedar Khadka.

ever, the effective mobilization of these networks to create a significant impact at policy level still needs much work. One small sign of success is the installation of a citizen charter in many public offices. Meanwhile, the practice of wider participation in debates over policy issues remains limited, with only a few exceptions so far.

Participatory processes often help in improving good governance. State and non-state actors require the right attitude and must provide an enabling environment for stakeholders' participation and avoid selected (biased) participation. However, most actors dismiss participatory processes as time consuming and cumbersome. State actors often feel disempowered going through the participatory processes, as evident during many public audit meetings.<sup>16</sup> And often it takes time at the local level to educate and make people aware of the issues as they may have different perceptions. For instance, the issues being raised by the outside actors (state or non-state) may not be the issues that concern them.

The concept of good governance is directly linked with people's concerns and issues. Therefore, their direct participation and the possibility for them to present concerns and demands should be the prime concern of the Government. The participatory governance assessment<sup>17</sup> carried out in 2007 found that the priorities of the Government or donors did not reflect people's and communities' priorities. An example is the failure to establish accessible veterinary centres (NPC, NEPAN and ODI, 2007), which people want but the Government does not consider a priority.

A few organizations, such as Nepal Participatory Action Network (NEPAN), have been practicing, supporting and advocating participatory processes in development (including some policy development process). NEPAN has demonstrated in several instances that following participatory process leads to sustainable development. Often participation eases out several tensions and sources of conflict by creating better understanding and clarifying confusion and suspicion.

The participatory processes and consensus between the political parties is critical and fundamental for the success of democracy in Nepal, as stated in 'Nepal's Faltering Peace Process', a new report by the International Crisis Group (ICG). The report mentions that despite successful elections and a lasting military ceasefire, Nepal's peace process is facing its most severe tests yet. The report further notes that impunity is rife and public security is alarmingly weak. It also mentions that Maoists must take the first steps to restore trust by proving their commitment to non-violence and political pluralism. The first six months of the Maoist-led Government have been frustrating, the report says, with the Government's achievements overshadowed by poorly handled controversies; meanwhile, the party's longer-term intentions remain suspect and their strong-arm tactics are still allied to a revolutionary strategy aimed at a people's republic.<sup>18</sup>

## **5. EFFECT OF CONFLICT ON GOVERNANCE REFORMS**

Conflict in Nepal has sparked a level of awareness among people, whether urban or rural that otherwise would have taken a long time to achieve.

### **5.1 Public Awareness is Raised by Conflict**

The Maoists, during their early days of insurgency, initiated a movement for good governance by taking physical action against the civil servants who did not do their duty properly. At many places, several civil servants were physically assaulted for requesting bribes or delaying the delivery of services to the people. This sent a wave of fear amongst the civil servants and led to temporary improvements in terms of service delivery, especially in the remote areas. This did not last long, as the decision was taken by the Government to move public offices to district

---

<sup>16</sup> Interview with Raghav Raj Regmi.

<sup>17</sup> After the popular uprising of 2006 (commonly known as "Jana-Andolan 2") the newly formed coalition government of seven parties wanted to focus on the priorities of people so as to improve its democratic governance process. At the time when NPC was in the process of preparing the "Three Year Interim Plan", it sought the assistance of DFID, which commissioned NEPAN and ODI to carry a participatory governance assessment (PGA). The PGA was carried to provide the first-hand information about the expectations and priorities of the various communities in the country while formulating the plan.

<sup>18</sup> <http://www.crisisgroup.org:80/home/index.cfm?id=5929&l=1>

headquarters or to urban centres. Many civil servants as well as Village Development Committee (VDC) secretaries also fled from remote areas. In many areas nobody was left to provide basic public services. This situation went in favour of the insurgents as they had full freedom and presence in the rural and remote areas where the state machinery was not functional. The situation slowly changed, however, when the Maoists started collecting taxes from the local civil servants, and the promptness and attention to services slowly faded.

The Maoist insurgents started to run parallel a government in their stronghold areas (mainly in the mid- and far-west rural areas and remote districts), and they started to deliver some of the services to the people. Maoists established local courts to hear and settle the disputes of the people and they started to certify land and property deals. These activities were inclusive and non-discriminatory, thus meeting the favour of marginalized groups.

This situation had an impact on the central Government, which was trying to improve its governance processes. It made citizen charters mandatory in every Government office and the Government and several donors defined a governance reform agenda, believing that this would help mitigate confrontation with the Maoists. During this period, the rights-based approach to development was promoted by several donors and most international non-governmental organizations (INGO) working in Nepal. This effort helped to raise awareness among citizens and create demand for good governance. One such project was 'Strengthening the role of civil society and women in democracy and governance (2002 – 2005)' which was supported by USAID.

