Neoliberalism, Rights, and the Vernacularisation of Social Policy in Nepal

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Abstract

This thesis examines the political and social dynamics surrounding neoliberal social policy reform in Nepal since 1990. The analysis is based on four case studies from three social sector areas of education, health, and water supply. By employing a cross-sectoral approach, it seeks to identify the political and social conditions under which social policy reform has occurred in Nepal and in doing so, contribute to wider discussions about the political and social pre-conditions for social policy reform in 'fragile' or post-conflict states more generally. This concern is in turn linked to questions about the impact of particular political and social constellations on the realisation of citizens' social rights, specifically rights of access to quality public services in such countries. Nepal constitutes a useful case for exploring these issues because (i) it has experienced significant transition from a state-led approach to a neoliberal-led approach to economic and social development, (ii) it has experienced a ten-year internal conflict (1996-2006) and devastating earthquakes (2015), both of which have taken a substantial toll on the social sectors, placing it firmly in the fragile or post-conflict state grouping; and (iii) social policy reform processes have been characterised by significant difference across sectors in terms of the degree and direction of neoliberal policies and the politics at work. My research demonstrates an unresolved tension within Nepal between state-led and neoliberal reform development approaches. The manifestation of this is when reforms move toward centralisation and greater state influence then private sector actors are more resistant, and when reforms move toward more neoliberal approaches and with less state input then public sector actors are more resistant. The focus of my thesis is to explain this difference using Norman Long's (2001) actor-oriented interface approach, with a special focus on processes of vernacularisation of global development discourses, including the Sustainable Development Goals and neoliberalism as the dominant global economic framework. This conceptual framework highlights how actors pursue their interests within a given context and what implications this has for quality and access of public services. I argue that a swing too far in either direction – state-led or neoliberal-led – is detrimental to the realisation of such rights.

Originality Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

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Signature of Candidate: Date: 20th August 2021

Alexia Jane Adhikari

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Transliteration

The Nepali language in written in Devanagari script. For this thesis, the transliteration of Nepali words and phrases has been Romanised by utilising a combination of the International Alphabet of Sanskrit Transliteration (IAST) method, and Turner's 1931 *A comparative and etymological dictionary of the Nepali language* (last updated 2006) which was accessed through an online database and partially funded by the United States Department of Education, available: <http://dsal.uchicago.edu/dictionaries/turner/>. I have done this for single words, phrases or concepts only, not for names (e.g. people, groups, institutions, places, or companies) because these names appear commonly in the public realm in their Romanised form and without accentuation.

Glossary

a-bikās	lack of development
āphno mānche	one's own people, including but not limited to relatives
bandha	close, strike
bhāgbaṇḍā	divide the portions, sharing the spoils
bhāsā	language
bhes	dress, clothing
bikās	development
bīr	brave
buhāri	daughter in law
cāpalusī	flattery
chākarī	sycophancy, waiting on or appeasing superiors/higher officials
chorī	daughter
chuklī	to spread rumours or provide information to superiors/higher officials
dai	older brother
daurā surwuāl	traditional outfit for Nepalese men
des	country
dharma	duty (i.e. religious)
didī	older sister
gaddar	betrayer, traitorous, mutiny, revolt
guṭhi	form of social organisation or institution, also known as a trust
hamro mānche	our people
ijjat	honour, respect
Jana Āndolan	People's Movement
khāde baba	fake staff, person standing around
lāde baba	fake patient, person laying around
Loktantra Āndolan	Democracy Movement
Muluki Ain	national civil code
nātābād-kṛipābād	nepotism, reciprocal family-like relationships
nāṭaka	drama
nijī	private

pāgal	mad, insane
pahuṁca	having access
Panchayat	village council system of governance
Rastriya Panchayat	National Panchayat
sahakārī	cooperative form of organisation
sārbajanik	public
satyagraha	firmness in the pursuit of truth, also known as passive resistance
topī	hat

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Acronyms and Abbreviations

ADB	Asian Development Bank
AGM	Annual general meeting
APEIN	Association for Private Educational Institutions
APMDCN	Association of Private Medical and Dental Colleges of Nepal
CERID	Centre for Educational Innovation and Development
CIAA	Commission for the Investigation of Abuse of Authority
CPA	Comprehensive Peace Agreement
CPIA	Country Policy and Institutional Assessment
CPN-M	Communist Party of Nepal-Maoist
CPN-MC	Communist Party of Nepal-Maoist Centre
CPN-UML	Communist Party of Nepal-Unified Marxist Leninist
DWSS	Department of Water Supply and Sewerage
EFA	Education for All
FEDWASUN	Federation of Drinking Water and Sanitation Users Nepal
FNCCI	Federation of Nepalese Chambers of Commerce and Industry
FPTP	First-Past-the-Post
FSU	Free Student Union
HEP	Higher Education Project
HERP	Higher Education Reform Project
HIPC	Heavily Indebted Poor Countries
HISSAN	Higher Institutions and Secondary Schools' Association Nepal
IDA	International Development Association
IMF	International Monetary Fund
IoM	Institute of Medicine
JMC	Janaki Medical College
KU	Kathmandu University
KUKL	Kathmandu Upatyaka Khanepani Limited
KVWSMB	Kathmandu Valley Water Supply Management Board
MBBS	Bachelor of Medicine, Bachelor of Surgery
MDGs	Millennium Development Goals

MMIHS	Manmohan Memorial Institute of Health Sciences
MoUD	Ministry of Urban Development
MWSP	Melamchi Water Supply Project
NCC	Nepal Chamber of Commerce
NAMS	National Academy of Medical Sciences
NCP	Nepal Communist Party
NEHCO	Nepal Health Care Co-operative Limited
NESP	National Education System Plan
NGO	Non-Governmental Organisation
NMC	Nepal Medical Council
NPABSON	National Private and Boarding Schools Organisation
NPM	New Public Management
NWSC	Nepal Water Supply Corporation
OECD	Organisation for Economic Cooperation and Development
PABSON	Private and Boarding Schools Organisation
PAHS	Patan Academy of Health Sciences
PPP	Public-Private Partnership
PR	Proportional Representation
PRSP	Poverty Reduction Strategy Paper
ROR	Rate-of-Return
SAP	Structural Adjustment Package
SDG	Sustainable Development Goals
SHEP	Second Higher Education Project
SOE	State-Owned Enterprise
SPA	Seven Party Alliance
SSDP	School Sector Development Plan
SSRP	School Sector Reform Plan
TU	Tribhuvan University
TUTA	Tribhuvan University Teachers' Association
TUTH	Tribhuvan University Teaching Hospital
UGC	University Grants Commission

VC	Vice Chancellor
VfM	Value for Money
WAFED	Water and Energy Users' Federation
WHO	World Health Organisation

Chapter 1: Introduction

Introduction

This thesis examines the political and social dynamics surrounding neoliberal social policy reform in Nepal. The analysis is based on four case studies from three social sector areas of education, health, and water supply. By employing a comparative approach, it seeks to identify the political and social conditions under which social policy reform has occurred in Nepal and in doing so, contribute to wider discussions about the political and social pre-conditions for social policy reform in 'fragile' or 'post-conflict' states more generally. This concern is in turn linked to questions about the impact of political and social constellations on the realisation of citizens' social rights, specifically rights of access to quality public services in such countries. Nepal constitutes a useful case for exploring these issues because it has experienced several periods of political unrest and significant regime changes, a ten-year internal conflict (1996-2006) and more recently, earthquakes and a new constitution (2015). These factors have impacted on the social sectors and have served to place the country within the fragile state grouping (OECD 2018). Moreover, social policy reform in Nepal has been characterised by significant difference across sectors in terms of the degree and direction of neoliberal policies and the politics at work. This aspect is of particular interest considering Nepal's history of state-led development prior liberalisation, including a three-decade period of executive rule under the king in the centralised *Panchayat* system (1960-1990). It was only in the latter stages of the *Panchayat* era (mid-1980s) that the government introduced more neoliberal interventions as part of macroeconomic adjustment through external donors, of which social policy reform was a part.

The four case studies presented in this thesis show a pattern in relation to neoliberal policy directions. Two of the case studies – basic and secondary education and health sectors – show that when policies are introduced that attempt to increase the role, input, and size of the state in service provision (more state-led development directions), then private sector actors become resistant. Conversely, but in a similar fashion, the two other case studies – higher education and water supply sectors – show that when policies are introduced that attempt to reduce the role, input, and size of the state in service provision (more neoliberal-led development directions), then public sector actors become resistant. This pattern might seem predictable at first, but the intensity with which Nepal has oscillated between more state-led and more neoliberal-led development directions in the past has contributed to the triggering of major protests and public demands for political change (in the form of both violent conflict and non-violent civil disobedience) because the gains that were promised under each development direction were not adequately realised for many citizens. As such, I argue that a swing too far in either direction is potentially detrimental to the political, economic, and social stability of the country and endangers citizens' access to quality public social services. These tensions are rather frequent and pronounced in Nepal, implying that the consequences for states experiencing elements of fragility can be more dramatic and destabilising. This further demonstrates that for such states, exacerbation of any of these elements increases the risk factors for further exposure to fragility.

Further to this, the tension between state-led and neoliberal-led development directions in Nepal also implicates periods of reform in which there is an overlap or amalgamation between the two as a result of vernacularised social policy development, exemplified in the case studies covered in this thesis. Vernacularisation is a key conceptual anchor for the thesis. It refers to the way in which global or transnational concepts change as they travel through local actors, cultures, localities, and dialogues (Doffegnies & Wells, 2021). These ideas or concepts are then adapted and reproduced into something different and meaningful to a specific context, location, and space (Levitt, 2020; Merry, 2006). This goes beyond translation, which largely stops at understanding a specific communication. Rather, vernacularisation is a process that goes further by strategically modifying, altering, or reinterpreting that which is being communicated such as to increase its utility and assimilation capacity, and "so it becomes culturally acceptable, resonant, and applicable" (Levitt, 2020: 760; Levitt et al., 2012).

My thesis explores the above mentioned pattern of resistance to reform evident in the case studies, by using Norman Long's (2001) actor-oriented interface analysis approach, with a special focus on processes of vernacularisation of global development discourses through to the local level in Nepal – in this case, neoliberalism as a dominant global policy or value assemblage (Levitt et al., 2012: 129). Long's framework provides a useful lens to understand some of the social interactions that are going on in Nepal through which neoliberal policies are being supported, resisted, and constantly negotiated. Through this conceptual framework, I highlight how actors pursue their interests within a given context and what implications this has for public policy and its implications for quality and access of public services. I argue that the vernacularisation of global value packages into the local Nepalese context through social sector actors is the point at which tensions emerge between state-led and neoliberal-led reform directions. The four case studies presented in this thesis exemplify some of these tensions and what issues and actors are influential in that process.

Before outlining my initial scope for the research context, the next section presents interface analysis, with a special focus on vernacularisation, tensions, dialogue, and the arenas in which all these processes and negotiations play out. While Long's approach was initially conceived in the 1970s, its longevity is a testament to its applicability.

Interface Analysis

What Long refers to as the social interface is essentially the intersection of different and conflicting 'lifeworlds' of social actors regarding certain issues and resources for them to pursue and secure their interests. Long argues that people and their choices are not separate entities from their environments, but rather they are mutually interactive (Long, 2001: 40). Individuals are not passive receivers of development, rather they actively participate (Hebinck et al., 2001: 5). The main starting point, therefore, is to look at people's lived experiences or 'lifeworlds' (including taken-for-granted aspects of social experiences) because that is the point of entry for external intervention and the filter through which development processes are experienced, understood, and transmitted (Long, 2001: 13). This means that all actors involved in development interventions bring their own (both collective and individual) histories, experiences, knowledge, and understandings, which interplay with each other through development interventions. Interface analysis is ultimately about how local/internal and global/external social actors "are locked into a series of intertwined battles over resources, meanings and institutional legitimacy and control" (Long, 2001: 1). This leads to processes of accommodation and negotiation, or struggle and resistance among actors involved in development interventions.

Long's actor-oriented approach understands that actors possess agency,[1] in that they have some kind of knowledge and capabilities and can therefore exercise some kind of power (Long, 2001; Long & Long, 1992). In this way, Long's approach aims to contextualise the behaviour of actors in development intervention processes (Hebinck et al., 2001: 5). Using this approach in the case studies means that in looking at the 'flow of things' from a globalisation perspective (explored later), "we should aim to identify the interest groups, organisations and stakeholders involved in stimulating, manipulating, steering or blocking these flows, and to analyse the types and sources of power relations generated" (Long, 2001: 223).

[1] Building on Actor-Network Theorists such as Law and Latour, Long's approach says agency can be applied to both human and non-human entities, i.e. people *and* institutions; the latter because people inhabit, shape, structure, and transform these entities, thus going further than traditional rationalist perspectives.

One key aspect of the development interface relevant to my case studies is the idea of arenas, which is where a specific contestation takes place. For example, the individual sub-sectors themselves and the sites that these contestations play out in can be considered arenas (e.g. universities for higher education, medical schools and teaching hospitals for health), while other spaces also serve as arenas (e.g. parliament for policy and legislation drafting, media for public debates). Long defines arenas as "social encounters or a series of situations in which contests over issues, resources, values, and representations take place. That is, they are social and spatial locations where actors confront each other, mobilise social relations and deploy discursive and cultural means for the attainment of specific ends, including that of perhaps simply remaining in the game" (Long, 2000: 190). Kratochwil (2008: 86) writes, at the end of the day "interests are neither universal nor self-explanatory, since much depends on which game the actors are involved in." Similarly, Olivier de Sardan (2005: 185) writes that development interventions "appears to be a game in which the players involved all use different cards and play according to different rules." The 'game' may be one of political survival (Migdal, 1988), a point which I return to in chapter three regarding how this contributes to fragility.

