

Contextualizing Gender Equality and Social Inclusion in the WASH Sector

Locating RWSSP-WN's local level goals in larger frameworks

Evan Welber

6/14/2012

INTRODUCTION

This report was produced by Evan Welber during a month-long internship at the Rural Water Supply and Sanitation Project in Western Nepal (RWSSP-WN) focusing on Gender Equality and Social Inclusion (GESI) issues. It was produced mostly from secondary sources and reports, including documents produced by the United Nations, the government of Nepal, and internal documents from the project, including those produced by both Finnish and Nepali sources. Throughout the course of the internship the intern also had the opportunity to travel to some field districts to see many of these issues firsthand. However, the relatively short length of the internship combined with Nepal's contemporary political situation, particularly with reference to the national strikes—also known as bandhs—limited the intern's opportunities to travel to the field to collect data, thereby calling for a focus on secondary sources.

The goal of this report is to contextualize RWSSP-WN's goals and progress with reference to GESI in larger frameworks: historically, nationally, internationally, and locally. First, Nepal's sociopolitical context will be introduced to serve as a backdrop to a discussion of current GESI issues internationally, nationally, in the WASH sector, and locally. National development strategies and targets, international development goals and targets promoted by the United Nations Development Programme, and the theoretical and historical debates underlying their promotion and implementation will be juxtaposed with RWSSP-WN's own project goals, progress, and methodologies. Ultimately, this report should help RWSSP-WN's employees and other development professionals unfamiliar with the project and the topics with which it is engaged have a more comprehensive view of the GESI-related issues RWSSP-WN deals with regularly, helping to inform the GESI framework that will underlie the upcoming second phase of the project's implementation.

1. CURRENT SOCIOPOLITICAL SITUATION IN NEPAL

1.1 DEMOGRAPHICS AND SOCIAL STRUCTURE

Nepal—a small, land-locked Himalayan nation sandwiched between two emerging giants, India and China—is one of the most linguistically and ethnically diverse countries on Earth. Nepal’s complex social and political histories underlie its contemporary political, social, and economic development efforts and problems. One particularly relevant social force in Nepal is that of caste. Indeed, in Nepal, the idea of caste and that of ethnicity seem to be equivocally conflated, leading to some ambiguity when discussing this type of identity with Nepalese whether colleagues or in the field. As such, providing some conceptual clarity will be helpful before jumping into a discussion of Nepal’s contemporary sociopolitical issues.

Early Tibeto-Burman language speaking groups who settled Nepal from the North and East did not practice the caste system. However, Aryan migrants from the West and South who came to Nepal as Islamic empires spread into the Indian subcontinent brought their caste system with them. Indeed, Nepal’s caste system is the product of the imposition of a more familiar Indian-style caste system onto a diverse, multi-ethnic, religiously pluralistic society onto which such definitions did not map easily. Nonetheless, its resilience is a consequence of the political and economic power wielded by these later Aryan migrants into the region that would become Nepal.

This system is characterized by four primary caste levels known as varnas, based on concepts of ritual purity and pollution.¹ Nonetheless, Tibeto-Burman language speakers and their descendants will often refer to their ethnic group as a caste or a subcaste. The World Bank report

¹ Bennett, Lynn (2005). *Gender, Caste and Ethnic Exclusion in Nepal: Following the Policy Process from Analysis to Action*. World Bank,

continues concisely: “Though outlawed in 1965, the caste system remains a defining social force of Nepali society today. The priestly Brahmins were at the top with the Kshatriya (kings and warriors) just beneath them; next came the Vaishya (merchants) and the Sudra (peasants and labourers). Beneath everyone were occupational groups, considered ‘impure’, and ‘untouchable’ or achut who now call themselves the Dalits. In the Hills the top two ranks (priest and warrior) and the lowest (‘untouchable’) rank were filled by the in-migrating Hindus of Caucasian stock who spoke an Indo-Aryan language on which modern Nepali is based. The middle rank was accorded to indigenous groups, generally of Mongoloid racial stock. These groups—classified by the Hindus as Matwali or liquor drinkers—generally spoke Tibeto-Burman languages and followed Buddhism or various shamanist/animist religions. The matwalis comprise the Adivasi Janajatis (indigenous nationalities). The Muluki Ain or Country Code (1854) accorded differential privileges and obligations to each caste and sub-caste.”² During the Shah-Rana monarchical era starting in 1768 and lasting until a transition—albeit imperfect—to constitutional monarchy in 1990, this patriarchal and hierarchical social system, propagated by the dominant group, was consolidated and fortified by the Hindu state apparatus, concretizing the caste-oriented worldview as a defining characteristic of Nepali society, and though only 80% of Nepalese identify as Hindu today, the caste system still prescribes social behavior for all Nepalese.³

² Ibid

³ CIA World Factbook. “Nepal”, citing Government of Nepal, Census 2001. Accessed 12-6-2012.