## 5.2 Findings of Participatory Governance Assessment

In 2007, the National Planning Commission (NPC), aware that the causes of conflict were poor governance and exclusion, requested the support of DFID to carry out a Participatory Governance Assessment (PGA) so as to incorporate the necessary corrective steps in the Three Year Interim Plan (TYIP) that was being prepared by NPC (NPC, NEPAN and ODI, 2007). The PGA followed a process aimed at directly obtaining opinions from poor people in grass-roots communities. Some of the important findings of the PGA, fully or partially addressed in the TYIP (2007/08 to 2009/10) (GoN, 2007), are the following:

- To address deeply entrenched social hierarchies (e.g. caste, ethnicity, gender and class), Community user groups constitute one avenue to increase the representation of poor and excluded groups' voices in local policy processes;
- In poor and excluded communities, the elderly are often more vulnerable, thus emphasizing the need to provide senior citizen and widows with pensions;
- Support is needed among poor and excluded groups for greater decentralization (i.e. more substantive local decision-making and budgetary resources) and more accountable central government;
- Support is needed for the private sector to enhance employment opportunities;
- Existing gender inequalities need to be addressed in order to tackle household and community poverty;
- Priorities and concerns of poor Janajati (aboriginal) communities are highly varied, suggesting a need to recognize that there is no common pan-Janajati identity, but many differences;
- Poor people from religious minorities (e.g. Buddhist, Muslim, Christian) have yet to experience the benefits of the Government's declaration of Nepal as a secular state in 2006;
- Poor people's priorities highly context-specific, suggesting that local level decision-making is critical to ensure that people's development priorities are effectively met;
- Lack of land title and landlessness constitute major grievances, especially among excluded groups;

- Connectivity, including better roads, accessible and affordable telecommunications and reliable postal services, also emerged as an important priority, highlighting the fact that geographical isolation constitutes a critical part of many people's experience of poverty;
- Lack of access to services emerged as an important concern, but was not limited to access to education and health services; rather it encompassed a wider range of services including access to drinking water, sanitation, veterinary services, agricultural extension, vocational skills training, electricity and credit/financial services.

The objective of the TYIP has been to generate direct change in the lives of citizens by supporting the establishment of peace and reducing unemployment, poverty and inequality in the country. The concerns raised in the findings of the PGA are addressed in the plan through strategies, policies, and programmes. The TYIP includes a separate chapter on social justice and inclusion that specifically suggests strategies to address the issues of human rights, inclusive development, regional development, poverty alleviation, employment and food security. Similarly the TYIP's sector plan on peace processes and inclusive development includes specific chapters highlighting the plan for gender mainstreaming and inclusion. These chapters are clearly focused on empowerment of women and gender equality, development of Dalits, Adibasi Janajati, Madhesi community development, Muslim community development, and development of persons with disability. A section of the TYIP is dedicated to good governance, with plans for decentralization and devolution, planning, implementation, monitoring and evaluation (GoN, 2007).

Some of the findings of the PGA could not be addressed in the TYIP but still require Government attention:

- Access to formal justice is the area in which poor people, regardless of caste/ethnicity/gender/ geography/ religion, feel most excluded;
- Many poor and excluded groups emphasized that they have not previously been consulted by Government on their specific needs. Therefore, their levels of awareness about the current state of restructuring efforts were low, though they are eager to contribute to dialogues and efforts;
- Poor Bahun, Chhetri (so-called higher caste) and Yadav (Terai middle caste) communities expressed a strong sense of social exclusion – both because of cleavages within their own community between 'the cunning' and 'the simple', and because of a perception that they are being excluded from development programmes, which are largely targeted at Dalits and Janajatis. This not only suggests that income poverty should be included as an important eligibility criteria for development programmes, but that efforts to communicate the rationale behind affirmative action measures to address caste, ethnicity and gender-based social exclusion will also be important if the Government and other development actors are to minimize a sense of resentment among other groups and address possible sources of tension/conflict.

In sum, the content of the TYIP or any other Government plans could not have been so responsive to the issue of social inclusion and social justice had there not been conflict in this country. The people's level of awareness, especially regarding rights, significantly increased during the conflict period.<sup>19</sup>

### 5.3 Conflict Heightens Demand by Supply is Limited

Like the conflict raised awareness, it also increased demand for good governance. During conflict, the demand side of governance strengthened significantly. People started demanding the rights and services that they were entitled to under the constitution and other provisions. However, the agitating groups have placed too much pressure on the Government to fulfil their demands. People organized trade unions, teachers' unions, and unions belonging to various pro-

---

<sup>19</sup> Interview with Mr. Achyut B. Rajbhandari.

fessional groups and pressured the Government through strikes and road closures. The groups started agitating to fulfil their demands (for example, temporary and part-time university teachers demanded permanent tenure without any formal procedure of selection.<sup>20</sup> This led to a chaotic situation in which the aspirations of the general public were not looked upon, and their life was becoming difficult.