What happens in these arenas reveals the constraints or enabling factors that shape actors' choices and affect their room to move in each situation. This can be shaped and transformed by power struggles and differentiated viewpoints through dialogical processes (O'Reilly, 2007; Skuse, 2017). That is, using a micropolitics of dialogue lens, deriving from linguist Bakhtin's perspectives on dialogical interaction, meaning and social change "is created by human agents engaging in conversation" (O'Reilly, 2007: 621). Essentially, discussions between competing voices, driven by language and dialogical processes of negotiation, can be the spaces for the production and convergence of meaning and understanding or for conflicts and contestation, allowing for the "emergence of alternative meanings beyond those that are hegemonic" (O'Reilly, 2007: 621). Within the case studies in my thesis, negotiations over what specific words will be included in a certain policy, or contestations over what certain words actually mean (e.g. privatisation, autonomy), or whether indigenous concepts are better positioned to propel agendas or structure development (e.g. *satyagraha*, *guṭhi*), all happen through dialogical processes within arenas. The focus then becomes on looking at the point of discontinuity regarding an agreed or shared meaning of what is going on and then what is the new transformed meaning, enabled by knowledge heterogeneity (Long & van der Ploeg, 1994; Long & Villarreal, 1993). These points of discontinuity are where vernacularisation takes place.

Vernacularisation

There are conflicts, incompatibilities, and negotiations that arise during development interventions, where actors can take on the role of brokers, intermediaries, or vernacularisers (Bierschenk et al., 2002; Lewis & Mosse, 2006; Long, 2001; Olivier de Sardan, 2005). Vernacularisation is the process of appropriation, adoption, and/or acceptance by local actors of various external messages, ideas, and practices. Those who essentially do the vernacularising are the ones in the middle of that transformative process and thus "hold a double consciousness" (Merry, 2006: 42). They are at the forefront of a grafting process whereby global or transnational ideas, culture, or concepts are inserted into a new context and transformed through infusion with "local institutions, aesthetics, and norms" (Levitt, 2020: 760). Vernacularisation has been identified under many different names, such as customisation (Inda & Rosaldo, 2008), localisation (Acharya, 2004; Miller, 1997), indigenisation (Appadurai, 1996), or creolization (Hannerz, 1992, 1996). The degree of acceptance or rejection of imported ideas ranges can vary. As such, Merry (2006) argues that vernacularisation can be seen on a continuum, ranging from replication on one end (thin adaptations of imported ideas and institutions that remain largely unchanged) to hybridization at the other end (thick adaptation involving the merging of imported ideas and institutions with local ones). This can mean, however, that certain concepts, ideas, or value packages, including the use of certain phrases and languages, can be hijacked for rather different purposes than was originally intended (Levitt & Merry, 2009: 448; Selim, 2018).

Through such processes, development is not passively consumed but actively transformed by local actors, institutions, and processes (Appadurai, 1990; Long, 2001; Miller, 1997; Mosse, 2005). As global development discourses are embedded in local contexts they can engender counter-tendencies, resistances, accommodation, or strategic compliance from local actors in local contexts (Acre & Long, 2000; Long, 2003), which is of current relevance for fragile state settings (Lahai et al., 2019; Lahai & Ware, 2020). Processes such as vernacularisation allow heterogeneity to flourish by reimagining homogenous and dominant discourses (Inda & Rosaldo, 2008; Long, 2000; Murray & Overton, 2014).

The following quote, from one interviewee with whom I spoke in Nepal, captures some of the key elements of the process of vernacularisation in Nepal:

> [Multilateral and bilateral donors] might mean well, I mean they do not necessarily mean that they want to bring evil to the Nepali society … but what happens is if you come from outside what you see, what you observe, may not be reflective of the entire truth, entire reality. So the prescription that you would like to provide may not entirely suit, or may not

> entirely be appropriate to address the challenge that this nation is suffering. In order to make that contextualised, in order to make that appropriate modification to the prescription that is being put forward in the locals, you need to be engaged, take a critical look at the prescription that is being offered and make the necessary adjustment. Ok this might work, this is acceptable to us, this is not good for this and this reason, because at the end of the day the donors or the expert or the consultant who come with the prescription, once they put the prescription their job is done. But we, people who have to bear or who have to live with the consequences of that policy or of that prescription, is the one who are expected to lead the process or set the agenda. But for that you need to be enlightened, you have to have a clear mind, you have to have a motivation to take the pain to look into the details, to critically analyse the data, evidences, the international experiences in the broader context and make sure that what is being chosen is the right one and would be in the best interest of Nepal and her people. (Interview, May 2016)

Vernacularisation remains a relevant concept for understanding development, human rights, and post-conflict processes in South Asia (Braithwaite & D'Costa, 2018; Setiawan & Spires, 2021).

Deconstruction of development interventions

In line with critical anthropology of development deconstructionist perspectives (Edelman & Haugerud, 2005; Gardner et al., 2015; Olivier de Sardan, 2005), and anthropology of policy and political anthropology perspectives (Mosse, 2005; Shore & Wright, 1997; Tate, 2020; Wydra & Thomassen, 2018), Long's social interface analysis calls for the deconstruction of development interventions so that rather than being viewed as a linear, organised, purely objective and technical endeavour, they are rather understood as inherently socially constructed and negotiated processes (Long, 2001; Long & Long, 1992). Rather than focusing on one aspect of the policy cycle, my case studies consider the policy making process more broadly. Long says that the separation and segregation of individual policy cycle components is to grossly simplify a highly complex process that fundamentally involves constant interpretation, reinterpretation, and transformative elements, ultimately negating the possibility of a straight and linear line from beginning to end, from policy to outcome (Long, 2001: 31). Development interventions can be messy, chaotic, and highly political, involving contests and debates between various actors' competing 'lifeworlds' (Howlett et al., 2009; Shore & Wright, 1997; Thomas & Grindle, 1990; Turner et al., 2015). Shore and Wright (1997) argue that focusing on policy and reform processes can provide a useful avenue for investigating how globally dominant discourses are transformed and resisted in local contexts, which is a core feature of the conceptual framework for this thesis. As such, I take their understandings of policy as a starting point for how I frame policy reform processes in the case studies.

Understandings of policy

Shore and Wright (1997: 5) start with an instrumentalist understanding of policy as a technical, top-down, regulatory problem-solving tool. Yet they argue that this conceptualisation tends to treat 'policy' as objective and politically and ideologically neutral, which disguises its inherently political nature. Objectifying and de-identifying decision-making processes "serves to collectivize responsibility for decisions adopted, and even to deny, at times, the roles of human agency and politics in the policy process," further distancing policy authors from policy objects (Shore & Wright, 1997: 8). Removing this "cloak of neutrality" (Shore & Wright, 1997: 7) reveals the power and dominations at play. To that end, Shore and Wright offer that policy can be understood in a variety of ways, as identified through three broad categories of (i) policy as language, power, and discourse, (ii) policy as a cultural agent, and (iii) policy as governmentality. For example, policy can be seen through the existence of a specific written policy document, or it can play out through certain language, symbols, metaphors, phrases, or narratives, revealing power dynamics in the process. It can exist as "rhetorical devices and discursive formations that function to empower some people and silence others" (Shore & Wright, 1997: 6). Policy is just as much about understanding the decisions that *are* made as it is about the ones that *are not*, highlighting the power of non-decision and silence as expressions of policy and power (Rizvi & Lingard, 2010: 4; Turner et al., 2015: 98). Policy can be the analytical key to understanding an entire structural and cultural system, and can be understood as an instrument of governance, and thus a political tool (Shore & Wright, 1997).

My case studies have legislative elements, which is another avenue to understand policy. Policy and law have a relationship of (oftentimes) mutual support. Legislation is a "function of political power," i.e. the creation and enforcement of new rules through access to power and institutions of authority (Fukuyama, 2011: 246). Legislation thus stands as an "instrument of policy" (World Bank, 2017g: 86). In line with vernacularisation, Desai and Woolcock (2015: 177) offer that politics and law "become sites and vernaculars for the performance of each other," and that the courts themselves may "act as vernacularizing agents" by virtue of being embedded in domestic politics, with special regard to the protection (or lack thereof) of constitutional social rights (Brinks et al., 2015). This becomes increasingly important in fragile and conflict-affected states where shorter-term reform and legislative outcomes are often prioritised over longer-term goals, and often at the behest of international donors who want to see more immediate and tangible results (Desai et al., 2012). Desai and Woolcock (2015:

178) further argue that "the strategic mobilization of actors of and around law and politics suggests that participation in the legal process can itself be transformative in a positive or negative sense, providing a platform for identity formation, group mobilization, and inclusion or exclusion." I find these useful ideas in examining my case studies, particularly because parliament as an arena for the creation and contestation of policy and legislative content features throughout the case studies.

These understandings of policy allow me to think about the examples in my case studies as policy reform processes. As such, I primarily take Shore and Wright's first category – policy understood through language, power, and discourse, with a focus on resistance – as my main focal point for thinking about policy and its manifestations. That is, rather than focusing solely on the existence of a written policy document (as many policy analyses do), my case studies demonstrate expressions of policy through decisions made, language used, events and courses of action taken, specific arenas of contestation, and through legislation. In presenting the four cases studies of my thesis, with varying degrees of difference, I aim to collate these seemingly "fragmented activities" (Shore & Wright, 1997: 5) to reach conclusions about social policy processes in Nepal. As Shore et al. (2011) remind us, policy can be contested, resisted, and vernacularised.

Now that I have outlined interface analysis and what is meant by the vernacularisation of dominant discourses and policy, I will next outline the initial research context which concentrates specifically on the pursuance of neoliberal policy directions. This background information provides insights into how social policy reform processes have played out in various contexts so far and what that can tell us about fragile states in particular. This section defines what aspects and understandings of social policy I use for the thesis and how these fit in with globalisation.

Initial research context

Since the 1980s, international financial institutions such as the International Monetary Fund (IMF), the World Bank, the Asian Development Bank (ADB) and many other donors, have promoted neoliberal[2] reform in developing countries, including in post-conflict or fragile states. In the realm of social policy as the delivery of public services, neoliberalism has meant promoting measures such as privatisation, corporatisation, institutional autonomy,

[2] Like others before me (e.g. Miller, 1997), I deliberately use the term neoliberal because it is more politically charged and better positioned to acknowledge systems and relationships of power that affect service delivery and processes of economic distribution, unlike the term 'market-oriented', which can conform to neutral connotations and therefore be less open to challenge (Cahill et al., 2018).

decentralisation, deregulation, introducing user fees, and encouraging greater private sector involvement, including public-private partnerships (PPPs). This broad policy agenda encompassing virtually all areas of public policy has also included a set of public management reforms often referred to as the New Public Management (NPM), which is a management philosophy that emphasizes the use of private sector, business-like management principles in the management of public sector entities to make government perform better and do more with less. Donors have invested heavily — through loans and grants — in supporting these reforms in developing countries. The IFIs have defended these policies on the grounds that they will improve management, increase efficiency, and improve the performance of, quality of and access to public services (Breen & Doyle, 2013; Hall et al., 2005; Harvey, 2005; Herrera & Post, 2014; Kessides, 2004; World Bank, 1990b, 1992b, 1994a, 2003c). This agenda has had an enormous impact on developing countries reflecting economic globalisation and has created pressure for developing countries (including fragile, post-conflict ones) to become internationally competitive, meet loan conditions, and conform to global goals, such as the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs).

As a result, the extent to which governments in developing countries have adopted and implemented social policy reform has varied considerably. Reform initiatives have often met with controversy, opposition, and resistance across the developing world, resulting in partial, delayed, or abandoned policies. Several examples across Latin America, Africa, and Asia can be found in health and education reform, including for higher education (Batley, 2004; Birn et al., 2016; Celli, 2004; Gindin, 2009; Homedes & Ugalde, 2005a, 2005b; Kabir, 2010; Lowden, 2004; Muntaner et al., 2008), as well as for water supply (Auriol & Blanc, 2009; Bakker, 2007, 2010, 2013; Carroll, 2010; Castro, 2008; Hall et al., 2005; Herrera & Post, 2014; Khol & Farthing, 2006; Manghee & Poole, 2012). Studies focusing on NPM and neoliberal reforms in Nepal specifically have concluded that the reforms were only partially implemented or not at all (Dhakal et al., 2009; Gautam, 2008; Paudel, 2013).

The nature of these oppositions and resistance is driven by certain motivations of various actors (e.g. politicians, civil society, bureaucrats, non-government organisations, activists, unions) that reflects different agendas and interests at work, such as a rights-based agenda that seeks to ensure equitable access to quality public services, or a populist agenda that seeks to capitalise on mass mobilisation of civil society around the reform issue, or an elite-based agenda that seeks to reward political allies and cronies with monopolies or privileged access to state contracts and other forms of largesse (Spronk & Terhorst, 2012). For example in South Asia, opposition or resistance to macroeconomic neoliberal reform has come mostly from grassroots social organisations and bureaucratic state workers (Pasha, 2000).

Moreover, social policy reform in developing countries, in particular health and education, tends to be slow moving (unlike acute reform agendas sparked by macroeconomic crises), involving a large range of people and can face strong anti-reform elements and weak support (particularly from those who stand to benefit from the status quo) (Grindle, 2007, 2010; Kaufman & Nelson, 2004). For example, slow moving reform can mean that improvements in quality of services over time will not necessarily be visible to current users, reducing attributability to politicians (i.e. users of services being able to reward or blame politicians for outcomes), and therefore potentially weakening incentives for reform (Batley & Mcloughlin, 2015; Harris, Batley, et al., 2013).

Even international agencies have conceded that political resistance to neoliberal-based social policy reform has prevented the success of their programs (Hall et al., 2005). The World Bank's *2017 World Development Report* was entirely dedicated to asking why (what it considered to be) theoretically good policies were so often not adopted or implemented (World Bank, 2017g). This also points to the fact that a much wider set of actors is now engaging with and influencing reform processes and outcomes through organization and action (Hickey et al., 2015), and through new networks spaces opened up by the 'marketisation' of public services whereby a larger number of actors (e.g. private, non-state providers) are becoming involved in public service delivery (Turner et al., 2015: 118).