1.2 MODERN POLITICAL HISTORY⁴

Since the declaration of a constitutional monarchy in 1990, Nepalese domestic politics has proven turbulent—a consequence of the oppressive social forces that dominated the lives of most Nepalese for centuries. Newly empowered, many poor Dalits and other excluded sought to have a say in the government, and they found a voice through Nepal’s communist parties—particularly their Marxist incarnations.

By 1994, the Communist Party of Nepal (Maoist) was formed following a split in the Communist Party of Nepal (Unity Center). In March 1995, the CPN (Maoist) strengthened its party base and adopted “The Strategy and Tactics of Armed Struggle in Nepal,” a document declaring that “the conscious peasant class struggle developed in the western hill districts...represents the high level of anti-feudal and anti-imperialist revolutionary struggle. That struggle has given birth to some new tendencies in the Nepali Communist Movement which have inspired us to be more serious about the business of armed struggle.”⁵

By January of 1996, on behalf of the Communist Party of Nepal (Maoist), the United People’s Front of Nepal presented to the Nepali Congress government a 40-point document detailing demands regarding political, social, and land reforms in the impoverished, corrupt, and ineffectively governed country. The UPFN insisted that there be progress towards the realization of these demands by February 17. Ignoring these demands, the government cracked down

⁴ Note: Most of this section comes from a prior research paper written by Evan Welber for a class at Columbia University on the future of Nepal’s relationship with India and China.

⁵ CPN (Maoist) (1995) *Strategy and tactics of armed struggle in Nepal, A document adopted by the third plenum of the central committee of the CPN (Maoist)*

further. Four days before the expiry of the UPFN's deadline, the CPN (Maoist) declared a People's War on Nepal.⁶ The Nepalese Civil War had begun.

Nepal's deep poverty, especially for its rural population, made it easy for the Maoists to attract recruits to fight for their cause. As late as 2005, 38 percent of the Nepalese population was living below the poverty line,⁷ and rural levels were surely far higher due to the feudal way of life lived by most rural Nepalese. Indeed, "it is said that Nepalese peasants are born in debt, live their entire lives in debt, and leave behind a heavy debt for their children and grandchildren to pay back...pitiless village bourgeois landlords demand and keep on adding up astounding amounts as interest that keep adding up, forcing unfortunate farmers to become bonded laborers."⁸ This is a reference to the Kamaiya system of land tenure whereby families were often bound for generations in indentured servitude. Though it still continues in various forms, in 2000 the system was banned, and most indentured servants were freed, newly empowering them. It hardly comes as a surprise, then, that Maoists—knowing all too well the drama of rural Nepalese life—were able to capitalize upon the struggle of the rural Nepalese to aid their cause, cracking down on local lenders, burning "I Owe You" notes publically, and even killing some notorious bourgeois landlords.⁹

As the insurgency gained power and recruits, the government started to take it more and more seriously. By January 2001, the government created a police force to fight off the insurgents; by August 3rd of that year—a few months after the Royal Massacre—the first round of (unsuccessful) peace talks began. By November 26, King Gyanendra declared a state of emergency, employing the army to hunt down the Maoists while suspending civil liberties,

⁶ Arjun Kharki and David Seddan, (2003) *The People's War in Nepal: Left Perspectives*, p.22

⁷ Nischal Nath Pandey, (2005) *Nepal's Maoist Movement and Implications for India and China*, p. 58

⁸ Pandey (2005), p. 17

⁹ Ibid

censoring the press, and banning freedom of assembly and movement.¹⁰ By February 1, 2005, Gyanendra fully assumed absolute rule, dissolving the parliament and dismissing the Prime Minister.¹¹ By then, over 13,000 had died in the insurgency, and the Maoists were listed as a terrorist organization by both the United States and India.¹²

After a series of failed peace talks, a comprehensive peace accord was reached on November 21, 2006, ending a decade of civil war.¹³ Along with formally ending the Nepalese Civil War, the agreement called for stripping the King of all political rights as well as the nationalization of his property, an end to the feudal land-ownership system, and a full commitment to human rights on both sides.¹⁴ In December of 2007, the seven-party coalition that had been ruling Nepal under its interim constitution, which declared Nepal a secular state, voted to eventually abolish the monarchy.¹⁵

On May 28, 2008, Nepal was declared a Federal Democratic Republic, abolishing the monarchy once and for all; 560 out of 564 members of the constituent assembly voted in favor of this motion.¹⁶ On June 11, 2008, Gyanendra formally left the palace. Since the establishment of the Constituent Assembly, Maoists have typically controlled the government. On August 29,

¹⁰ Rahul Bedi, "Nepal Emergency as Maoists Attack," *The Telegraph*, November 27, 2001.

<http://www.telegraph.co.uk/news/worldnews/asia/nepal/1363635/Nepal-emergency-as-Maoists-attack.html>

¹¹ "Troubled Times Saw King's Rise," *CNN World*, April 20, 2006. http://articles.cnn.com/2006-04-19/world/nepal.king.gyanendra_1_birendra-dipendra-queen-aishwarya?_s=PM:WORLD

¹² "Troubled Times."