Conflict raised awareness, heightened demand, and it also contributed to some improvements in the supply side of governance. The Government at least initiated a process of consultation in major policy-related issues. Even during the preparation of the tenth plan, the Government held some consultations, although not to the optimal level. Later, during the preparation of the TYIP, the plan preparation team carried out a wider consultation at various levels, including districts and Village Democratic Committees. Today, citizenship certificates and passports, for example, have become easy and faster to obtain in many district offices. The Government has also initiated some form of electronic communication and posted some information on the Internet that otherwise would only be available in the concerned offices. The Government has also initiated some tests in a few selected districts with electronic tax reports. However, there are still a large mass of people who have limited access to the services that they need from the various Government offices.

In the next section, the governance process in the education sector will be analysed more closely. Governance is a cross-cutting issue and, as it is difficult to study governance in all the sectors within a limited time, a study in the education sector was chosen in consideration of the importance, relevance and sensitivity of the sector.

## **6. THE EDUCATION SECTOR**

Out of every 1,000 children born each year in Nepal, an average of 700 enter school in class one, 70 children reach class ten, and 14 children pass the School Leaving Certificate (SLC) Board examination. About 80 percent of children study in the Government-run schools, but only about 20 percent of those who obtain their SLC are from these public institutions (Dixit, 2002). These education trends continue, although the current figure from the Central Bureau of Statistics's Nepal Fact-sheet 2007 (CBS, 2007) shows an 89.1 percent improvement in the Net Enrolment Rate (NER) at the primary level. This sector has been a significant recipient of Government money and a large proportion of foreign aid, given that the outcome of this sector impacts upon the future of the country.

In the TYIP, modern education is envisioned as a key sector for social upliftment through the exposition of the latent talents and potentials in individuals. It is a means to enhance economic competence, protect natural resources and social traditions, and promote culture. Modern education is also a means to increase qualified human resources by preparing people who are capable of developing innovative knowledge, skills and technology while showing "Love to the nation and honour to labour" (GoN, 2007).

Traditionally, the education sector has not been very progressive in terms of governance as it still continues to follow the Education Act of 1971. The Act has been updated through various amendments but it does not appear to be coherent and up-to-date. Before 1971, transparency in school management was present due to community involvement in schools; in fact, communities contributed to the operating costs, which put pressure on the management committee for transparency.<sup>21</sup> The Education Act marked the nationalization of education in Nepal through the National Education System Plan (NESP), which assured some kind of regular budget to schools, including a standardized teacher's salary.

The review of the NESP in 1976 showed that communities had lost their ownership over the schools and that they had stopped raising funds for the schools. A second finding was that while in the past there was variation in the teachers' salaries depending on the availability of resources with the community and negotiation with the school management, evidence was now

---

<sup>20</sup> Interview with Dr. Bidya N. Koirala.

<sup>21</sup> Interview with Dr. Mana P. Wagley.

found that teachers were not working properly. It seemed to make a difference that, whether the teacher worked hard or not, they were paid the same standard salary. As a whole the system was poor in terms of governance.<sup>22</sup>

The biggest lesson after implementation of the NESP was that the Government alone could not manage the entire education system, and by 1980 the system slowly reverted back to a form similar to the former system. There was the additional provision, introduced in 1980, for allowing private schools to open and operate against the intent of NESP. Private schools have boomed ever since. Though it was mentioned in the Education Act that private schools would be publicly governed, no procedures or policies were put in place to regulate them.<sup>23</sup> (From 2009, the Government plans to bring private schools under the regulatory framework of the School Sector Reform (SSR) programme.)

The process of education governance reform is an example of poor governance in the education sector in Nepal. In 1995, the Teacher Service Commission administered an examination to select 14,000 of the best teachers for various schools in the country. It did not publish its result until seven years later, at which point 83,000 were declared passing the examination due to political pressure from the Minister<sup>24</sup> but all of them could not get placement.

In 1999, the Government formed a new commission named the 'High Level National Commission on Education'. This commission submitted a report based on a former report, but with a few basic revisions. The Government [[OK]] promised to implement the recommendations of this commission, in practice however, nothing was translated into action. In 2002, the Government formed a high-level task force with five members and gave it a mandate to submit a report within five weeks. Most of the recommendations from this report were incorporated in the Education Act during its seventh amendment.