While these studies have significantly enhanced our understanding of the politics of social policy reform in developing countries in general, they have told us little about this subject within the context of post-conflict and fragile states in particular. The politics of social policy reform in such states are different to other countries because the channels through which policy change can happen have often been weakened by conflict and political instability and other forms of fragility, with legacies of conflict being the prism through which governance processes are understood and played out (Brinkerhoff, 2005; François & Sud, 2006; Hickey, 2013; OECD, 2018; World Bank, 2017f).

Social policy reform processes in fragile and post conflict states may look different because such states also tend to be aid dependent (e.g. Hughes, 2009), have weak state institutions and weak capacity to provide welfare and public services to citizens (Baird, 2010), including non-state actors (e.g. NGOs, private firms, civil society) taking over or being contracted out to provide state functions (Batley & Mcloughlin, 2010; Commins, 2010). All of this contributes to a reduction of state legitimacy (Brinkerhoff, 2007; François & Sud, 2006) and weak institutional capacity to minimize the operation of individual interests in the development and implementation of policy. More recent publications have looked at resistance, resilience, and societal adaptation regarding governance and neoliberal development agendas in fragile states, including social policy, with a particular focus on indigenous responses, solutions, and local models of governance that can help reverse fragility (Lahai et al., 2019; Lahai & Ware, 2020). This kind of research is indicative of vernacularisation processes.

The focus on social policy more broadly has seen increased global attention in recent decades, particularly since the introduction of global commitments. The Millennium Development Goals (MDGs) were the first significant example of this, with the Sustainable Development Goals (SDGs) taking the mantle since 2015. The SDGs include specific targets and indicators relevant to each of the case studies explored in this thesis[3] and SDG 1 (Ending All Forms of Poverty) includes a broad focus on investing in social services and protections. These global goals make for a useful and important part of tracking and translating social policy progress and are therefore an important analytical element for the thesis. They also provide a useful avenue to highlight how social policy processes flow and filter between global and local contexts.

Tracking social policy

As part of the response to the social policy failings of the macro-economic structural adjustment period of the 1980s (Babb, 2005) and with a new focus on pro-poor policy development throughout the 1990s, the MDGs were declared in 2000. With a specific focus on social policy areas, the MDGs became the first round of global quantifiable targets coupled with results-based management that stood as a new benchmark for social policy progress. The MDGs thus became an example of commendable global consensus to reduce poverty and increase human development, as well as providing important accountability factors for governments. Criticisms emerged over the years, however, regarding the indicators and methodologies used in the MDGs to define and measure progress, resulting in what many see as the oversimplification of complex issues and a disproportionate focus on access without regard for quality (Bain et al., 2012; Eskelinen, 2018; Fukuda-Parr et al., 2014; Smiley, 2017; Unterhalter, 2014; Weststrate et al., 2019). Such criticisms rest within the ideas that quantitative indicators (rather than qualitative descriptions) win out in terms of framing global hegemonic discourses and value packages (Merry, 2011) whereby economic elements retain focus (Vandemoortele, 2011). Even multilateral donors have conceded that there has been a lack of dual focus on both access and

[3] Health human resources and higher education did not feature in the MDGs.

quality for addressing social services (ADB, 2007; UNESCO, 2004, 2012, 2014; World Bank, 2011a, 2018d).

The SDGs have attempted to address the criticisms and shortcomings of the MDGs by attempting to equally prioritise access and quality (e.g. of social services). However, many argue that it is largely being done with the same formula and approach – prioritising economic elements and quantitative technical and numerical indicators at the expense of more complex issues to be addressed. For example, Weber argues that *access* largely equates to 'market access' (i.e. commodities and services are made available on the market for people to access, with the 'goal' being to provide that access), which is "emphatically different from conceiving of and securing such public goods as a fundamental entitlement" (Weber, 2014: 131). Weber (2014, 2017) argues that the MDGs and the SDGs prioritise economic interests over social and political rights, which Kumi et al. (2014) argue is particularly detrimental for low-income countries. Hulme (2007), Fukuda-Parr and Hulme (2011), Peet (2009), and Carant (2017) all argue that the MDGs, and now the SDGs, have continued neoliberal 'market episteme' (Weber, 2017) as the dominant economic framework, which went unquestioned under the rubric of efficiency and technical measurements (Craig & Porter, 2006: 5). Similarly, Unterhalter (2017) links the technocratic conception of indicators with discourses of regulation such as New Public Management, rather than as opportunities for democratic participation in decision-making processes, as does Merry (2011) who links global human rights indicators with audit culture and global governance. Similarly, Fukuda-Parr (2019) argues that technical and quantifiable targets framed in strategic ways and promoted by globally dominant and powerful actors (e.g. IFIs) serves hegemonic political agendas and squeezes out opportunities for real change in agenda setting by other less-dominant actors and processes.

Global targets, such as the MDGs and now the SDGs, provide us with a set of ideas, norms, and values that have been created at the international level but then are ultimately altered as they pass through to the meso and micro level of a specific country and cultural context. The latest SDGs coupled with neoliberal underpinnings form part of a global development discourse that is then vernacularised within local contexts, giving rise to "normative struggles over the definition of development and the role of the different actors" in the process (Long 2001, p. 41). Long's interface analysis allows us to look at "not only the struggles and power differentials that emerge but also seeks to understand the cultural meanings, accommodations and compromises that underpin the interactions and transactions that evolve" (Long, 2001, p. 238). The SDGs will continue to inform development policies, programs, and projects, and will stand as the very backbone for many of them. For Nepal, as articulated by its National Planning

Commission, while the SDGs are "legitimate development objectives seen through a global lens, a resource-strapped country like Nepal needs to prioritize, localize and motivate a bottom-up path towards greater progress. Nepal needs a home-grown roadmap that is consistent with the SDGs, yet rooted in quintessentially Nepali events and milestones" (NPC, 2017: 1). This indicates the desire for the vernacularisation process.

Social policy largely entails two functions: (i) social protection schemes and payments (e.g. pension, health insurance, unemployment benefits), or (ii) provision of basic services (Barrientos & Pellissery, 2015). Both functions are typically provided by the state and are particularly beneficial to disadvantaged, underserved, and vulnerable populations (Gough & Wood, 2004; Haggard & Kaufman, 2008). SDG 1 incorporates both functions. For the purposes of my thesis and as per the case studies, I am interested in social policy in terms of its function of provision of public services as distinct and separate from support payments. To that end, Box 1 outlines the corresponding SDGs to each of the case study areas, illustrating how each case study fits into the social sector areas of education, water supply, and health. These also correspond to the Government of Nepal's own understandings of the social sector areas by grouping education (including higher education), health (including training doctors for health human resources), and drinking water supply all together under the heading of 'social sector' (MoF, 2018: 102-129). These areas further correspond to social and economic rights according to international human rights conventions and frameworks (Beitz, 2001; Fukuda-Parr et al., 2009; Gauri, 2004; Randolph et al., 2010).

Box 1: SDGs relevant to the case studies

SDG No.	**Related Target or Indicator (by 2030)**	**Case study sector**
4. Quality Education	4.1: Ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes	Basic and Secondary Education
4. Quality Education	4.3: Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university	Higher Education
6. Clean Water and Sanitation	6.1: Achieve universal and equitable access to safe and affordable drinking water for all	Water Supply

3. Good Health and Well-being	3.c: Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries; 3.c.1: Health worker density and distribution	Health (medical education)

Source: United Nations (2015).

While social policy appears to reserve a primary role for government in terms of funding and service provision, it is not always the case that the government will be the sole provider. My thesis does not set out to explicitly judge whether the government should be the sole or dominant provider of the services in question. Hallo de Wolf writes that "the question of whether essential services are provided by public or private actors does not really matter. What *does* matter is the type, nature and quality of the service they provide" (Hallo de Wolf, 2013: 171, original emphasis) and whether they contribute to the furthering of public interest or public policy objectives. That is, the state does not necessarily have to be a frontline deliverer (Hallo de Wolf, 2013: 172). The World Bank agrees that despite having "a central role in ensuring the provision of basic services … it is not obvious that the state must be the only provider, or a provider at all" (World Bank, 1997: 27). This is largely how neoliberalism conceives of the state's role in the provision of goods and services. Neoliberalism proposes a 'residual state' where government "should only undertake those activities – such as the provision of pure public goods[4] – that markets cannot perform" (Howlett et al., 2009: 55). The question then becomes about how a neoliberal social policy agenda impacts upon access to quality services for citizens, particularly for underserved and disadvantaged populations. As studies have shown, not all poor and underserved people are aware of their rights and cannot therefore necessarily see where they have been violated (Paul & Islam, 2015).

Rather than arguing for or against the state as a provider of social services, my thesis instead explores the tensions and resistances that arise when a neoliberal policy agenda is present. Prior to its economic liberalisation, Nepal had a history of almost purely state provision of basic services and that history is still lingering in the current situation, creating an ongoing tension. This tension, and the ensuing points of resistance and negotiation presented in the case studies

[4] Public goods have two main properties, they are mostly non-rivalrous in terms of consumption and are mostly non-excludable (Kaul et al., 1999). Non-rivalrous consumption means that multiple people can use and benefit from the same good/service at the same time without any negative affect on each other and not restricting anyone else's opportunity to consume the resource. Non-excludability means that there is little to no possibility to exclude anyone from enjoying the benefits of the good. Pure public goods are completely non-rivalrous and completely non-excludable. Conversely, pure private goods are completely rival and excludable in nature and exist entirely on the market (i.e. limited availability, resource many diminish with use, and user must pay). Effectively, markets cannot supply pure public goods so they represent a form of market failure. Therefore, pure public goods are provided solely by the government, funded through e.g. a taxation system.

in this thesis, exemplify Long's (2001) interface analysis in action and provides examples of how actors pursue their interests in vernacularised and dialogical processes. I use interface analysis to understand the way in which actors in Nepal engage in social policy reform and the resistances, negotiations, or accommodations that occur in the process (Long, 2001; Long & Long, 1992). Long's interface analysis derives from globalisation literature that highlights how global and local forces interact and impact upon each other, so globalisation is the next logical starting point.

Globalisation and vernacularisation of ideoscapes

Globalisation is largely understood as increased world economic integration and intensified global interconnectedness, and the increased multidirectional 'flow of things' (i.e. culture and meaning), enabled through greater transport, communication, and technological advances (Edelman & Haugerud, 2005; Inda & Rosaldo, 2008). What this also means is that the global and the local are increasingly intertwined, such that they are no longer distinct and separate fields or locations (Inda & Rosaldo, 2008). Globalisation processes, Long reminds us, should rather be understood as a "convenient shorthand for depicting the ongoing complexities, ambiguities and diversities of contemporary patterns of global/local relations" (Long, 2001: 214). In applying Long's interface analysis, I concentrate on globalisation as understood through the 'flow of things' with a focus on neoliberalism as a globally dominant discourse – what anthropologist Arjun Appadurai refers to as the flow of ideas and ideologies known as an 'ideoscape'. Through this analytical lens, we can see how dominant discourses, such as neoliberalism, are vernacularised.

Globalisation is concerned with the increasing interconnectedness and multidirectional flow of things, i.e. commodities, goods, people, images, technologies, information, capital, etc. (Appadurai, 1990, 1996). It is a world "fundamentally characterised by objects in motion" (Appadurai, 2000: 5) full of what Appadurai describes as divergent 'scapes' – i.e. ethnoscapes (people, e.g. migrants, tourists, refugees), mediascapes (digital dissemination of information, e.g. films, media), technoscapes (technology), financescapes (capital), and ideoscapes (ideologies, ideas)[5] (Appadurai, 1990, 1996). Accordingly, the SDGs can be considered an example of an ideoscape and an outcome of globalisation. In the 'flow of things', the focus is not only on the points of flow, connection, linkage, and objects in motion, but also about the points of disconnection, disjuncture, marginalization, discrimination, exclusion, and that which

[5] Carney (2009) builds on this category by adding 'policyscapes.'

does not move at all[6] (Appadurai, 1990; Inda & Rosaldo, 2008). While Appadurai's understanding of divergent 'scapes' gives us a picture of the pathways in which different things flow, it tells us less of what happens when something lands in a new context or place.

Globalisation implies that traffic in culture, ideas, and meaning moves primarily one way – that is, it is imposed from elsewhere, and privileges globally dominant cultures and practices: i.e. from the global/centre/West to local/periphery/the 'rest', which implies cultural imperialism and worldwide cultural homogenisation (Edelman & Haugerud, 2005; Inda & Rosaldo, 2008). However, this is not the case. Local/peripheral actors are not passive consumers and the local informs and influences the global just as much as the other way around. Not only is cultural traffic multidirectional but there is great heterogeneity because people in local contexts interact with and intervene in how dominant global practices/cultures/discourses are understood, translated, and played out (Miller, 1997). Multidirectional flow of ideoscapes contributes to global 'idea-shift' with heterogenous actors playing a key role in altering homogenous and globally dominant discourses (Acharya, 2016). In the flow of things nothing tends to stay completely in its original form. That is, the flow of ideoscapes may "manifest themselves in intensely local forms but have contexts that are anything but local" (Appadurai, 2000: 6).

Ideoscapes can end up being playing out and understood very differently in individual local contexts, prompting a significant amount of negotiation, challenge, interpretation, modification, dismissal or resistance (Bonacker et al., 2016; Levitt & Merry, 2009), revealing a less than 'seamless' flow of discourse between global, national, and local sites (O'Reilly, 2007). Global, foreign, or non-local ideas, discourses, and cultures, also known as global policy or global value assemblages, that land in local contexts can be accepted unchanged (rarely so), altered, adapted or reworked in accordance with local practices and cultures, or are rejected in some way or another. This is the process of vernacularisation (Brinks et al., 2015; Levitt, 2020; Long, 2001; Merry, 2006).

The above section has highlighted the significance of the flow of ideas and discourses that constitute ideoscapes and how globalisation has opened greater opportunities for the interplay of these things between different localities and cultural contexts. In the next section, I look more specifically at neoliberalism as a dominant discourse and demonstrate how neoliberal policy preferences have formed much of the foundational basis for global development work.