¹³ S. Chandrasekharan, "NEPAL: Historic Peace Agreement Signed- but some problems continue- Update No 109," *South Asia Analysis Group*, September 12, 2006. <http://www.southasiaanalysis.org/%5Cnotes4%5Cnote353.html>

¹⁴ "Full text of the Comprehensive Peace Agreement held between Government of Nepal and Communist Party of Nepal (Maoist)," November 22, 2006. <http://reliefweb.int/node/219161>

¹⁵ "Nepal Votes to End Monarchy," *CNN World*, December 28, 2007. http://articles.cnn.com/2007-12-28/world/nepal.monarchy_1_monarchy-king-gyanendra-nepal?_s=PM:WORLD

¹⁶ "Background Note: Nepal," *U.S. State Department*, March 5, 2012. <http://www.state.gov/r/pa/ei/bgn/5283.htm>

2011, Baburan Bhattarai, a Maoist, was sworn in as the fourth Prime Minister since the first 2008 Constituent Assembly election.¹⁷

The interim constitution drafted at the end of the Civil War in 2007 was meant to be replaced with a permanent one by May 2010. Failing to meet this deadline, the Constituent Assembly increased the due date by one year, to 2011. On May 25, 2011 the Supreme Court rejected further extensions. Yet, the deadline has been extended four times.¹⁸ The recent failure of the Constituent Assembly to draft a constitution by its May 28, 2012 deadline led to the dissolving of the Constituent Assembly by Prime Minister Bhattarai. Nepal's political future remains ambiguous.

Much of the failure of the Constituent Assembly to draft the Constitution was the result of debates revolving around how to divide up the country in a new federal system. Though during the Maoist insurgency caste became part of a more class-oriented discourse, language, caste, ethnicity, and even religion have been newly politicized as different groups seek to create states representing their interests. One source argues that "Indigenous nationalities, dalits, and women had high participation in the insurgency, indicating their alienation from the state including the Constitution that governs it."¹⁹ This is obviously problematic as Nepal is so ethnically diverse and often the territory occupied by ethnic groups does not map easily onto a contiguous piece of Nepal's territory.

Furthermore, the Madhesi group in Nepal's fertile, low-lying Terai belt bordering India has called for self-determination within the federal system for a variety of reasons. Madhesis, considered among the socially underprivileged Janajati caste, are often eyed with suspicion by

¹⁷ Ibid.

¹⁸ <http://www.bbc.co.uk/news/world-asia-18232606>

¹⁹ Mahendra Lawoti, *Towards a Democratic Nepal* (New Delhi: Sage Publications, 2005), p. 113

Nepalis of other regions as they have strong linguistic and historical ties to the people across the border in India and as such are often shut out of government positions and other privileges, compounding issues already raised by their low caste status. In 2008, the Constitutional Assembly-elected Vice President Jha, a Madeshi, even delivered his oath of office in Hindi. Indeed, the Madeshi demand for self-determination raises a variety of concerns both domestically and internationally. The Terai provides much of Nepal's agricultural output, and there are concerns that if a Madeshi state were to come into being, its ties with India and control over Nepal's food supply could lead to serious security concerns within Nepal. Some even fear a Madeshi state's succession or even agglomeration into the Indian federation much like the Republic of Sikkim did in the 70s. In such a case, much of Nepal's sovereignty and self-sufficiency will have been gravely compromised.

National strikes in response to political developments, known as *bandhs* (literally, "closed"), are not uncommon in Nepal and raise serious concerns for economic development and social stability. For instance, in the weeks leading up to the last Constitutional deadline, many *bandhs* were called by various groups demanding some typically ethnic or caste-oriented political end, usually a voice or even a state in the new federal system. Non-compliance by any Nepali is often punished with violence or the destruction of property. During such *bandhs* streets are often shut down, leading to concerns for the transportation of the sick to hospitals or even of perishables goods.

Whatever the case, one BBC article written on the heels of the dissolving of the Constitutional Assembly lucidly concludes: "Many ordinary Nepalis are fed up of the stalemate and political in-fighting. They want a government which can start addressing issues such as

economic growth and the desperate need for development.”²⁰ After more than two decades of political instability, ordinary Nepalis have become fatigued by divisive political nuances and seek a government responsive to the country’s more immediate needs.

1.3 CURRENT GESI ISSUES WITH REFERENCE TO THE WASH SECTOR

Issues relating to gender equality and social inclusion of excluded castes, typically any caste not Bahun or Chhetri but particularly the Janajatis and Dalits (who have untouchable status), persist and define Nepal’s current development struggles on all nearly fronts. The WASH sector is not an exception to this rule. Recent reports show that progress has in many cases been achieved in extending access to sanitation services and safer drinking water to women and to excluded castes. Nonetheless, much is left to be done.

A June 2010 report²¹ on Gender and Social Exclusion in the WASH sector concludes that while access to improved drinking water has generally increased, significant disparities hinder full access to this resource by all members of society. Along with gender disparities and caste/ethnicity disparities, income level and location also highly influence access to improved drinking water. The same was true for access to improved sanitation. The study notes that while access to improved sanitary has increased over time, 94 percent among the wealthiest use such improved facilities while only 3 percent of the poorest do so. Geographically, Tarai groups have greater access to drinking water than do Hill or Mountain groups, while the reverse is true for sanitation; indeed, Hill/Mountain groups are more than twice as likely to have access to such facilities—47 percent—compared to Tarai groups, of which only 19 percent have access to them.