According to the Education Act, all teachers had to hold a license to be a teacher after completing the teachers' training. With this provision, working teachers agitated the Government to make a political decision to allow working teachers to obtain the license without appearing in the examination and without taking the training. In the end, all the teachers received the license irrespective of their status (temporary or permanent). This was another set-back in the education sector, another example of weak governance, and another cause of poor quality education in schools.

In the fiscal year 2008/09, the present Government initiated a controversial policy to charge 5 percent tax to private schools. The Government also came up with another policy this year to enable full national literacy within two years. The campaign is good but the short-term plan is very weak and lacks a good implementation exercise and consultation on how to carry out such an ambitious plan.

It is worth noting that when education commissions were formed, it was by the initiative of previous education ministers and not through any regular process or through taking into consideration the evidence produced by any research or think tanks. It is also evident that most of the decisions made were not governed by the rule of law; they were all political decisions and seldom influenced by research-based evidence.

In Nepal, students and teachers have always been in the forefront with political leaders whenever there has been an uprising. The agitation in 1979, which led to the call for a referendum in 1980, was a result of a students' movement. In the 1990 uprising, students and teachers also played a crucial role and were always in the front line. Even during the uprising of April 2006, students and teachers were in the forefront — indeed, those in the education sector have been very sensitive to the political state of the country, as well as its governance. However, there has also been a high degree of political interference in this sector, as acknowledged by Prime Minis-

---

<sup>22</sup> Interview with Dr. Bidya N. Koirala.

<sup>23</sup> Interview with Mr. Arjun Gautam.

<sup>24</sup> Interview with Dr. Mana P. Wagley.

ter Prachanda during his address to annual assembly of the Tribhuvan University on 29 December 2008.<sup>25</sup>

## 7. MAIN GOVERNANCE REFORMS IN THE EDUCATION SECTOR

When Dr Mangal Siddhi Manandhar became Minister of Education, he used his mandate to authorize a ministry-level committee and an apex committee of the Ministry of Education (MoE) and the Education Policy Committee (EPC). The EPC is chaired by the education minister. The other members include the education secretary; the joint secretary of MoE's planning division; four secretaries from the Ministry of Finance, Ministry of Local Development, National Planning Commission, Ministry of Women, Children and Social Welfare; several representatives from civil society organizations; and several education specialists. The Government's Cabinet of Ministers endorsed the structure and function of the Education Policy Committee. All processes related to policies and plans are required to go through this committee; demand for the formation of a university, for example, must be approved and receive recommendations from this committee.

The Education Policy Committee recently recommended that classes 1 to 8 will be considered as primary education and classes 9 to 12 as secondary education. Main recommendations and programmes endorsed by the Committee are as follows:

- **Return to community management of the school:** The problem regarding former community schools (nationalized in 1971) has been the perception that they are 'government-owned' schools over which communities have little control. A study conducted in 2001 by the World Bank helped to change these perceptions and clarify conditions for World Bank support to the education sector (World Bank, 2001). Participation in school management has been recognized as a key ingredient for school improvement. The policy provisions of transferring school management to communities are in place but the process is taking longer than expected.
- **Education For All (EFA):** Nepal prepared an EFA National Plan of Action (2001–2015) that lays the foundation, strategies and plan for the realization of the EFA goals, which are part of the comprehensive national vision regarding implementation of basic and primary education in Nepal. Nepal envisages that by 2015 there should be universal access to quality basic education, which is relevant to the current period (HMG, 2003). The Government has taken initiative on EFA due to its international commitment.
- **Early childhood development (ECD) programme:** The EFA national plan of action covering the period 2001 to 2015 and the EFA 2004–2009 programme include commitments to expand and improve early childhood development (ECD) throughout the country. The vision for ECD in Nepal is to "provide a stimulating and child-friendly learning environment to enable every child to develop their optimum potentials through well-managed services by the schools and communities, supported by national policies and backed up by professionals through a rights-based approach" (GoN, 2004). The Government has taken initiative on ECD due to its international commitment.
- **Primary education in mother tongue:** To fulfil the requirements of International Labour Organisation (ILO) resolution 169, which was ratified in 2007, children in Nepal are entitled to primary education in their mother tongue, as stated in the interim constitution of Nepal. Indeed, under the EFA programme, some preparation has already been done, such as the development of a curriculum and textbooks in 15 languages. The initiation of this policy has come from various sectors, including from advocacy by various indigenous groups who have long been demanding it. Their role was further substantiated when these stakeholders were able to influence the group involved in preparing the interim constitution of the country, although the Government's commitment to ILO resolution 169 also helped in this process.