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[6] For example, the nation-state as a stable non-moving site that facilitates the flow of 'scapes' (Appadurai, 2000: 5).

Neoliberalism as discourse

Neoliberalism is a defining element of globalisation and can be understood as a dominant and potentially homogenising force as it seeks all to participate and subscribe to the same set of ideas, values, and development trajectory (Edelman & Haugerud, 2005; Rizvi & Lingard, 2010). It has been argued that the SDGs are an example of the global measurement of this neoliberal hegemony. For example, Weber (2014) argues that the neoliberal underpinnings of the MDGs and the SDGs aligns with a modernisation positioning for development, implying a linear one-way ladder to development success.[7] Weber (2017) further argues that the persistent yet highly contested neoliberal hegemony gives rise to social and political struggles precisely because the very policies that neoliberal structures and ideology produce have created the inequalities in the first place, rendering neoliberal policies for development exclusionary, unjust, and unsustainable (Haque, 1999; Weber, 2017).

Although dominant discourses are presented as neutral and inevitable truths, Edelman and Haugerud (2005: 24) and Long (2001: 53) remind us that there are real processes, institutions, and politics behind the perpetuation of dominant discourses such as neoliberalism, enabled and manipulated by real people with real interests, so they cannot be taken as an objective reality but rather a constructed and maintained model. Analyses that seek to deconstruct these processes helps to reveal the politics behind the perpetuation of such discourses (Crewe & Axelby, 2012). As such, Long argues that the self-evident nature of neoliberalism must be questioned. From a Foucauldian perspective, understanding neoliberalism as a set of enabling structures rather than as an ideology alone is more useful for understanding how it is perpetuated or resisted, thus making the process of vernacularisation a crucial aspect. That is, if we look at the “conditions of existence” of a discourse and the “practical field in which it is deployed” (McHoul & Grace, 2015: 49), then by analysing neoliberalism as a discourse from this angle it may become clearer why people in given contexts can end up challenging or sustaining the neoliberal discourse (Long, 2001: 131). Thus, neoliberalism as an ideology is only as powerful as the mechanisms that produce and perpetuate it in practical terms, i.e. through actors and policy processes.

When considering the potentially homogenising force of neoliberalism, Ludden (2012) argues that two Asian giants – India and China – have adopted neoliberal globalisation but ‘on their own terms’ and with a distinctly ‘imperial’ flavour (e.g. see also Weber, 2018). Ludden

[7] Weber (2014) argues that the language of ‘goals’ rather than a focus on ‘entitlements’ perpetuates these ideas.

essentially demonstrates that vernacularisation of neoliberalism as a globally dominant discourse within the Asian region can happen with larger and more dominant international players, not only in smaller, local contexts. It is therefore not so far-fetched to consider that Nepal, as the increasingly geostrategic 'link nation' between the influential India and China may be seeking to operate in a similar manner, pulling more power to the centre while simultaneously adopting the neoliberal discourse. Moreover, Pasha (2000: 78) argues that within South Asia specifically, homogenous neoliberal policy prescriptions have faced "enormous difficulty … in [such] diverse political-economic environments" and that in "nearly all the South Asian countries, historical commitments to specific constituencies have interceded to dilute the neoliberal medicine." Yet the dominance of neoliberalism has been persistent and an ongoing element of globalisation, as I will demonstrate in the next section.

Neoliberalism as a vehicle for globalisation and development

Neoliberalism rose to prominence in the 1970s and has been the dominant economic paradigm ever since. Its capacity as a homogenising force can be traced through initiatives by the international financial and development institutions – namely the World Bank and the IMF – throughout the decades after neoliberalism's ascendance (Hibben, 2016). First were the Structural Adjustment packages (SAPs) of the 1980s in response to the Southern debt crisis. SAPs instituted the master suite of neoliberal policies and introduced conditionality attached to loan requirements. This neoliberal policy agenda became known as the Washington Consensus, widely considered to be the modern 'neoliberal manifesto' (Marangos, 2009: 197). The Washington Consensus emphasised deregulation, liberalisation, and privatisation as the primary routes to economic growth and development. Such policies were "advocated as a reaction against (Keynesian) interventionist policies which were perceived to be the cause of the economic crisis that many countries were facing" (Rose, 2003: 70).

However, the evident failure of the SAPs to secure economic stability and prosperous development in many debtor nations prompted the Heavily Indebted Poor Countries (HIPC) initiative throughout the 1990s, as a joint venture of the IMF and the World Bank. The HIPC initiative called for debt forgiveness, concessional lending, and pro-poor growth, and eligible countries had to adopt a Poverty Reduction Strategy Papers (PRSP). PRSPs, introduced in 1999 under the auspices of the World Bank and the IMF, were supposed to be more inclusive, participatory, and country-driven to generate more ownership of development from debtor countries than the SAPs of the past (Hibben, 2016). PRSPs became the key instrument for development assistance and social policy reform (Teichman, 2016) and were largely considered to be the “primary vehicle to achieve the MDGs,” which were introduced around the same time (Hayashi, 2017: 80).

Many have argued that there is fundamentally little difference between the mandates of the SAPs and the supposedly improved PRSPs, largely because they retained an adherence to conditionality and the same neoliberal doctrine[8] (Hayashi, 2017; Marshall et al., 2001; Quadri, 2018; Teichman, 2016). Critics have argued that the reinvention of the PRSP was no better at producing pro-poor change and poverty reduction than their predecessors (Booth, 2010; Booth et al., 2006; Booth & Piron, 2004; Piron & Evans, 2004). PRSPs were seen to favour private-sector growth as the solution to poverty reduction (Stewart & Wang, 2005) and to prioritise technical solutions to political problems (Hickey & Mohan, 2008) because they represented a new ‘inclusive’ mask for the old face of neoliberalism (Craig & Porter, 2006; Hibben, 2016; Porter & Craig, 2004).

As a term and concept, neoliberalism remains contested ground and can have different meanings depending on the country or region to which it is being applied, i.e. the Global South or the Global North (Ferguson, 2009). Many critics argue that neoliberalism is essentially a political project aimed at directing the conditions for capital accumulation to benefit powerful economic elites (Chomsky, 1998; Colas, 2004; Davidson, 2018; Harvey, 2005, 2010; O'Connell, 2007; Stiglitz, 2012). Depending on the perspective (e.g. Marxist, Foucauldian, feminist), broadly speaking neoliberalism can be conceptualised as a political-economic ideology, a set of pro-market policies, a class-based project, or a way of governing (Birch, 2016; Cahill et al., 2018; Edwards et al., 2012; England & Ward, 2007). In terms of discussing and shaping the case studies covered in this thesis, I am primarily concerned with neoliberalism as a set of pro-market policies, outlined next.

Neoliberal policy preferences

Neoliberal policies are pro-market, favour a minimalist role for the state, and are all promoted in the name of individual freedom, economic efficiency, and competitiveness (Harvey, 2005). Neoliberal polices emphasise privatisation of state assets and services, deregulation of state control, trade liberalisation, elimination of import restrictions, encouraging foreign investment, withdrawal of subsidies, and a reduction of welfare programs (Edwards et al., 2012; Harvey, 2005). For proponents of neoliberalism, human well-being can best be advanced through market forces and the role of the government is to provide the institutional framework to

[8] For example, Goldman (2007) notes that borrowing HIPC countries could not access World Bank or IMF funding unless they had a domestic water privatisation policy in place as a pre-condition.

support and sustain this, and that is really all the government should do. In this way, "the market is the most efficient resource allocation mechanism" and everything becomes a commodity, including social services (Carroll, 2010: 117). Such a vision supposedly advances development and reduces poverty under the assumption that "a rising tide lifts all boats" – that is, through trickledown economics (Harvey, 2005: 64-65).

Neoliberalism also came to include the New Public Management (NPM), which is a management philosophy that emphasizes the use of private sector, business-like management principles in the management of public sector entities in order to make government perform better, including through stimulated competition between government agencies and contracted providers. The NPM favours quasi-market forces over planning and emphasises performance measurement, management, monitoring, and auditing (Fattore et al., 2012). The NPM proposes that the issue is not one of too much or too little government, but rather one of needing a different and better kind of government – an entrepreneurial one (Osborne & Gaebler, 1993). In such a way, NPM aims to improve government performance through promotion of the three 'Es' of private sector principles – economy, efficiency, and effectiveness (Fattore et al., 2012) performed through the three 'Ms' – markets, managers, and measurement (Ferlie et al., 1996). The three Es constitute the Value for Money (VfM) approach promoted by donors, notably the United Kingdom's Department for International Development (DFID, 2011). VfM has its origins in audit culture and NPM and is a term originating from private sector business principles. Common strategies for NPM reforms include downsizing (also known as rightsizing or rationalising) government bodies and outsourcing public services[9] (Fattore et al., 2012).

The NPM envisions a system where governments concentrate more on 'steering' (policy management) and less on 'rowing' (service delivery) (Osborne & Gaebler, 1993), drawing a clear line between management and operational functions of the government (Fattore et al., 2012), also known as a 'regulatory state' (Jarvis, 2012a, 2012b; Jayasuriya, 1999, 2005). NPM proponents argue that it serves the public good by being able to do more and better with less (Hood, 1991). Cutler (2004: 207) points out that in NPM discourse, the private sector is equated as successful and up to date, while the public sector bureaucracy is considered the opposite – old and out of touch. NPM situates users of public services as though they are customers in the market or the government itself as the customer when public services are contracted out to the private sector (Crouch, 2011: 21). Critics have argued that neoliberal policies, including the

[9] This can include contracting out (direct outsourcing of service provision to non-state provider) and contracting in (non-state support to government delivery).

NPM, are problematic in terms of the state-society relationship because it disconnects rights and entitlements inherent in citizenship and leaves 'customers' of public services instead. They argue that policy alternatives are therefore needed to reconfigure these state-society relationships (Haque, 2008; Lorenz, 2012).

Summing up, neoliberal policy preferences have widened in scope and are therefore able to capture more in their meaning – i.e. while the word privatisation in its purest form (i.e. sale of state assets to private sector) is not as popular and widespread in its application as it once was (circa 1980s), its definition has been re-worked and widened to incorporate many more strategies for achieving similar results, which is, in effect, to reduce public sector/government direct service delivery and increase market share of basic services. In looking at neoliberal policy preferences and directions there appears to be a tension between how much state versus how much market and this tension is present within each of the case studies. This tension is explored next.

Neoliberalism and the tension between state and market

The critical difference between classic liberalism and neoliberalism is that classic liberalism maintained that the two main spheres – state and market, public and private, rule of King and role of merchant – were distinct, independent, and separate entities needing to be carefully balanced. Neoliberalism, on the other hand, sees a more intertwining of the two (for example, private sector principles applied within the state apparatus, i.e. NPM), involving a greater degree of government intervention in order to create the conditions for the entrepreneurial and competitive government and individual to operate freely within the market (Crouch, 2011; Peet, 2009).

Out of the Southern debt crisis in the 1980s grew a focus on governments and institutions in these regions as the reason for poor policy reforms – the policies (i.e. donor approaches) were still sound, but the institutions (i.e. governments) needed improvement. Stemming from a "concern about the detrimental impact of state capture, rent-seeking and unaccountable state institutions on state capacity, government institutions and developmental effectiveness, in the 1990s donors began to emphasise the importance of 'governance' – or *the way in which* government and power are exercised" (Fritz & Menocal, 2006: 5, original emphasis). This led to an agenda focused on 'good governance,' driven by the World Bank in consolidation with the IMF and the Organisation for Economic Cooperation and Development (OECD) and other major donors such as the Asian Development Bank (ADB) (Carroll, 2010: 77-83; Craig & Porter, 2006: 72-75). The emergence of this agenda can be traced over various World Bank, IMF, and ADB publications (ADB, 1995, 1999; Burki & Perry, 1998; IMF, 1997; World Bank, 1989c, 1992b, 1997, 2000b, 2001b).[10] The macroeconomic policy agenda of 'good governance' was largely the same as before, i.e. protection of private property rights and administration of a regulatory regime with adherence to a neoliberal policy agenda, but with a renewed focus on eliminating corruption, the latter understood as stemming from poorly run governments (World Bank, 2002c).

The promotion of good governance was conceived, from the stance of development organisations such as the World Bank, to be an entirely technical, administrative, and managerial endeavour, devoid of engagement with political and social forces in local contexts (Leftwich, 2000). The view was that clientelist and populist governments in developing nations had led economic policy astray and only a technical fix could restore macroeconomic balance and growth (Kingstone, 2018). Carroll's assessment of the World Bank's promotion of the good governance agenda is that the World Bank sees that "significant development impediments and impediments to neoliberal reform as one and the same. The issue, from this perspective is getting the patient to take the right medicine and follow instructions" (Carroll, 2010: 82). Very quickly, the state was re-positioned from "market nemesis to market-enabling" (Carroll & Jarvis, 2017: 20).

This is the paradoxical relationship of market and state inherent in neoliberalism: the state is simultaneously the driver and obstacle of reform (Davies, 2018). Neoliberalism requires simultaneously a limited and minimal state, yet a strong one that can impose and protect the conditions for neoliberal policies to flourish (Schmidt, 2018). In such a way, Davies argues that neoliberalism does not specifically seek to shrink state power *per se*, but it does seek to shift it "from spheres designated (pejoratively) as 'political' to those viewed as unpolluted by the dangers of politics" (Davies, 2018: 274). In this vein, proponents of neoliberalism "present the markets as the neutral solution, [and] the state as the politicized problem" (Schmidt, 2018: 70). Yet, as Jessop (2018) argues, the neoliberal project of capital advancement requires simultaneous control over and alignment with the state, which means that the economic and political spheres must conjoin and integrate. But Crouch (2011) argues that the relationship between governments and corporations is problematic because they are increasingly mutually susceptible to each other's interests. This makes the 'too much state' versus 'not enough state' tension even more complex, especially in light of the rise of powerful conglomerates that are afforded space in the political arena by their monopolised size and associated accumulated

[10] Leftwich (2000) provides an informative overview.

wealth, and their relationship to government, allowing them to influence legislative processes[11] (Crouch, 2011; Harvey, 2005; Klein, 2007; Stiglitz, 2012).