²⁰ <http://www.bbc.co.uk/news/world-asia-18232606>

²¹ *Gender and Social Exclusion Assessment Update: Vol. II*. June 2010. See Annex for graphs from report

This is for a variety of reasons. Tarai groups tend to live in crowded conditions on land they do not own. As a result, their space for such latrines is limited. Furthermore, caste-based discrimination leads to gross inequalities. In some cases, Dalits are prevented from using the facilities given their untouchable status, and in the case of water taps, in some cases, separate taps are created for Dalits, often of lower quality.

Women and Dalits (along with other lower castes) are also often excluded from governance schemes. Although women tend to be the traditional water-fetchers in Nepalese society, proportionally few women tend to have relevant governance roles in local committees presiding over the maintenance of and the access to such resources. This is largely due to the patriarchal nature of Nepalese society. The June 2010 study notes that often times, women and members of excluded castes will be nominated to posts in water- and sanitation-user committees (WUSCs) to satisfy donors but that such nominations are superficial and do not reflect the realities of project governance. In many cases, they are absent from meetings and only find out about their positions later.

In one field excursion led by RWSSP-WN's GESI specialist, it was discovered that in a district's WUSC an illiterate woman was nominated to be the treasurer. Unfortunately, the June 2010 study confirms that this case is not the exception but is rather the norm. Often times, women without the skills necessary to carry out their position will be nominated and men in the community will "help" them—that is to say, they will tacitly carry out their jobs for them. As a result, the woman's presence on the committee will be rendered meaningless as their influence in decision-making is compromised by their lack of skills. The study also notes that women will often choose not to participate in committee meetings due to various household obligations and

responsibilities that “limit their active engagement in social and community work.”²² Indeed men may also believe that such duties may be neglected if women participate in the meetings, further stigmatizing their engagement in the community.

Excluded castes, particularly Dalits, face social constraints resulting from the Hindu-origin caste-based ideology governing Nepali society. The June 2010 study notes that while discrimination based on caste is indeed falling in many spheres, this is not the case for water sources. Furthermore, discrimination may be self-imposed among members of the caste. That is, the cultural norms that relegate them to the lowest rungs of society nourish feelings of inferiority further compounded by a lack of education. The study notes that “Even when Dalits are informed of WSS-related (or other) meetings and invited to attend, they often decline, which non-Dalits perceive as a lack of interest. However, the real cause may be low self-confidence and resentment of humiliating though unspoken social rules.”²³ Finally, given their low social status, Dalits are often relegated to wage work and may feel pressured to avoid challenging their patrons publically. Additionally, Dalits may be paid less than non-Dalits for equal work even when dealing with WSS-related work that pays wages.

Tarai groups, Janajatis, and Muslims face constraints as well. The study notes that these tend to be related to language and mobility in the public sphere.²⁴ Few members of these groups speak Nepali natively, making access to relevant difficult. This of course is especially true for typically illiterate groups, including the poorest, women, and the elderly. In Muslim and Madeshi communities, women often have restricted public mobility, particularly with reference to Islamic

²² *Gender*, p. 3

²³ *Ibid* p. 4

²⁴ *Ibid* p.5

custom. Mixed-gender meetings can present a problem for some women willing to participate, and their participation may be stigmatized by their husbands as noted above.

II. NATIONAL FRAMEWORK FOR WASH SECTOR

2.1 NATIONAL GOALS FOR DEVELOPMENT

The Government of Nepal has passed several acts in the past few years showing a commitment to the goals of the WASH sector with GESI implications. Its principal poverty reduction and development strategy is the Three-Year Plan (2010/11-2012/13) which aims to “create a prosperous, peaceful and just Nepal through transforming Nepal from a least developed country (LDC) into a developing nation within a two-decade period.”²⁵ An important subsidiary goal to reach this objective is to raise the standard of living of excluded groups, including women, the disabled, those in remote areas, and excluded castes such as Dalits, Madheshis, and Janajatis.

The 2011 report cited above continues by explaining the various strategies to be adopted by the government to reach this goal. Strategies to be adopted include strategies “to create a necessary environment for investment in the country emphasizing inclusive and equitable development and supporting lasting peace in economic terms” as well as strategies “to speed up the development momentum by strengthening economic and social services that need to be provided to the people of the country by the government, private, cooperative, and nongovernmental organizations and through transformation of the existing economic and social situation”; “to make development result-oriented by emphasizing people’s participation, transparency, accountability, and creation of a corruption-free situation through the

²⁵ *Mid-term Review of the Strengthening of the Rural Water Supply and Sanitation Project in Western Nepal*, September 2011. Hanny Vikman Consulting.

establishment of values of rule-based state to ensure good governance in the nation as well as improve effectiveness of service delivery of the government and the private sector.”²⁶

An important innovation has been the idea of devolution of power from the state to local communities. There has been an emphasis on so-called “demand-driven development” in which communities are governed by themselves rather than directly by the government—hence the creation of locally-driven WUSCs in the WASH sector. The thinking behind this is that if communities are empowered to understand and manage development projects themselves, such projects will be more sustainable in the long run. Rather than foster a provider-client relationship, the government and non-governmental organizations are to work alongside communities to develop their independence.