---

<sup>25</sup> <http://www.nepalnews.com/archive/2008/dec/dec29/news07.php>

- **School sector reform (SSR) programme:** The SSR aims at enhancing the capabilities of the school system and improves the efficient use of human, material and financial resources. This capacity will contribute to improved access as well as quality of participation in school education. It also instigates institutional and individual accountabilities at all levels of education (GoN, 2008). It will enhance the role of the local community in governance, management, resourcing and quality assurance in school education in their community. Furthermore, it intends to enhance basic education from classes 1 to 8 and secondary education from class 9 to 12. The SSR is a comprehensive programme that covers the early childhood development programme, access, student retention and participation, diversity and learning needs, non-formal education and literacy programmes, gender and equity, quality of learning, institutional capacity building, and restructuring. It also incorporates the Technical Education and Vocational Training (TEVT) programme. The existing Sanskrit schools will continue to operate within the national framework. Traditional systems of education such as the Gumbas, Madarasas and Gurukuls will be recognized as choices in the formal system of education. However, teaching and learning in these schools will be required to commit to national norms and standards. The SSR also entails bringing private schools under a regulatory framework, with a decentralization of education and an improvement of accountability. The SSR also covers quality management aspects of education including enabling environment, curriculum and textbooks, instructional processes, teacher management and development, and certification and examination. Equitable access to education and social inclusion are considered within affirmative action. In addition, the process of formulating the SSR programme included an adequate amount of consultation.
- **Sector-wide approach:** It has taken almost two decades to move from individual donor funding for individual programmes, to basket funding, and then ultimately to sector-wide funding. The adoption of the sector-wide approach helps in better planning and implementation of the programme and gives an upper hand to the Government of Nepal. This policy process was initiated under the influence of donors, especially the World Bank.
- **Mobile schooling in remote Himali districts:** In most of the Himali districts, the people living at high altitude areas have a different lifestyle compared to the people living in other regions: they move down to lower altitudes during winter and go back to higher altitudes during summer. In considering the requirements of students of these groups, the Government made a provision in the Education Act through the seventh amendment to have mobile schools for such regions. The initiative to address this issue came from policy makers within the MoE.

## 8. POLICY REFORMS IN THE GOVERNANCE OF EDUCATION: THE ROLE OF RESEARCH-BASED EVIDENCE

There is limited use of research-based evidence in the policy process, with a few exceptions. The World Bank study entitled 'Nepal Priorities and Strategies for Education Reform' (World Bank, 2001) has been one of the major pieces of research-based evidence used to inform the Government of Nepal in planning the necessary adjustments in policies to support the shifting of management responsibility of the Government-managed schools to communities. The World Bank, being one of the major donors in the education sector, applied pressure on the Government to hasten the process of management transfer through conditionality of its support to the education sector.

The MoE has also commissioned a series of research reports related to its EFA programme 2004-2009 through the Research Centre for Educational Innovation and Development (CERID) at Tribhuvan University, with technical assistance from the Norwegian Ministry of Education and Research. Researchers produced 21 study reports over a period of three years (2005-2007). These study findings were used by the MoE as the basis (or evidence) for designing the SSR

programme. In line with the findings, the SSR includes mechanisms for quality control, for example, comprising a national framework for setting norms and standards and giving greater responsibility to local Governments for setting strategies and targets to meet the national standards.

Improved monitoring is planned to assess compliance with the Acts and Regulations [[YES.]] and to assess progress against the milestones and targets. An evaluation will appraise the outcomes and impacts of the policies and strategic interventions over the sector goals and objectives. Capacity development will focus on enhancing capacity of schools, communities and local Governments. Support will be provided to enhance school-level capacity for promoting good practices such as accountability and transparency, social audit activities and appropriate financial management.

A look at the past few years in Nepal's history suggests that the production and use of governance evidence is in the early stages. The country wide insurgency ended in 2006, but regional tension continues, especially in the Terai region where several groups have continued or initiated armed conflict. After the Comprehensive Peace Agreement (CPA), the country needed an Interim Constitution to capture the demand for change by the people. The Government then moved on to complete the election of a Constituent Assembly by April 2008, which was been a difficult process further complicated by the Government having to struggle with several natural disasters and regional conflicts. Therefore, within a short time-frame of less than three years since the official end of the conflict, it should not come as a surprise that there has been very little production and use of evidence in policy processes in the post-conflict period.

The World Bank's study and the EFA-related reports commissioned by the MoE are among the few examples of research having an impact on education sector policy in Nepal. In terms of research institutes, few have made an impact.