The point is that there is a continuing tension within neoliberalism about how much power, presence, and influence the state should have, which is a tension Nepal has been grappling with over the past few decades considering its transition from state-led development to neoliberal-led development (explored more in chapter 3). This paradox becomes more pronounced in countries considered to be fragile, where donors engage precisely because of perceived state weaknesses (including inability to provide security and basic services) but there is also an assumed state capacity to receive and manage that aid effectively (or the ways that donors envision) (von Engelhardt, 2018). This positions the state, again, as simultaneous obstacle and driver of reform.

Critics also argue that neoliberalism essentially undermines the avenues for planned economies and collective action (e.g. through organised groups such as trade unions), particularly when private capital accumulation is under threat (Harvey, 2005). In this way, neoliberalism is considered to be an "explicitly anti-collectivist ideology and theoretical paradigm" that is "against any form of collective economy" (i.e. socialist, Marxist) (Weber, 2018: 220). This positions neoliberalism in rather stark contrast to much of Nepal's historical development in which planned state-led development and the role of organised groups such as trade unions and political parties have played a crucial role in shaping the course of that development. These elements are still visible today, with the higher education and water supply chapters being a good example of the influence of union groups in resisting reforms that would see the role and input of the state contribution reduced, including an actual reduction in the size of public institutions (e.g. universities).

This tension between state and market is relevant to the strategies employed by donors for social policy reform and therefore to each of the case studies explored in this thesis. This is because reform efforts that seek to reduce the role and size of the state (public sector) in service delivery ultimately has the flow on effect of undermining or at least limiting collective action from those actors. If the size of an institution or sub-sector is smaller, including the power and resources it controls, then it is likely to have less influence over development processes and less ability to challenge or resist the dominant discourse in place. Yet the core

[11] For example, economists have pointed to a 'virtual senate' comprised of powerful and wealthy investors and lenders who can enact capital flight in a 'veto power' response to legislative or governmental changes that prioritise social programs and in turn negatively disturb profit maximization (Chomsky, 2010: 97).

tenet of resistance is some kind of challenge to the existing power paradigm or status quo (Worth, 2018: 611), creating forms of counter narratives in response to dominant discourses and ideoscapes.

Types of resistance to dominant discourses

Drawing on the works of Antonio Gramsci, Karl Polanyi, and James Scott, we can understand resistances to hegemonic discourses and capitalist development (i.e. neoliberal social policies) to exist at both an individual level (covert, slower, more subtle) and a collective level (overt, faster social movements, inciting more radical change). The former is more of an 'everyday' type of resistance and the latter is more of a counter-hegemony, counter-movement type of resistance (Chin & Mittelman, 1997; Petras & Veltmeyer, 2011). The collective level includes strategies such as "openly declared collective action against the state" (Chin & Mittelman, 1997: 27),[12] whereas the individual level basically covers anything up to the point of overt opposition. Similarly, bringing in the work of Michel de Certeau alongside that of James Scott, Shakya and Rankin (2008) and Rankin (2010) argue that subversion and resistance are overlapping transgressive practices and can be expressions of political agency, and which therefore have the potential to limit, disrupt, or destabilise the scope of neoliberal development interventions, or even neoliberal governmentality. Neoliberal governmentality seeks to work on and through individuals' agency, motivations, actions, and sense of self (Shore & Wright, 1997), but transgressive practices can work against this or even as a vernacularising force. Shakya and Rankin therefore argue that such practices can be considered diagnostics of power because they can (temporarily) invert power relationships (for example, the donor-recipient relationship).

Based on their comparative analysis of de Certeau and Scott, Shakya and Rankin put resistance more in the category of "collective, overt actions that are intended to challenge prevailing systems of power," while subversion can be thought of as more of an "ambiguous political agency … [entailing] individual, covert instances of nonconformity that engage tactics to get as much as possible out of a constraining situation" (Shakya & Rankin, 2008: 1230). For the likes of Scott, acts of everyday resistance can include "foot dragging, dissimulation, false compliance, pilfering, feigned ignorance, slander, arson, sabotage … [because they] require little or no coordination or planning; … and they typically avoid any direct symbolic confrontation with authority or with elite norms" (Scott, 1985: 29). As 'hidden transcripts,' they are low-profile,

[12] Some examples include the Zapatistas uprising in Mexico, the Arab Spring, and the post-GFC anti-austerity wave of protests (Bailey, 2018; Worth, 2018).

less obvious, below-the-surface, undisclosed acts of resistance "designed to minimize appropriation" (Scott, 1990: 188). For the likes of De Certeau, it is more about "'tactics' – the guileful manoeuvres and tricks performed in the cracks of elite power, by which the weak temporarily stretch the limits imposed by dominant systems" (Rankin, 2010: 9). Shakya and Rankin go on to say that, while not necessarily intentional, "subversive agency lies in the ways in which people put dominant cultural productions into their own moral and social frames of reference and, in so doing, change their meaning. … subversions reveal fissures and weak points in the dominant apparatus, exposing the fragility of hegemony" (Shakya & Rankin, 2008: 1230). These understandings inform and indicate the process of vernacularisation because they highlight strategies of resistance at points of tension or conflict with dominant discourses.

From a Foucauldian perspective, although big mass movements and revolutions do change things significantly (as seen in Nepal with the civil war and large-scale civil disobedience movements), what is also very important to altering power dynamics is the "mobile and transitory points of resistance" embodied in the "mundane or everyday acts of resistance that potentially produce profound effects" (McHoul & Grace, 2015: 86). Such mundane everyday 'weapons' can be utilised by both powerless and powerful groups and individuals (Scott, 1985: 30) and their application does not have to necessarily result in wide scale political transformation to be deemed effective for facilitating change (Worth, 2018: 611). This can be seen in the medical education case study in which reform efforts were obviously and actively propelled forward by individual acts of resistance to the status quo. Conversely, the higher education chapter shows how opposite uses of resistance, i.e. inaction, slow moving reform, or even a type of foot dragging, can be considered a preserving of the status quo.

Now that I have established the conceptual framework for the thesis and demonstrated neoliberalism to be a dominant discourse with a distinct set of policy preferences, I now turn to how these policy preferences underpin much development intervention through the work of multilateral donors. With a specific focus on the work of the World Bank and the Asian Development Bank, the next section serves to highlight the dominant foundational starting position that local actors react to and vernacularise.

Donor strategies for social policy: the World Bank and the Asian Development Bank

The World Bank and the Asian Development Bank (ADB) are arguably the most influential multilateral donors operating in Nepal as well as in each of the sectors covered in the thesis more generally. As such, my thesis focuses on these two donors. Research has consistently shown how they support and promote neoliberal hegemony, through neoliberal policy preferences in their development initiatives (Babb & Kentikelenis, 2018; Bakker, 2007, 2010; Cammack, 2002; Carroll, 2010; Carroll & Jarvis, 2017; Castro, 2008; Collins, 2011; Conca, 2005; Goldman, 2007; Heyneman, 2003, 2009; Homedes & Ugalde, 2005b; Obamba, 2013; Regmi, 2015, 2017, 2019; Rosser, 2009, 2011; Stein, 2008). This section outlines the basic history and entry of these two donors into each of the respective case study areas and the neoliberal policy preferences they have promoted. In doing so, this section demonstrates the baseline against which the vernacularisation of social policy processes can be analysed and compared.

The most notable policy preferences for the education, water supply, and health sector case study areas are decentralisation, privatisation, institutional autonomy, public-private-partnerships (PPP), and regulatory measures, as well as encouraging greater private sector participation. These policy preferences, discussed below, aim to reduce the role and fiscal input of the state, and therefore reduce reliance on and interference from the state. Grater space for private and non-state service provision has increased the commodification of social sector services. As Long argues, "[c]ommodity values constitute the bedrock upon which neoliberal philosophy has been founded and they remain the main thrust of present-day development policy" (Long, 2001, p. 114). Each of the case studies presented in the thesis then show both departure from and resistance to these policy directions, or efforts to protect and preserve them. These donor foundational starting positions based on neoliberal policy preferences are presented next, following the case study order as presented in the thesis.

Basic and secondary education

The World Bank's entry into education development was based on human capital theory, workforce forecasting, and economic rate-of-return (ROR) (Heyneman, 2003; Obamba, 2013; Rose, 2003; Woodhall, 2007). At a time when many developing countries were gaining independence (1940s-60s) and seeking different development objectives, the World Bank shifted from a primary focus on infrastructure projects (e.g. post-war reconstruction) to investing in human capital for longer-term management and maintenance of such projects to create conducive environments for economic growth (Heyneman, 2003). Human capital theory was advanced by economists, such as Theodore Schultz[13] and Gary Becker in the early 1960s, which led to ROR approaches becoming widespread in the 1970s (Obamba, 2013). Up until the late 1960s, World Bank lending for primary education was not considered to be a sound investment, seen as neither a revenue generating nor capital-intensive endeavour. Viewing

[13] Shultz was associated with the University of Chicago (Heyneman, 2003: 316), which during the 1960s was heavily associated with the promotion of neoliberal ideology.

education through an ROR and human capital lens, however, meant that it could now be seen as an investment (Rose, 2003). This approach was promoted by the World Bank throughout the 1970s and 1980s (World Bank, 1971, 1974a, 1980a). Influential publications at the time promoted primary education as yielding the highest ROR amongst all levels of education (Psacharopoulos, 1981, 1985), and even more so in lower-income countries[14] (Heyneman, 2003: 324-325).

ROR analysis led to policies promoting cost-effectiveness for education provision, which led to decentralisation being promoted for financial and management sustainability of public education. This included the expansion of private and community-supported schools to stimulate competition with the public sector (World Bank, 1986a). Expansion of basic education on the back of high ROR analyses served to propel global education discourses throughout the 1990s, most evident in aims for universal access (e.g. Education for All and then later the MDGs) (Obamba, 2013). Since then, the World Bank has regularly promoted decentralisation of school management, including school autonomy as part of this, to expand access, participation, and ownership of education programs and in efforts to be more inclusive and pro-poor in its approaches (World Bank, 2003c, 2008b). Decentralisation and school autonomy became the global focus for education and of donor education strategies more specifically (ADB, 2003a, 2010a; Grindle, 2007; UNESCO, 2014; World Bank, 2011a). It also formed part of the PRSPs for many countries, including for Nepal (NPC, 2003).

Decentralised school management and school autonomy was to be realised through strategies such as cost-sharing with communities, block grants, revenue diversification, 'portable' student financing mechanisms that 'follow the student' (e.g. per capita funding or voucher systems), and output-based funding arrangements (Patrinos & Ariasingam, 1997; World Bank, 1995b). Incentivised grants were also offered as part of World Bank education projects to stimulate voluntary uptake of community school management (World Bank, 1995b, 1999c, 2001a). The World Bank also encouraged private sector participation to absorb excess demand for education and free up public resources (Sosale, 2000). Decentralisation and school autonomy were expected to bring parents and schools closer together, foster greater ownership and accountability, and stimulate overall improvements in school quality and student learning (Patrinos et al., 2015; World Bank, 1995b).

[14] Argued again later by Psacharopoulos and Patrinos (2004).

The basic education case study in this thesis shows how these neoliberal reform directions – decentralisation, private sector participation, and school autonomy – have been wound back in the Nepalese context to reflect what I argue is a move toward more state-led centralised preferences for education development. Such a move has engendered resistance from private sector actors who have benefitted from neoliberal policy preferences. These same neoliberal policy directions have also been promoted for higher education, as the next section demonstrates. Yet when played out in the Nepalese context, I argue that some of these reform components have been resisted by public sector actors instead.

Higher education

For a long time, the ROR argument was used to argue against investments in higher education, especially for those countries who had not yet achieved universal primary education. It was thought that spending at the tertiary level was wasted money because it was mostly elites who were able to access universities and therefore benefit from government subsidies, resulting in inefficient targeting of the poorest groups (World Bank, 1980a, 1986a, 1988, 1994b, 1995b, 1999c). After a volte-face throughout the early 2000s, the World Bank began to prioritise higher education and universities were positioned as the key drivers of the new knowledge economy (Collins, 2011; Heyneman, 2003; Woodhall, 2007; World Bank, 2002a, 2003b, 2017c; World Bank & UNESCO, 2000). The World Bank now promotes higher education as yielding the highest ROR in the whole education system (Langthaler, 2013; Montenegro & Patrinos, 2014; World Bank, 2017b).[15]

Governance reforms for higher education have sought to increase institutional autonomy as a way to stimulate greater competition and accountability (like in basic education), shifting the role of the state in the process to regulator and supervisor rather than direct service provider (Fielden, 2008; Lee, 2008; Marmolejo, 2016; Raza, 2009; Saint et al., 2009; World Bank & UNESCO, 2000). In line with NPM, governments were to steer higher education development 'from a distance' and through 'smaller universities' (Eisemon & Holm-Nielsen, 1995; Gibbons, 1998). The World Bank has recommended greater private sector participation in higher education and encouraged public institutions to diversify sources of funding (Albrecht & Ziderman, 1992; World Bank, 1994b, 1995b, 2002a, 2003b, 2012; World Bank & UNESCO, 2000). Donors have also encouraged higher education institutions to adopt corporate behavior and business culture in their operations (ADB, 2014a; Lee, 2016).

[15] 17% for higher education compared to 10% for primary and 7% for secondary education (World Bank, 2017b).