2.2 NATIONAL WASH SECTOR GOALS

Two other documents produced by the Government of Nepal of critical importance are the Rural Water Supply and Sanitation Sector Policy (2004) and the National Water Plan (2002-2017). The former stipulates that the government and local bodies will “regulate, monitor and facilitate the implementation of rural water and sanitation plans and programmes,” stressing “the importance of gender and social inclusion in project implementation and have provisions for enhancing the participation of women and disadvantaged groups.”²⁷ Nonetheless, as discussed above this remains problematic.

One policy in place to address the participation of women by most Rural Water Supply and Sanitation (RWSS) programs is that they stipulate that a minimum number of women

²⁶ Ibid p. 4

²⁷ *RURAL VILLAGE WATER RESOURCES MANAGEMENT PROJECT PHASE II*. Governments of Finland and Nepal. http://www.rvwrm.org.np/doc/GESI%20Strategy_Final_Eng_May%202011.pdf

participate in the WUSCs. However, as discussed before, this remains problematic as often times participation of women is token in that they often do not attend the meetings and, if appointed to a position such as treasurer, often do not have the skills necessary to carry out their job.

Other stipulations of this plan including a comprehensive adult education program including awareness raising campaigns about water supply, hygienic practices, and general health, as well as general education classes and classes on income-generating activities for women to enable their independence and empowerment.²⁸

The National Water Plan seeks to provide access to a basic water supply and to sanitation to all Nepalis by 2017. This is to be achieved with the leadership of the local community as discussed above. Health education and sanitation activities will be conducted; capacity-building for local bodies, user committees, and NGOs will be achieved through trainings to minimize the involvement of the Government of Nepal; systems of monitoring and evaluation of systems by users will be developed; and, critically, consumers will ultimately own and be responsible for their projects.²⁹ Though an ambitious goal, some projects within the sector have seen relative success reaching preliminary targets. Indeed, as will be discussed RWSSP-WN has had a great deal of success with sanitation, even outdoing targets, though RWSSP-WN's successes with water supply leave much to be desired.

2.3 CURRENT POLITICAL SITUATION AND FUTURE OF SECTOR

The current constitutional crisis in Nepal leaves many questions unanswered as to the future of the sector's governance, particularly with reference to large, regionally-organized

²⁸ "Midterm," Policy Review, p. 7

²⁹ Ibid.

projects like RWSSP-WN. If a federal system is adopted with states divided along ethnic/caste or linguistic lines, the organization of these projects would likely change radically.

The implications for such a change could be critical as it is unknown whether or not the governance of such projects would be held up to those states or to the federal government. Furthermore, the creation of such states could exacerbate ethnic/caste tensions within the states themselves as certain groups are pushed further onto the fringes of society, rendering even more challenging the efforts of the sector to not only provide clean water and sanitation services but also to heal the social cleavages that make the provision of such services to all sectors of the population difficult.

III. INTERNATIONAL FRAMEWORK

Nepal is party to many international human rights treaties with investigative bodies that review and evaluate the country's performance in various human rights areas. Particularly relevant to the WASH sector and to RWSSP are The Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on Ending Racial Discrimination, and Nepal's evaluations by these bodies will be evaluated in this section.

3.1 CEDAW

Particularly relevant to GESI is Nepal's signing and ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, known as CEDAW. In a list of countries by CEDAW enforcement produced in 2010 by the WomanSTATS Project, Nepal was counted among countries in which "Laws are for the most part consistent with CEDAW, with little effective enforcement; improving the situation of women appears to be a low priority of the government." In the summer of 2011, Nepal was evaluated by the committee overseeing the

implementation of the treaty and received several recommendations relevant to GESI in the WASH sector.

In particular, the Committee “calls upon the State party to provide the national machinery for the empowerment of women at the central and local levels with the necessary human, financial, and technical resources for their effective functioning in all areas of women’s empowerment. It also calls upon the State party to “strengthen its monitoring mechanisms for the implementation of laws and plans of actions aimed at achieving de facto equality between women and men.” Furthermore, the Committee demands that the Government of Nepal “Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the involvement of civil society and community and religious leaders, to eliminate harmful traditional practices, and collaborate with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women.” In addition, the Committee “is deeply concerned about the extremely low representation of women, in particular *Dalit* and indigenous women, in high-level decision making positions, public service, the judiciary and the diplomatic service; in the National Human Rights Commission; and at the local level.”³⁰

3.2 CERD

Nepal is also a party to the treaty that established the Committee on Ending Racial Discrimination. Nepal was last evaluated by the Committee in 2004, in the midst of the Maoist insurgency. Nonetheless, while much of the Committee’s commentary was limited given the chaotic state of the country, much of what it observed remains relevant in the new, post-conflict Nepal.