New Era is a research institute that has been conducting Demographic and Health Surveys in Nepal at five-year intervals since 1996 (i.e. 1996, 2001 and 2006). In 1996, results showed that the maternal mortality rate was 539 for every 100,000 births, which was quite high and probably the highest in South Asia. Based on this finding, the Ministry of Health developed a policy to curb this and designed safer motherhood projects, nationwide awareness campaigns, and the provision of incentives to mothers and health workers to encourage delivery at health centres. The result in 2006 showed remarkable progress with a drop to 281 deaths per 100,000 births.

CERID, mentioned earlier, has been conducting research for the MoE for the past few years. CERID has been engaged in research for a long time, but besides the input to the SSR<sup>26</sup>, their research has found very limited use in the past in shaping education policy.<sup>27</sup>

Some interviewees consider the National Planning Commission to be a Government-oriented think tank. However, the people appointed there as members almost always belong to the political parties that are in power.

## **9. ROLE OF THINK TANKS**

Turning from research institutes to think tanks, there have been a few studies to explore whether there are credible think tanks in this country, whether there is a need for them, and whether there are any clients to use their findings. A study conducted by the Enabling State Programme (ESP) of DFID in 2003-2004 concluded that there are no clients to use the research results produced by think tanks.<sup>28</sup> The study recognized that there are many highly competent and qualified individuals, but there is hardly any established independent credible institution to be looked upon as a think tank. Moreover, most of the research institutions in Nepal act basically as consultancies as they cannot afford to conduct their research independently and/or without support.

---

<sup>26</sup> Interview with Dr. Lava Deo Awasthi.

<sup>27</sup> Interview with Dr. Mana P. Wagley.

<sup>28</sup> Interview with Mr. Hira Mani Ghimire.

## 9.1 Absence Of Think Tanks And Other Sources Of Reliable Research

There are no think tanks in Nepal. There are some individual researchers or small groups of researchers who are more academic and distant from a grounded reality, and their findings and recommendations are impractical and difficult to implement.<sup>29</sup> Often there are academic articles in journals that have no practical utility and value for policy. There is very little useful governance research being done in the country (either by the public sector or by the private sector). It has been a neglected area and may be the reason why the public policies formulated in the country have not been very useful and practical.<sup>30</sup> Quite often policies are formed and then stagnate on shelves, while perhaps being revised but once again not implemented. In 2001 for example, the policy on civil service staff training was formulated and was acclaimed as one of the best policies. It was never implemented. Furthermore, the tourism policy and commerce policy were developed during the Panchayat era, but nobody has taken the initiative to revise these old policies and it may be they have not felt a need to do so.<sup>31</sup>

There are a few research institutes who are undertaking research but their credibility is questionable. They seldom coordinate with the Government and the Government rarely contacts them, ultimately making no use of their research findings.

There are no independent civil society groups working in research in Nepal, mainly because organizations involved in consultancy business often work under the influence of their client; therefore, it is hard to fully justify their output as independent and authentic for policy purposes. Besides, there are also no Government or donor agencies interested in developing research institutions in Nepal. Although think tanks are considered a requirement by the intellectual group of people, their creation is not possible without support from donors; without donors think tanks cannot ensure sufficient funding for their research activities and sustain the production of quality output.

It is unreasonable to expect that academic institutions such as universities can fill this research gap, given the quality and internal political dynamics of the university teachers.

The pre-conditions for building solid knowledge-based and evidence-based institutions seem to be lacking in Nepal. There are a few individuals who have become experts in the subject. And there are consultants who write reports but within time-frames too limited to allow for deeper analysis and serious insight. Thinkers or think tanks from the private sector might contribute but there is no place for them to hook-in as researchers.

In terms of consultants, a small number of people have created a domain and restricted the access of others interested in running a consultancy business. They fulfil vested interests, whether in the name of an NGO or private company. Moreover, consultants sometimes fit research results to satisfy clients.<sup>32</sup>

There is a clear need to establish a think tank whose work will be utilized and recognized not only by the Government but also by donors. The think tank must be independent as it is difficult to operate such institutions based on self-interest. It is difficult to find support for think tanks, because even donors are not prepared to listen to their criticism. At the same time, consultancy limits the possibility to criticize. Once a researcher is part of a think tank, it would be considered unethical to undertake a consultancy within their domain and it is probable that few would hire that person.

In the past, the use of research was hardly a factor in policy formulation in Nepal, and this situation continues today in the post-conflict setting. The Government has been occupied with sorting out urgent areas such as a worsening law and order situation, power crises, regular agitation and demonstration by various groups, natural disasters, resolving conflicts within ruling parties, and managing a coalition Government. The most important task for the present Government is to complete the drafting of a constitution by 28 May 2010. The constitution will also

---

<sup>29</sup> Interview with Mr. Deependra B. Thapa.