Strategies for achieving institutional autonomy in higher education include decentralisation, incorporation, corporatisation, privatisation, and PPPs (Lee, 2008, 2012, 2016, 2018; Shin, 2018). All of these concepts are different on their own, but they share a fundamental concern about the degree and nature of independence of public universities from the state (Wan & Morshidi, 2018). What these reform strategies also bring about is decreased public funding for universities, which increases the cost for individual institutions to survive and for individual students to pay fees to attend university (Neubauer & Hawkins, 2016). With more competition and choice enabled by more private sector players, it became possible for governments to treat higher education as a commodity. Universities could now operate as commercial sites for revenue and profit, converting students into consumers in the process (Lee, 2016; Lorenz, 2012; McCowan, 2016; Torres & Schugurensky, 2002). This has blurred the lines and continues to propel debates about whether higher education should be considered a public good or a private commodity[16] (Collins, 2011; Collins, 2016; Johnstone et al., 1998; Lee, 2008; Naidoo, 2010). It also raises concerns about access inequities, largely because private systems are not obliged to address inequalities and can even obstruct attempts to fix them if it does not align with their goals (McCowan, 2016).

Regmi's (2019) concludes that neoliberal instrumentalism, based on three imperatives of reform, perform, and compete, has become the guiding principle for donor (specifically World Bank) engagement in the sector. Higher education now serves to establish countries' competitiveness for the knowledge economy, with the responsibility ultimately resting with the individual to manage, upskill, and update themselves to participate effectively and competitively in the international job market (Regmi, 2019). This is the job of the neoliberal university – the entrepreneurial institution readies the entrepreneurial individual to participate in the knowledge economy (Marttila, 2018; Peters & Jandrić, 2018).

Like the basic and higher education sectors, urban water sector reforms have also promoted private sector participation and institutional autonomy to stimulate competition and efficiency in the sector. As part of this, the PPP model has been promoted as one of the best ways to achieve improvements. This is explored next.

[16] The idea here is to 'let the buyer pay' (Altbach, 1997); i.e. if the benefit is private and individual then so too should be the contribution and cost (Lee, 2008: 189-190), which was widely promoted by the World Bank and the IMF (Collins, 2016: 94).

Urban water supply

Both the World Bank and the ADB have been actively lending for water supply projects since the 1960s and have pursued similar strategies for water sector development. Their policies and projects have prioritised institutional autonomy, corporatisation, privatisation, decentralisation, and the separation of regulatory authority, while encouraging more private sector and non-state participation (including user groups) to stimulate competition. These strategies were thought to decrease corruption, increase accountability, and improve utility performance and service delivery (ADB, 2003c, 2007; World Bank, 1993c). For donors, public utilities have historically been viewed as inefficient, unsustainable, and a financial burden on state resources, as well as being sites for corruption and political interference (ADB, 2000b, 2012; Pernia & Alabastro, 1997; World Bank, 1992c, 1992d). In the early 1990s, the World Bank was certain that the trend toward water utility privatisation would accelerate in the coming years and lauded countries that had already done so (World Bank, 1992d).

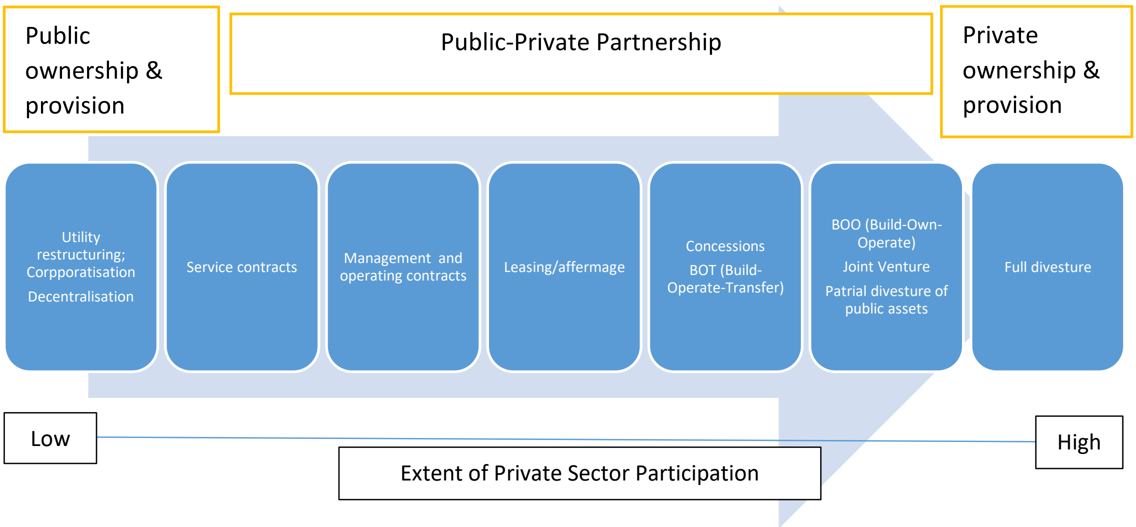
In 1993 and 2001 the World Bank and the ADB, respectively, released their first official water policies (ADB, 2003c; World Bank, 1993c). Along with the above-mentioned policy preferences, both policies called for cost recovery mechanisms, i.e. gradually withdrawing subsidies and introducing fees, especially for the poor who constituted a so-far untapped market.[17] Following the 1992 Dublin Statement, which helped to propel the idea of water as a finite economic resource that needed to be managed efficiently (and not only as a social good or a right), multilaterals such as the World Bank and the ADB wholly embraced the idea and incorporated it into their policies and reform strategies (ADB, 2003c; World Bank, 1993c, 2004c). Viewing water as a commodity with economic value was strengthened throughout the 1990s globally and enabled donors to increasingly promote the private sector as a viable and so-far untapped solution to global water crises (ADB, 2010b: 76). Privatisation efforts increased and by 2002 water utility privatisation constituted 12% of the World Bank's total lending portfolio (Conca, 2005: 221-222).

It was around this time (2000s) that the promotion of PPPs really took off as an alternative that aimed to combine the best of both worlds – public/state and private/non-state. The ADB argued that "public responsibility and ownership is often best blended with private management" (ADB, 2003c: 21-22), further bolstered by the ADBs three-pronged approach to

[17] The ADB argued that to achieve the water-related MDG, we "must start thinking of the urban poor as they think of themselves: Valuable, willing, able and deserving customers" (ADB, 2006: 1). This depicted the "unserved poor … as a vast potential market and a means by which a win–win scenario of private profit and public benefit could be achieved" (Bakker, 2013: 254).

water service management in Asia – a mix of government, corporate, and society (ADB, 2007). PPPs (along with strategies like corporatisation and institutional autonomy) have been prioritised because they mimic market structures and ultimately facilitate the move toward privatisation (Figure 1) (ADB, 2000a). Moreover, as the extent of private sector participation increases along the spectrum, PPPs can then be seen as more of a high-risk but high-reward option for governments (Marin, 2009: 146).

Figure 1: Spectrum of private sector participation - ADB and World Bank



Sources: adapted from ADB (2000a: xiii) and World Bank (2019a). See also the combined multilateral reference guide on PPPs (World Bank, 2014c).

The ADB promotes the mix of public and private sectors for water management as essential for closing the demand-supply gap in urban water service provision (ADB, 2012). Yet the water sector case study I present in this thesis demonstrates that, like the higher education case study, public sector actors have been resistant to the introduction of such neoliberal-led policy preferences, resulting in a limited application of the PPP in that context.

The next section outlines how regulatory aspects, like accreditation, quality assurance, and licencing, as well as decentralisation, have been promoted to improve medical education. Although health sector reform has long been an active area for the World Bank and the ADB, the specific area of medical education is a relatively new area for donor engagement. This is explored next.

Medical education

Medical education pertains to the training of doctors as part of building health human resources. The World Bank predicts that by 2030 the global demand for health human resources, including doctors, will far outweigh supply (Liu et al., 2016). Low-income and lower middle-income countries, like Nepal, will be among the most affected because they face issues of both demand (not enough) and absorption (too many), resulting in a failure to meet the World Health Organisation (WHO) needs threshold for health workers[18] (Liu et al., 2016). Unlike the SDGs, the MDGs did not include specific goals for health human resources, yet insufficiencies in this area were flagged as an issue that would hamper the overall achievement of the MDGs (Marchal & Kegels, 2003) with the World Bank citing medical education as "essential" for achieving the MDGs (World Bank, 2002a: 79).

Since the 1990s, the World Bank has promoted decentralisation, regulatory measures, and private sector participation for health service delivery (including for medical education) on the basis that it would increase access to quality services and reduce state inefficiencies (World Bank, 1993d, 2007b), including subsides because state-subsidised medical education was seen as a cause for the overproduction of doctors that end up in the private sector anyway (World Bank, 1987: 43; 1993d: 142). Earlier, the World Bank viewed medical education as more of a state responsibility, and one that they have supported through training and construction projects (e.g. building training centres and teaching hospitals) (World Bank, 1980b, 1987), but then it started to encouraged more private sector involvement (World Bank, 2000a, 2007a). By its updated 2007 health policy, the World Bank identified medical education as an area that it needed to strengthen its competitive advantage (World Bank, 2007b: 51). The World Bank has now positioned itself as one of the most suitable donors to support initiatives to improve medical education, similar to efforts by the World Federation for Medical Education (World Bank, 2002a: 125).

General strategies to build and improve health human resources, including medical education, point to regulation, accountability and quality assurance mechanisms, accreditation, licensing, and certification (Evans et al., 2016; WHO, 2010, 2017). However, putting policies and legal and regulatory frameworks in place has often been neglected as part of wider health professional development, particularly in fragile and post-conflict states (Fujita et al., 2011). While the World Bank and the ADB have supported health sector programs that have included components to address health professional training, including in conflict-affected and former socialist countries,[19] it is only recently that they have ventured into stand-alone projects specifically for

[18] The SDG threshold is 4.45 health workers (including doctors) per 1,000 population (WHO, 2016: 42). Nepal is one of 76 countries with less than one doctor per 1,000 population (WHO, 2018).

[19] Reforms components have focused on regulation, licencing and accreditation of health professionals and hospitals, and quality assurance mechanisms (ADB, 2008b; World Bank, 1999b, 2004a), or improving medical education as part of wider health or education system reforms (World Bank, 1983, 1998, 2006, 2016b, 2017a, 2019b).

medical education, for example in Indonesia and Vietnam. These projects have focused on quality assurance of medical education institutions (both public and private), rationalisation of institutions, certification and licencing, results-based funding packages, and decentralised training (ADB, 2018, 2019; World Bank, 2014b, 2015a). We are likely to see more standalone medical and health professional training programs from the World Bank and the ADB in the future, possibly in Nepal. More research is therefore needed in this area. To that end, the medical education case study I present in this thesis focuses on decentralisation and issues of quality and regulation, with a particular focus on the role of private providers within this. Despite being with the neoliberal policy suite, reforms like decentralisation are being driven from a state-led approach with moves to restrict private sector provision. As such, it is private sector actors who are more resistant.

The above section has shown the policy preferences of the World Bank and the ADB in each of the sector case studies explored in this thesis. The case studies then serve to demonstrate how these fundamental positions have been altered or challenged in some way by various local actors as they are vernacularised into a Nepalese context. The rest of chapter one, below, outlines the structure of the thesis with a summary of each chapter and its findings in relation to how each example deviates or holds on to certain aspects of these donor policy norms.

Thesis structure and chapter summaries

The thesis is explored across eight chapters. Following on from this introductory chapter, chapter two is the methods chapter. This chapter sets out the interpretivist epistemological stance and the main qualitative methods used for the research. The two methods that constituted the bulk of my data were interviews and analysing secondary sources, including donor and government documents, and news media. My experiences in these areas are documented, including access issues. Many of my participants were known public figures (including elites and experts) and can therefore be considered power brokers in Nepalese society. The methods chapter concludes by acknowledging some limitations of my fieldwork experience.

Chapter three provides the historical context for the country. It demonstrates the major shift from state-led development to a neoliberalised economy. The periods covered in the chapter collectively show how Nepal's 'tussles' for power have also tended to be around the swinging back and forth between centralised control of state power and resources and more neoliberal-led development. The chapter introduces the concept of state fragility and how and why I present Nepal to fit within this categorisation. To do so, this chapter provides donor and analytical understandings of state fragility, and demonstrates how collectively, the several periods and events covered in the chapter contribute to a picture of Nepal as a country in transition and displaying elements of fragility. With that context established, the next four chapters are the case studies.

Chapter four presents the first case study. It focuses on a legislative change that was finalised in 2016 in the basic and secondary education sector known as the Eighth Amendment to the 1971 Education Act. This amendment effectively mandated that all schools in Nepal be converted to *guṭhi* status (trust model) and aims to direct the education sector away from commercialisation. This legislative alteration curtails changes that were brought forth in the previous Seventh Amendment in 2002 that encouraged decentralisation, school autonomy, and private for-profit education provision. This chapter argues that the change in status to *guṭhi* brings all schools under one categorisation and under more control of the government, and thus represents a swing back toward centralised state-led development. Private sector actors were the most resistant because their schools and opportunities for profit would be restricted, which is part of what the government said the Eighth Amendment aimed to do – curb commercialisation of the sector. However, in the meantime a temporary monopoly of for-profit private company schools remains, many of which are said to be owned and operated by the ruling political party members. This indicates a conflict of interest and can be considered a form of resistance in terms of the reform being only partially implemented in the interim.

Chapter five is the higher education case study. This chapter follows three successive reform programs supported exclusively by the World Bank that have aimed to reduce the size (both physical and fiscal) of Nepal’s largest public university Tribhuvan University. Across four decades of reform, institutional autonomy of public university campuses has been systematically pursued yet with far less success than was initially envisioned, for reasons which can be conceptualised as resistance to reform. This chapter argues that part of the reason for lacklustre reform success has been the politics at play. Public sector actors have been the most resistant to institutional autonomy reforms because it means altering the status quo in terms of access to power, resources, and political influence. This argument is explored through looking at the role of political parties and their student unions as well as the practice of *bhāgbaṇḍā*, which is colloquially understood as a spoil sharing arrangement.