³⁰ Concluding observations of the Committee on the Elimination of Discrimination Against Women: Nepal. 11-29 July 2011. CEDAW/C/NPL/CO/4-5

In particular, the Committee commented that “The Committee remains deeply concerned at the persistence of the de facto caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for Dalits.”³¹

3.3 Right to water

IV. PROJECT BACKGROUND AND GESI ISSUES

4.1 PROJECT BACKGROUND³²

The RWSSP-WN project is a project jointly funded by the Governments of Finland and Nepal falling under the umbrella of the Rural Water Supply and Sanitation Sector support that both governments have been providing financially and structurally. RWSSP-WN was supposed to begin in 2005 but its commencement was delayed due to the Nepalese Civil War. It was eventually started in 2008 for its inaugural 4-year period ending in 2012. Its new period is set to begin after the summer of 2012.

The project uses hygiene and sanitation as an entry-point, serving to counter-balance the typical sector approach, which uses water supply construction as an entry point. RWSSP-WN focuses on behavioral and cultural change, seeking to instill healthier and more long-term sanitation practices. RWSSP-WN supports the development and implementation of locally

³¹

³² Note: Much of this section comes from *Revised Project Document: Draft: Rural Water Supply and Sanitation Project in Western Nepal (RWSSP-WN): August 2008- July 2012. April 16, 2009.*

owned bodies, encouraging a top-down approach minimizing the involvement of the Government of Nepal to ensure local ownership and responsibility in the project's implementation.

The central objective of the Project is “the increased wellbeing of the poorest and excluded households,” using as a premise the idea that “lack of water supply, sanitation, and hygiene causes poverty.”³³ RWSSP-WN works with nine districts of Nepal, which include six hill districts and three Terai districts. The project constructs water taps and sanitation facilities in rural villages and gives trainings and workshops on how they are to be used and maintained. At the local level, Village Development Committees govern the maintenance of these schemes with the supervision of RWSSP district staff. VDCs are expected to help contribute to the project financially, thus increasing ownership and personal investment both monetarily and emotionally in the success of the project. The extension of drinkable water to all Nepalese by 2017 and the elimination of all open defecation remain central goals of the project.

4.2 GESI STRATEGY

Far from being merely a water supply and sanitation project, RWSSP-WN has a clear social mission. RWSSP-WN supports the destigmatization of marginalized castes and women in the project's governance schemes and implementation. RWSSP-WN does not have a separate GESI strategy or training session or separate materials but rather GESI concepts are integrated throughout the project materials and actions. A minimum of 33 percent of women are expected to participate in the high positions in the Village Development Committees' governance schemes for the first phase of the project.

³³ Ibid p. 2

RWSSP-WN works under the premise that “it is easier to address gender than social inclusion.”³⁴ This is because “Gender strategies in the water sector have had a longer history and more established practices in terms of clear cut objectives, practical approaches and related indicators. It is only more recently that social inclusion has come to the forefront and the recognition that other socio-cultural, geographical, and economic barriers such as caste, ethnicity, and poverty have excluded certain groups from participating in water projects and accessing the benefits accrued from them.”³⁵ As discussed previously, these barriers are the result of often centuries-old hierarchies and cultural institutions whose challenging remains difficult. RWSSP-WN promotes proportional representation of Dalits and other marginalized castes in the VDC governance structures. RWSSP-WN also promotes the use of single taps for all castes to minimize the continued stigmatization of the Dalit and Janajati populations.

Critically, the project’s Institutional GESI handbook provides a concise explanation of the goals of the project for GESI. For the project, “The GESI focus should be on economic class and poverty reduction among the poorest, not caste/ethnicity or sex or age.” This is because “The WASH programmes funded by the RWSSP-WN should promote inclusion of the poorest segments of the rural communities, be it Dalits, ethnic minorities, Bahuns, indigenous people when/if they are the poorest in a given area, *because* they are the poorest, not because they are Dalits or Janajatis.” Yet, “The Social Inclusion aspects are basically about reaching the poorest people...which have been underprivileged and previously excluded from participation in development decision making processes...GESI should not be based on the “divide and rule”

³⁴ *Terms of Reference for Gender Equality and Social Inclusion (GESI) Impact Assessment in RVWRMP & RWSSP-WN Projects*

³⁵ *Ibid*

approach and not on positive discrimination of any group, which automatically leads to exclusion of other groups. In principle, “Social Inclusion” does not mean exclusion of the elite.”³⁶

V. Evaluation: Putting RWSSP-WN’s GESI Strategies in Context

5.1 INDICATORS³⁷

Since the July 2011 Cumulative VWASHCC (district-level) members’ gender and social composition per district table was released in RWSSP-WN’s Annual Progress Report for the Fiscal Year 2010/2011, there has been virtually no change in the proportion of women participating, staying at a static 35 percent across the project. However, individual district levels vary tremendously in participation, ranging from a meager 24 percent in Baglung to over 40 percent in the highest districts. This also did not change since last year.