<sup>30</sup> Interview with Mr. Raghav R. Regmi.

<sup>31</sup> Interview with Mr. Deependra B. Thapa.

<sup>32</sup> Interview with Mr. Raghav R. Regmi.

decide on the federal structure of the country. The whole process has to be very consultative and participatory if a lasting peace is desired. However, looking at the progress, it is doubtful if they will be able to do it within the time-frame allocated to them by the interim constitution.

Until today, the Government has had very limited time to consider how the policy process could be better informed. The conflict has had major impacts on the limited use of research-based evidence in the policy process.

The absence of think tanks is one of the most serious challenges in the evidence-based policy formulation and revision process in the country. The absence of think tanks has also created a knowledge gap. Often the data provided by Government organizations is taken for granted as reliable; however, there are no other independent means of verification for such data. Regular monitoring and recording of data is also another important gap.

It is hard to find a disaggregated data, which could help in critical analysis related to poverty alleviation and inclusion, for example. It was planned that the National Planning Commission was to monitor the progress of the PRSP using disaggregated data, but this type of database has not been continuously updated – indeed, the country often has to rely on periodic surveys supported by donors. In addition, once the survey is completed there is no further updating and follow-up to the process. This could be one area which can be taken over by the independent credible institutes or even Government organization.

## 9.2 Ways Forward

The review and discussions in the previous sections helped to identify actions that can contribute to establishing and strengthening evidence-based policy processes in Nepal.

Creating an environment conducive to the establishment and functioning of independent, credible think tanks and/or research institutes is of utmost importance to strengthening democratic processes in Nepal. This requires an approach that is competitive and fair. Civil society organizations at various levels should be strengthened so that they will be able to support the various stages of policy processes, particularly on monitoring policy implementation.

There is a need to start creating authentic baseline data (as well as their periodic update) in several sectors. Data should be disaggregated to better monitor the policy outcomes and suggest future policy changes and improvements.

State actors and donors supporting the development efforts of Nepal should shift to an evidence-based policy process from the current practice, except for some emergency interventions that are temporary in nature.

The issues and priorities for the policy process should be widely discussed, decided and derived from broad public opinion. The policy formulation process should be widely debated in the parliament, as well as in public, with a long-term perspective and not merely with short-sighted vision.

Nepal currently is in a very crucial period of drafting a constitution and restructuring the state, which means that most of the governance issues on the table should be widely contested and debated in public. Ultimately, this will make the constitutional provisions more stable and beneficial to the wider population.

## REFERENCES

- CBS, 2007. Central Bureau of Statistics, 2007.
- Dixit, 2002. Education, deception, state and society by Shanta Dixit, in 'State of Nepal' ed. Kanak M. Dixit and Shastri Ramachandran, Himal Books, Kathmandu, 2002.
- ESP, 2001. Pro-Poor Governance Assessment Nepal, Enabling State Programme (ESP) Nepal, 2001.
- GCR, 2008. Global Corruption Report 2008: Corruption in the Water Sector, Transparency International, Cambridge University, Water Integrity Network, 2008.
- GoN, 2004. Strategy Paper for Early Childhood Development in Nepal, Government of Nepal, Ministry of Education and Sports, Department of Education supported by UNESCO, Kathmandu, Nepal, 2004.
- GoN, 2007. Three Year Interim Plan (2007/08-2009/10), Government of Nepal, National Planning Commission, Kathmandu, Nepal, 2007.
- GoN, 2008. School Sector Reform Plan (2009-2015) – Volume I, Government of Nepal, Ministry of Education, Nepal, 2008.
- GoN, 2008. School Sector Reform, Core Document: Policies and Strategies, Government of Nepal, Ministry of Education and Sports, 2008.
- HMG, 1992. The Eighth Plan (1992-1997), His Majesty's Government, National Planning Commission, Nepal, 1992.
- HMG, 1998. The Ninth Plan (1997-2002), His Majesty's Government, National Planning Commission, Nepal, 1998.
- HMG, 1999. Local Self Governance Act, Law Book Management Committee, Nepal, 1999.
- HMG, 2003. Education for All: National Plan of Action, Nepal (2001-2015), HMG, Ministry of Education and Sports, Nepal National Commission for UNESCO in collaboration with UNESCO, Kathmandu, Nepal, 2003.
- HMG, 2003. The Tenth Plan (2002-2007), His Majesty's Government, National Planning Commission, Nepal, 2003.
- NPC, NEPAN and ODI, 2007. Governance and Citizenship from Below: Views of poor and excluded groups and their vision for a New Nepal, A participatory governance assessment by NPC,

NEPAN and ODI, 2007.