Chapter six is the water supply case study. Several decades of donor-supported reform in Kathmandu Valley’s urban water supply have attempted to corporatise and privatise Nepal’s largest public water utility. Such a reform was deemed necessary to facilitate Nepal’s largest ever urban water supply infrastructure project the Melamchi Water Supply Project (MWSP) that was predicted to fix the ails of drinking water supply in the nation's capital. When privatisation efforts were unsuccessful, a new set of reforms legislated the creation of a public water utility company to operate in partnership with the private sector under a PPP model. The PPP model was expected to bring about the minimum level of autonomy deemed required for the urban water utility to perform better and deliver the goods of the MWSP. However, this has not necessarily been the case. I argue that public sector actors, including unions, have been resistant to implementing the reforms while the private sector actors brought in to make improvements have not stimulated the amount of positive change expected. Some of the new utility's problems have specifically happened until the management of these private sector actors. While PPPs are supposed to present the best of both the private and public worlds (i.e. market and state), in this instance it appears to be more of a polarisation instead. This chapter argues that public sector actors have sought to retain and maintain control over Kathmandu Valley's urban water supply utility for reasons of access to power, resources, and political influence, which can be conceived as a form of subtle resistance by side-lining or diverting away from the reform direction.

Chapter seven is the final case study and looks at medical education reform as a health sector issue. While this case study does not include donors (there are no stand-alone medical education donor-supported programs in Nepal), it is still an example of how neoliberal policy elements have been supported or resisted. In following one doctor's *satyagraha* campaign (non-violent civil disobedience) fighting for change in the sector, this chapter explores how Nepal's medical education sector has been dominated by private actors, resulting in a bias toward heavily populated urban areas, like Kathmandu Valley, where most wealth is concentrated. The reforms aim to curb commercialisation of the sector and favours a decentralised but state-driven approach to health human resource production. Reform recommendations included a ten-year moratorium on opening any new medical colleges inside Kathmandu Valley and to establish a government-run medical academy in every province in Nepal, allowing for greater access to education opportunities and health care services (in the associated teaching hospitals) for those living in remote are underserved areas. The reforms would see the government playing a greater role in both service provision and financial investment. Unsurprisingly then, private sector actors who owned, operated, or have shares in private sector medical colleges were the most resistant to the reforms and used the associated bill drafting process to seek favourable outcomes.

Chapter eight concludes the thesis by considering the pattern presented across the four case studies and what this means for citizens' access to quality public services. By using Long's interface analysis, with a special focus on vernacularisation of dominant discourses, this thesis highlights how actors use the power and resources available to them in efforts to secure their interests regarding social policy areas. My research demonstrates a spectrum or a swinging continuum back and forth between neoliberal-led reform directions on one end and state-led reform directions on the other. Each reform strategy claims to improve both access and quality of social services. In two case studies (basic and secondary education and medical education) the reform direction was around garnering more centralised government control and oversight, which engendered greater resistance from private sector actors who did not want to see a change to the status quo. Conversely but in a similar fashion, in the other two case studies (higher education and water supply) the reform direction was around garnering greater institutional autonomy and less government investment and interference, which engendered greater resistance from public sector actors who did not want to see a change in the status quo. While this pattern may appear logical in most cases, I argue that for the context of Nepal this pattern reflects an overall and continuing tension between state vis-à-vis market, public vis-à-vis private, apolitical and technical vis-à-vis political, capitalism vis-à-vis socialism and communism. These are all relations with which neoliberalism in Nepal continues to grapple or seeks to adapt. In such a way, Nepal has "tension between progressiveness and stagnation, its obstacles and pathways, and its tendencies to embrace and reject global influences" (Bista et al., 2019: 6). This puts Nepal's social sector reform experiences in line with other countries experiences, especially those with Communist governments, that demonstrate a 'swinging of a pendulum' (Peshal, 2013), the 'yoyo' effect (Mok, 2010), 'walking on three legs' (Hawkins, 2006), 'double talk' (Steiner-Khamsi & Stolpe, 2004), or 'recentralisation in disguise' (Kessy & McCourt, 2010) when it comes to reforms that alternate between state-led and neoliberal-led policy directions with regard to delivery of social services.

What my thesis contributes to the field of development studies is the premise that in terms of access, quality, and equity of public services, local actors can be just as influential as global ones at driving agendas that seek to limit or extend the growth of neoliberal elements within social sector reform processes. The case studies show that in Nepal, overlap between public and private sector stakeholders and interests within the same arena creates confusion, conflicts of interest, and points of tension. It also demonstrates that a continued 'swinging of the pendulum' (Peshal, 2013) which stands as a potential obstacle to development progresses (Regmi, 2021). In post-conflict states and states categorised as fragile, which may exhibit weaker institutions and donor dependence, these swings may be more dramatic, with greater effect on development programs. Moreover, efforts to fuse local ideas with global discourses through the flow of ideoscapes results in initiatives like *guṭhi* status for schools. Examples like this further represent how countries categorised as fragile and continuing to navigate post-conflict transitions “are gradually adapting to neoliberal forms of governance, and where possible infusing them with indigenous approaches, to address the endemic problem of state fragility” (Lahai et al., 2019: 3). Ideas like the *guṭhi* system thus also highlight possibilities of indigenisation as an expression of vernacularisation which involves “shifts in meaning—particularly to the way new ideas are framed and presented in terms of existing cultural norms, values, and practices” (Merry 2006, p. 39). World Bank and ADB strategies consistently sit within a neoliberal framework, seemingly at odds with state-led development strategies and sources of control. As such, I argue that a swing too far in either direction may end up undermining development progress.

With that in mind, before I move to the specific case studies demonstrating these processes, the thesis will first outline the methods approach I used and then then historical and context of Nepal. Both of those chapters are explored next.

Chapter 2: Methods

Introduction

For my thesis, I used a variety of qualitative techniques that each served to produce data and contribute to an analysis of an actor-oriented approach. Qualitative methods are crucial to such an approach because qualitative research prioritises flexibility, context, and the search for meaning in the data. This chapter opens with a vignette, painting a picture of Nepal upon my arrival and then how I initially settled into the country. The chapter then outlines the research design, explaining the interpretivist epistemological approach and social constructionist underpinnings used for the study and how they serve to highlight the way actors understand and negotiate social policy processes. Next, the chapter details the qualitative methods used to generate data and my practical experiences in these areas. The chapter concludes by acknowledging some limitations of my fieldwork experience, which includes mostly practical issues but also the most painfully obvious one – my relative lack of experience as an independent researcher.

Arriving in the field

I arrived in the field in the middle of winter in January 2016, alone with my young daughter, who had just turned three years old only a week before. It was her second time coming to Nepal and it was my third. As I waited for our bags to come through the baggage carousel at Tribhuvan International Airport, my daughter waited patiently on my back, snuggled down in the soft-structured baby carrier. My husband, my daughter's father, was not able to join us at that time due to work commitments, but he would visit for a month later. January 2016 was also right in the middle of an economic blockade imposed by Indian authorities in response to what it said were domestic issues in Nepal around the promulgation of the new Constitution in 2015. The blockade had begun in September 2015 and effectively stopped supply trucks coming into Nepal from India. Media reported that Indian authorities said that the entry points were too insecure to risk going in due to violent protests in the Terai (Southern regions of Nepal, along the Indian border) to do with restructuring the boundaries of the proposed new provinces and some representation and citizenship issues in the new constitution. Nepal imports all its fuel from India, both petrol and gas. Usually around 300 tankers per day come through but during the blockade it was only about 5-10. The blockade also inhibited medical supplies and earthquake relief coming in along with other commodities (Acharya et al., 2015). Although there was one or two entry points that were severely affected, India was not even allowing its trucks to pass through other, relatively unaffected entry points, adding to the belief that it was an India-imposed blockade. It generated a lot of anti-India sentiment in Nepal, some of which existed beforehand anyway, and prompted the hashtag #BackOffIndia to circulate on social media.

Many people in the Kathmandu Valley had to switch to wood as fuel for cooking due to gas shortages. There was a surge in electric cookers and an increased demand for electricity, causing many transformers to explode from the increased use. The blockade pushed up the cost of regular commodities and black-market activity increased. When I arrived, I had to pay NRs. 8,000 for a bottle of gas compared to the usual NRs. 1,500 and had to wait on a list to be ensured one. My local friends were lifesavers for me during this initial settling in period. Queues for petrol literally went for kilometres, curling around blocks, and sometimes for days. Bicycle sales also surged. The blockade lasted nearly five months, from September 2015 to February 2016. It ended after the Government of Nepal agreed to amend the constitution to address the issues of the protesters, which was to become an ongoing issue.[20]

Along with the blockade there were also regular aftershocks happening from the 2015 earthquakes. Not long after I moved into my apartment in the first week of February 2016 there was a 5.6 aftershock at around 10pm. My daughter was already asleep, so I whisked her out of bed and grabbed some essentials before running out the door. The whole 7-story apartment building that I now lived in shook and it was most disconcerting. I had deliberately chosen an apartment on the ground floor for quick escape in the event of more earthquakes or aftershocks. This is how I met my immediate neighbour. We talked outside our building in the middle of the night, waiting until we all deemed it was safe enough to go back inside. While we talked, our children played, seemingly unaware of the situation. This is how I would come to spend some time with other neighbours and my landlord in nights to come, when other aftershocks happened.

My neighbour had experienced the 2015 earthquakes and was well prepared for the aftershocks: preparation born out of trauma. Each of her family members had an ‘earthquake-ready backpack’ full of supplies – including water, food, a change of clothes, medicine, and a sleeping bag, all of which she always kept at the ready by the front door. During the 2015 earthquakes she had ended up sleeping outside with her two children for a couple of weeks. After about one hour we went back inside but I could not sleep at all. I lay awake the rest of the night thinking I could feel more tremors even though nothing was there. For about a week afterwards, I kept thinking I could feel tremors every night when I was lying in bed and even

[20] This did not happen immediately and the day I left Nepal after completing my first phase of fieldwork there were renewed protests in the same regions for same reasons.

during the day when I was standing or sitting on the ground. I could not sleep well for about a week after that first aftershock I experienced and ended up staying a few nights at my friend's place who lived in a one-story house with more space surrounding their house. For days after the earthquake my friend slept as a family inside their car, too afraid to go inside until enough time had passed to be deemed safe. For the whole time I was in Nepal during my fieldwork, I experienced probably five large aftershocks and several low-grade tremors. The biggest one I experienced was that first one just a couple of days after I moved into my new apartment. I too created an earthquake-ready backpack for myself and my daughter and left it by my front door for months to come, so it was ready whenever I needed it. This gave me only a small insight into the trauma of what other families went through during the 2015 earthquakes.

Field site and settling in

My chosen field site was the capital city of Kathmandu and surrounding urban areas in the Kathmandu Valley. I conducted all my interviews within this district. By choosing to stay in the Kathmandu Valley I faced fewer obstacles pertaining to language, with most of my participants happy to conduct their interview in English (accommodating my lack of Nepali language skill), and greater ease of being able to access and interview relevant participants by staying in this area because the capital city is where most national-level political issues play out. I conducted my fieldwork in two separate phases, with a break in between to undertake preliminary data analysis, identify gaps in the research to seek out that information in the second phase of fieldwork, and begin some writing. The gap I took in between my two phases of fieldwork coincided with the two largest Nepali festivals of the year, Dashain and Tihar. During this time people take long periods off work and most residents of the Kathmandu Valley either return to their respective villages or take holidays to spend time with family, so some interviewees would have been unavailable during this period. Where and when to go are important aspects of choosing and navigating one's field site (Leslie & Storey, 2003: 89-91).

The place, timing, and duration of my field work was deliberately chosen to accommodate my personal family circumstances. In the first phase I had my three-year-old daughter come with me to live in Nepal while my husband stayed in Australia. I therefore had to ensure childcare arrangements were in place for her so that I could work. Prior knowledge and experience of my field site helped inform the decision to bring my daughter with me (Scheyvens & Nowak, 2003: 112). This included having friends and family living in Kathmandu and having spent several months in Kathmandu on previous visits.

After arriving in Kathmandu and initially staying with friends, I began settling into my field site. I had to secure longer-term accommodation, apply for a study visa, and enrol my daughter in a local school. My local friends helped me secure an apartment in an area of Kathmandu that I was most familiar with from past visits to Nepal. I shopped locally often and became well-known to the local suppliers of fruit, vegetables, milk, meat, and bread in my street and area, all of whom my daughter and I were invited to refer to as *didī* (older sister), *dai* (older brother), aunty or uncle. The suppliers we visited the most regularly gave my child free samples of cheese, fruit, or ice cream to make her feel welcome as an honorary *chorī* (daughter) of Nepal. This is typical of Nepali culture where creating pseudo familial relationships helps bind social relationships and places everyone within a social and familial hierarchy. As explained by Snellinger (2010: 34), the "common Nepali practice of creating fictive kin relations not only establishes the social hierarchy within every interaction, but it is a symbolic act of connecting people."

I chose to send my daughter to a mid-range private school. This was my daughter's first ever experience of school (pre-school), having only ever been in childcare before in Australia. My husband (her father) insisted that I choose a school with good security, infrastructure, and reputation, so I chose an international private school close to my apartment based on advice from my Nepalese friends, who also had young children of their own. Children in Nepal attend school six days a week, having only Saturdays free. I only sent my daughter three or four days a week because I thought six days would be overwhelming for her at her age. Even in Australia she only attended formal childcare three days a week. My husband visited for one month, my mother and a family friend came to stay with me for two months, and my local Nepalese friends all helped to look after my daughter for the other days during the week so I could work as close to full time as possible. Despite living only metres from a government school, I felt that a private school would be a better-quality choice for my daughter, in terms of language (English), teaching, security, and facilities. This is consistent with many parents in Nepal who feel that private schools provide a better education experience (Joshi, 2014a, 2014b, 2017).