Last year, while Dalits made up 20 percent of the district population, they made up only 14 percent of the VWASHCC members throughout the project. Janajatis make up 40 percent of the population but only 34 percent of the district members. However, privileged groups like Bahuns and Chhetris make up only 26 percent of the district population but represent 42 percent of the district members—a percentage nearly twice as high. Since last year’s report, the participation of Dalits actually dropped by nearly one percentage point across the project. Meanwhile the participation of Chhetris and Bahuns did decrease by two percent, indicating some progress.

³⁶ *Rural Water Supply and Sanitation Programme- Western Nepal (RWSSP-WN): Gender Equality and Social Inclusion (GESI) Strategy & Institutional GESI Handbook*

³⁷ Most of this information comes from the *RWSSP-WN: Annual Progress Report* from fiscal years 2011-2012 and 2012-2013.

This year, across the board, women held 35 percent of the key positions on the WUSCs. However, it is necessary to closely analyze how this is broken up. Only 8.8 percent of Chairpersons are women and only 28 percent of Secretaries are women. On the other hand, 67.5 percent of accountants were women. This proves problematic as discussed previously: often times, women are appointed to this position only in a token fashion. Often times, they do not have the skills necessary to carry out the position of an accountant and thus their duties are often taken on by men, rendering their labeling as accountant a mere façade. Bahuns and Chhetris captured 36 percent of the top positions even though they make up only 26 percent of the district population.

5.3 ANALYSIS

It is critically important that more attention be paid to GESI issues in RWSSP-WN's implementation for its second phase. As shown, since the last fiscal year little has changed with reference to the participation of women and excluded groups in WUSCs and in other project areas. Furthermore, the structural cultural issues that plagued the participation of women and excluded castes in the project remain. The indicators suggest that little has been achieved in the past year in terms of GESI progress. As such, **more effective educational programs need to be conceived of in order to catalyze the social change necessary to ensure that women and excluded castes have the level of participation they deserve within the project.**

One particular point of interest highlighted by the UN's CERD is the idea that government subsidization of separate taps for untouchables is against international human rights law. Though RWSSP does not support such taps, they probably were constructed in other projects. Whatever the case, the reasoning behind creating such separate taps remains powerful: if the social stigma is too intense, Dalits may be excluded from the water resources provided in a

single-tap project by either being outwardly discriminated against and prevented from using the taps or they may self-discriminate, choosing to avoid the taps. While RWSSP remains committed to stopping any structural stigma against the untouchables, it must be assured that untouchables are not being excluded from the water resources in these same-tap communities. As such, in the second phase of the project, **RWSSP-WN should actively monitor whether or not untouchables are making use of the water resources provided by the project in its single-tap communities.**

Furthermore, the appointment of women into token positions they cannot actually fulfill remains prevalent within the communities and was even underscored during field visits. This is a problem that remains across the sector and as such affects RWSSP-WN. Such token representation undermines the goal of the project and represents a structural side-stepping that cannot be ignored. As such, in the second phase of the project, **RWSSP should actively monitor whether or not women appointed to accountant and other such positions have the necessary skills to carry them out.** Furthermore, **provision of literacy and other such courses should be considered for the villages in the second phase of the project.**

Another issue with the project seems to be a lack of conceptual clarity as to its GESI strategy as outlined by the GESI institutional handbook. That is, on the one hand, RWSSP-WN seeks to actively monitor and include groups that were traditionally excluded such as women and untouchables. However, at the same time, the institutional GESI handbook states that RWSSP-WN focuses on “economic class and poverty reduction among the poorest, not caste/ethnicity or sex or age.” The latter suggests that RWSSP-WN actually does not have an interest in eliminating the barriers created by social hierarchies and structures that exclude certain groups on a more fundamental level. Nonetheless, the attitude of the staff and the tone of many of the

documents suggests that this is indeed a top priority of the project, and that such a focus does not necessarily result in positive discrimination against groups not traditionally excluded from water (and other) resources. As such, for the second phase of the project, **RWSSP-WN's mission to actively eliminate the social hierarchies and structures that exclude certain groups should be unequivocally clear and reflected in all of the institutional documents and materials.**

5.4 CONCLUSION

Overall, progress seems to be slowing in the GESI area. As such, for the second phase of the project, **GESI must be reinforced as a project priority and a more diverse set of indicators need to be developed to ensure that less obvious processes such as self-exclusion of resource use and token participation do not undermine the project's GESI efforts.**

Furthermore, to achieve this end, **RWSSP-WN staff needs to be informed on the historical, national, and international processes shaping the project's GESI efforts to more comprehensively combat exclusion.**