Pathak, 2005. Politics of People's War and Human Rights in Nepal, B. Pathak, BIMIPA Publications, Kathmandu, Nepal, 2005.

Shrestha, 1999. Governance Study: Nepal, Dr. Surya Prakash Shrestha, Programmes Department (West), Asian Development Bank, Manila, The Philippines, 1999.

Siwakoti, 2009. Torture, Impunity and Justice System by Raj Kumar Siwakoti, 2009. Web address: <http://www.kantipuronline.com/kolnews.php?&nid=95139>

Thapa, 2002. Anatomy of Corruption by Hari Bahadur Thapa, Kathmandu, Nepal, 2002.

Thapa, 2003. A Kingdom Under Siege: Nepal's Maoist Insurgency, 1996-2003; D. Thapa, The Printhouse, Kathmandu, Nepal, 2003.

TIN, 2008. Transparency International Nepal: Annual Report of the Fiscal Year 2007/08 (2064/65 BS), TIN, 2008.

UNDP, 2004. Nepal Human Development Report 2004: Empowerment and Poverty Reduction; UNDP, Kathmandu, Nepal, 2004.

World Bank, 2001. Nepal Priorities and Strategies for Education Reform, Report No. 22065NEP, The World Bank, 2001.

World Bank, 2003. Financial Accountability in Nepal: A country assessment, The World Bank, 2003.

World Bank, 2004. Nepal: Country Assistance Strategy 2004-2007, The World Bank.

## ANNEX 1: LIST OF PERSONS INTERVIEWED

S. No.	Name	Position	Organization
1	Mr. Deependra Bikram Thapa	Secretary	Ministry of Education
2	Mr. Damodar P. Gautam	President, (former chief secretary, Gov't of Nepal)	Transparency International Nepal
3	Dr. Mana P. Wagley	Dean, Education	Kathmandu University
4	Dr. Bidya Nath Koirala	Professor, Education	Tribhuvan University
5	Mr. Bharat Mani Sharma	Head, Economic Development and Consumer Justice Department	Pro Public, Forum for Protection of Public Interest
6	Mr. Kedar Khadka	Director, Good Governance Project	Pro Public, Forum for Protection of Public Interest
7	Mr. Raghav R. Regmi	Director; Consultant, Governance	Institute for Public Policy Research; Water and Sanitation Fund Board, World Bank
8	Mr. Bhairab Risal	Senior Journalist	Nepal Forum of Environmental Journalists
9	Mr. Ananda Aditya	Professor of Political Science; Chairperson	Tribhuvan University Chelsea International Academy
10	Dr. Shailendra Sigdel	Former Project Manager, ESP-DFID; Country Representative-Nepal	Asian Institute of Technology Extension
11	Dr. Sumitra M. Gurung	Gender and Inclusion Specialist, Indigenous People's Right Activist	
12	Ms. Bandana Risal	Governance and Inclusion Adviser	DFID
13	Mr. Hira Mani Ghimire	Governance Adviser	DFID
14	Mr. Prakash Raj Pandey	Director	Department of Education
15	Mr. Hari Lamsal	Under Secretary	Department of Education
16	Dr. Lava Deo Awasthi	Under Secretary	Ministry of Education
17	Dr. Dwarika N. Dhungel	Governance specialist (Former secretary, Gov't of Nepal)	Institute of Integrated Development Studies
18	Dr. Bijaya Shrestha	Gender and Inclusion specialist	New Era
19	Mr. Yogendra Prasai	Executive Director	New Era
20	Mr. Arjun Gautam	Programme Officer, (Former Head Teacher)	Satyal Publication Teacher Training Project

**EVIDENCE-BASED POLICY IN A POST-CONFLICT CONTEXT:**  
A CASE STUDY FROM NEPAL

21	Mr. Achyut B. Rajbhandari	Director;  Member, (Former secretary, Gov't of Nepal)	Centre for Studies on Democracy and Good Governance;  Administrative Restructuring Commission
22	Mr. Dev B. Basnyet	Technical Education and Vocational Training Specialist, HRD specialist	Alliance Nepal
23	Dr. Bishwa N. Tiwari	National Project Manager	Support for Human Development Initiatives, UNDP-Nepal
24	Mr. Kishor K. Silwal	Director	Centre for Legal Research and Resource Development (CeLLRD)
25	Dr. Bishnu Pathak	President	Conflict Study Centre