APPENDIX

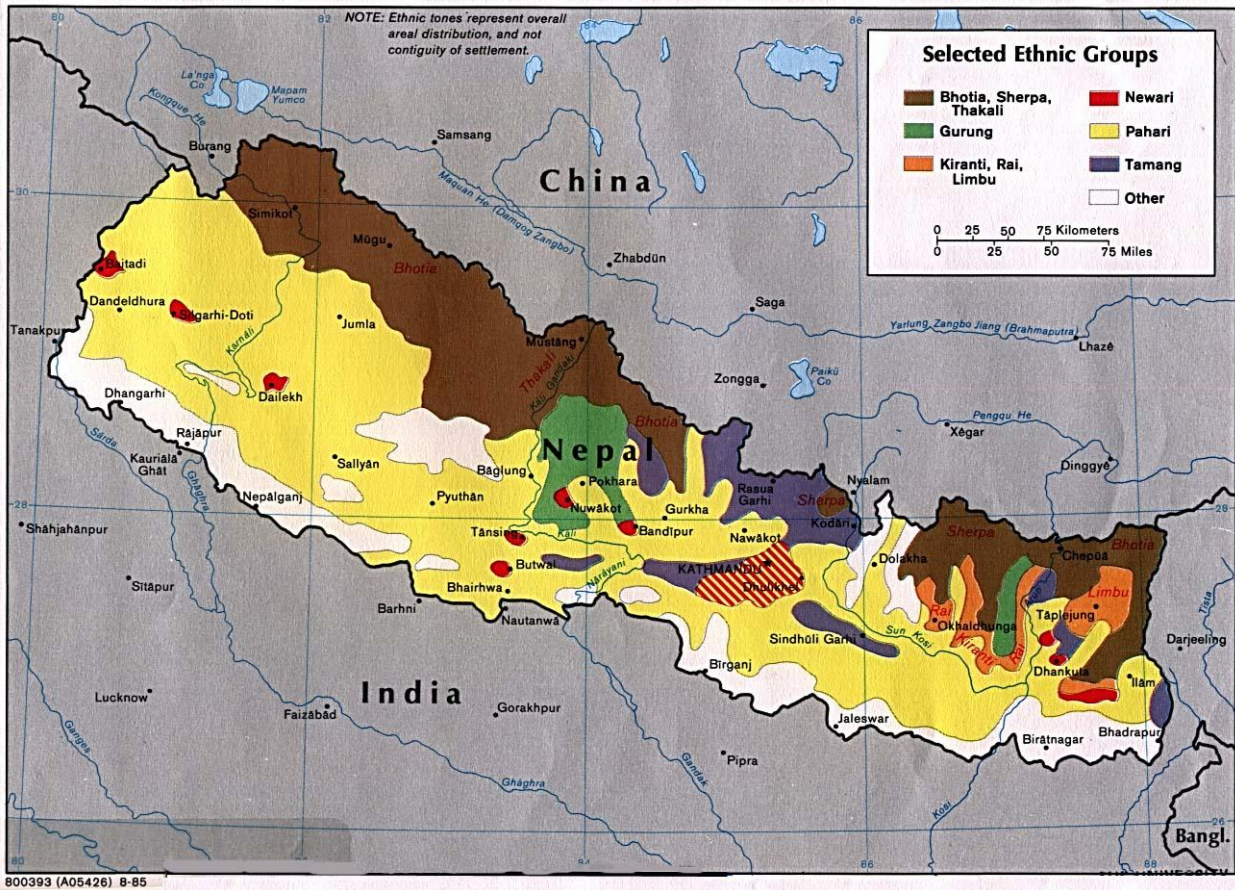


Figure 1: Map showing distribution of Nepal's caste/ethnic groups. (Source: University of Texas)

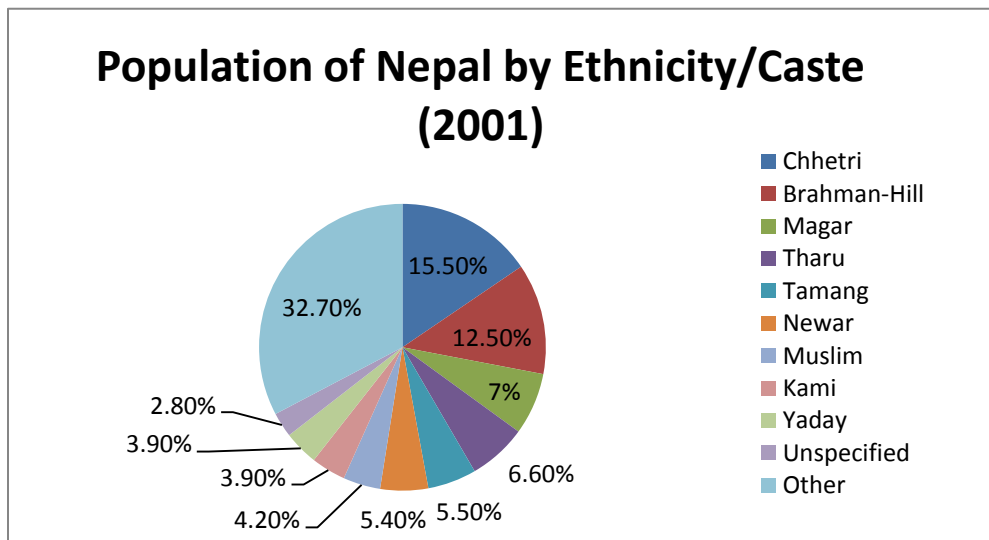


Figure 2 (Source: CIA World Factbook Citing Government of Nepal, Census 2001)