Because I was a researcher and mother with a young child in the field, I was in the relatively unique position of being able to practically and personally engage with every sector covered in my case studies. This could even be conceptualised as a form of participant observation, where I became part of the community around me (Bray, 2008). I enrolled my daughter in a school (basic education), I was a student of higher education and had to go through Nepal's largest higher education institution Tribhuvan University to secure my study visa (higher education), I visited doctors and hospitals for health reasons for my daughter and for myself, including for pregnancy (health), and I, of course, drank and used water (water supply). Each service/sector area I engaged with interestingly corresponded to the chapters, i.e. I demonstrated a private sector preference for my child's education, I engaged with public sector institutions for higher education reasons, I demonstrated private sector preferences for health services and doctors, and I used a mix of public and private services for water supply (public in terms of piped water and private in terms of 20 litre blue 'jars' of drinking water that were sourced from private vendors). This enabled me to experience firsthand these social sector areas in Nepal. Having said that, in terms of participant observation and making use of ethnographic methods more deeply, because having my child in the field with me did not essentially feature in my methodological approach I ended up striving to keep my personal life (and my daughter) separate from my professional life (my research work), limiting any opportunities that might have arisen from that pathway of data collection. This is consistent with the experiences of other researcher parents who have taken their young children into the field (Korpela et al., 2016). It was also a way of me navigating my own position while in the field, both endogenous (how I positioned myself) and referential (how others might perceive me) so that I was taken first and foremost as a researcher (Noh, 2019). Living on my own and essentially playing the role of a single parent during fieldwork also served to drive me back into the confines of my apartment at the end of the working day to be with my child, contributing to a sense of 'anonymity' for myself rather than as a more active participant in an ethnographic study (Rasch et al., 2020: 385).

My daughter provided me with an "emotional anchor" while in the field (Cassell, 1987: 8), as did my own mother when she came to visit and provide practical and emotional support (Picture 1). As a 'researcher parent' I had to mix care-work with fieldwork (Drozdzewski & Robinson, 2015).

> For researcher parents, dictaphones, cameras and ethics paperwork are accompanied by prams, nappies, and toys, to name just a few additional items. Some may be reading this thinking so what, a little extra luggage, a little extra time feeding, a little less sleep, big deal, get over it move on. It is the care-time during fieldwork, and its preparation, which is the most taxing and tiring. Perhaps the more tiring is trying to make it look as if it was not tiring at all! (Drozdzewski & Robinson, 2015: 376).

For me, this captures my experience of doing fieldwork in Nepal with my young daughter. Below in Picture 2 is one drawing (left) that my daughter drew only two months after our arrival, indicating to me that she was finding the adjustment hard. She drew another picture one month later (right), indicting to me that she had settled down a lot.

Picture 1: My mother and my daughter in Thamel, May 2016

Photo source: Author’s own

Picture 2: My daughter's drawings, March (L) and April (R) 2016

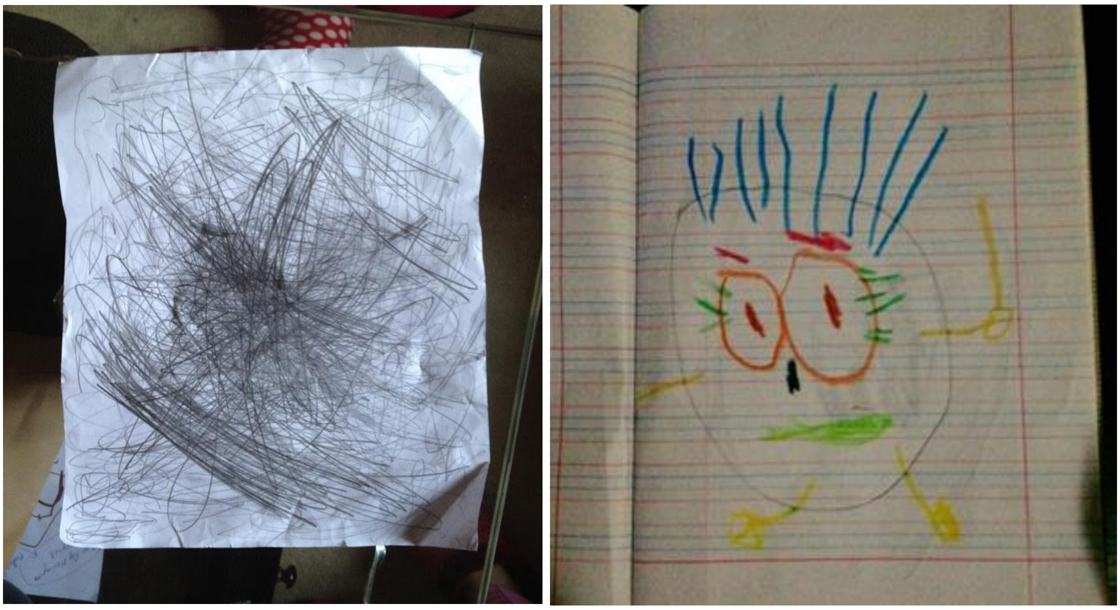


Photo source: Author’s own

Then for my second phase of fieldwork I returned to Nepal pregnant, but I left my daughter home with her father in Australia this time as we thought this was the best choice for our family. So, if for the first phase of fieldwork I was effectively a single mother, for the second phase of fieldwork I was effectively a single pregnant mother. Both phases had their own advantages and disadvantages in terms of effects on my emotional, physical, and mental state and the limitations or freedom on my time in general. From my own experience, I consider being pregnant and separated from my family in the field as a type of 'emotional risk' (Sampson, 2019) because I often missed my family. Being pregnant in the field, especially the early months when I was prone to nausea and severely iron deficient, also made me acutely aware of my own body and the spaces and contexts in which I placed and found myself. This had the effect of me trying to, again, keep my personal and professional spheres separate (Korpela et al., 2016) yet also being a case of an 'inescapable intermingling' of the two (Drozdzewski & Robinson, 2015).

Now that I have given a picture of my experiences entering and establishing myself in my field site, the next section will explain my research design and qualitative approach.

Research design

My research takes an interpretivist ontological and epistemological position. This position starts from the understanding that objective and subjective positions are intrinsically linked and therefore reality is socially constructed (della Porta & Keating, 2008). There is no one single objectively lived reality for everyone but multiple realities or interpretations of the same event/s created by individuals (Merriam, 1998: 22). Epistemologically, this position puts the researcher front and centre as the primary instrument in terms of the relationship the researcher has with that which is being researched and how the researcher's interpretations affect the knowledge and realities that are constructed. In other words, "the knower and known interact and shape one another" (Denzin & Lincoln, 2011: 13). In this way, "[r]esearchers do not "find" knowledge; they construct it," hence constructivism and interpretivism are often used interchangeably (Merriam & Tisdell, 2016: 9) and together, i.e. constructivist-interpretive paradigm (Denzin & Lincoln, 2011). For his actor-oriented framework Long (2001) uses a social constructionist approach. With this perspective, individuals (actors) "develop subjective meanings of their experiences" (Creswell 2013, p. 24 cited in Merriam & Tisdell, 2016: 9) and it is this subjective meaning that is at the core knowledge understood through an interpretivist paradigm (della Porta & Keating, 2008: 24). Relationships and interactions are therefore key to understanding how these multiple understandings interact and intersect (Burr, 1995).

Interpretivist epistemology aims to understand and contextualise subjective knowledge with the understanding that there are multiple knowledges that each holds “social, cultural, moral, ideological and political” importance and significance (Braun & Clarke, 2013: 30). This position is interested in how people interpret their experiences, how they construct their worlds, and the meaning they then attribute to these experiences, with an overall purpose of understanding how people make sense of their lived experiences (Merriam & Tisdell, 2016: 24). The methodological approach and research techniques used in this perspective are predominantly qualitative and often involve textual and discourse analysis (della Porta & Keating, 2008: 23, 32). Braun and Clarke (2013) categorise qualitative research as being either experiential (about ‘getting inside people’s heads’ in terms of searching for meaning) or critical (‘interrogating the stories we collect’). For my own research purposes, I am interested on the critical side because there is a focus “on language as it is used ‘out there’ in the world” (Braun & Clarke, 2013: 25).

For my research design I used a case study approach, drawing primarily from the work of Sharan Merriam, who has been described as a pragmatic constructivist, and also work from Robert Stake, who has been described as a relativist-constructivist/interpretivist (Harrison et al., 2017). According to Merriam, a qualitative case study is intensive, holistic, and involves in-depth description and analysis of a single or multiple units or bounded system, where the focus is on context, process (rather than outcomes), and discovery (over confirmation) (Merriam, 1998; Merriam & Tisdell, 2016). This approach allowed me to consider the case studies as whole complex entities rather than specifically as a collection of variables (as is more the case with quantitative, positivist and post-positivist research designs) (della Porta, 2008; Vennesson, 2008; Yin, 2009). I aim to highlight similarities and differences through ‘thick description’ (Geertz, 1973), emphasizing the particular context and situation (Stake, 2006), which is compatible with Long’s actor-oriented approach. Furthermore, I used a comparative case study approach (Merriam, 1998; Merriam & Tisdell, 2016; Stake, 2006). Each case formed part of a whole (social sector reform in Nepal) and were each part of core social sector service areas – health, education, and water supply. Yin (2012) would call this an embedded (i.e. multiple units of analysis) multiple case study design. As mentioned above, I was interested in the processes of these case studies rather than concentrating on the outcomes. Or in other words, I was seeking understanding “by looking at the way problems are handled than by looking at efficiency or productivity outcomes” (Stake, 2006: 10).

In a comparative or multiple case study design such as mine, Merriam and Tisdell (2016, p. 234) say there are two steps to analysis: first the within-case analysis (each case study is considered on its own) followed by the comparative or cross-case analysis (case studies are considered in comparison to each other). In going from within-case to cross-case analysis, the researcher then takes the particularities of all the cases and attempts to bring them together under one broader understanding or explanation. In this way, my case study approach can be identified as an instrumental multiple case study approach, meaning the "purpose of the case study is to go beyond the case" (Stake, 2006: 8), i.e. the individual cases included in my thesis speak collectively to the wider umbrella of social sector reform. This approach allowed me to develop an overall explanation and identify patterns for social sector reform processes in Nepal. My interpretations to explain the differences and similarities between the four case studies are strengthened through connection to literature and the conceptual framework (Merriam & Tisdell, 2016; Stake, 2006; Yin, 2009). To do this I used a range of qualitative methods, detailed next.

Research techniques

Ethical approval for my research study was granted by the University of Adelaide's Human Research Ethics Committee, which then served as the foundation for my practical data collection approach. My research primarily relied upon three main data collection techniques for qualitative research: interviews, observation, and secondary sources (Braun & Clarke, 2013; Merriam, 1998; Merriam & Tisdell, 2016). I had initially aimed to do some participant observation, which is the preferred and primary technique for Stake (2006), but this became difficult to achieve because of access difficulties, including access to relevant participants and being a parent in the field. I kept a field notebook, which was largely a running to-do list and carried this with me everywhere I went so I could be ready to take notes. I attended public events when relevant and I took photos in public spaces. Secondary sources and interviews, however, constituted the primary source of my data. These are explained next.

Secondary sources

In my case the secondary sources I used are also known as 'pre-existing textual data', which refers to data (words, pictures, audio) that already exists and is generally publicly available (Braun & Clarke, 2013) rather than data produced directly from participants (e.g. entries they record in a diary they are asked to keep by the researcher). In my case, the secondary sources I collected included: (a) government websites and documents such as reports, strategy papers, pieces of legislation (English translations through Nepal Law Commission or translated in person with the help of a Nepali speaker); (b) online and print news media; (c) books and academic articles from journals and academic institutes; (d) donor reports and policy papers; (e) reports and policy papers from international and local non-government organisations; and (f) relevant websites (e.g. organisations, interest groups). Reviewing secondary sources allowed me to identify patterns, themes, or trends regarding actors' actions, including for institutions such as the World Bank and the ADB. I spent a lot of time collecting, reading, and collating news media sources and other documents to build a picture of events over time. This was useful not only for tracking events' histories and in present time as they unfolded, but also as a way to consider participants' (and other relevant actor) accounts of events and their own behaviours in relation to "officially recorded behaviour patterns, normally concerning their formal decisional behaviour" (Moyser & Wagstaffe, 1987: 17). For example, "what someone tells you in an interview can be checked against what you observe on site or what you read about in documents relevant to the phenomenon of interest" (Merriam & Tisdell, 2016: 245).

For media sources, due to my lack of Nepali language skills, I relied heavily on English language newspapers, such as The Kathmandu Post. According to Hutt (2006: 365), Nepal's most popular broadsheet newspaper Kantipur "is of much greater significance for Nepali public opinion than its English-language sister [The Kathmandu Post], which is read mainly by expatriates and tourists". However, others note that the "Kantipur branding," which includes the English broadsheet The Kathmandu Post, "evokes trust and therefore has influence over which issues are given prominence and which are not" (Rijal & Tacchi, 2013: 65). Although there are many more Nepali language news media sources available than English, English is fast becoming one of the most dominant languages in both print and digital media in the country (Giri, 2014). The media sources, newspaper, and outlets I accessed were all available in English and mostly online (Table 1).

Table 1: English language media sources I used in Nepal

Name	Comments
The Kathmandu Post (est. 1993)	Part of Kantipur Media Group; was the first privately owned English daily broadsheet in Nepal; second most circulated newspaper in Nepal after Kantipur (Nepali language version) (Media Landscapes, 2019).
The Himalayan Times (est. 2001)	Daily broadsheet.
Setopati (est. 2013)	Both Nepali and English versions available.
My Republica (est. 2009)	Part of Nepal Republic Media Private Limited; daily broadsheet.
Himal SouthAsia (est. 1987)	Founded by Kanak Mani Dixit, independent pan-regional publication.
Online Khabar (est. 2006)	Both Nepali and English versions available.
The Rising Nepal (est. 1965)	Published by government owned corporation Gorkhapatra Sansthan, which started publishing Nepal's first ever print newspaper Gorkhapatra in Nepali language in 1901 (Hutt, 2006).
Nepali Times (est. 2000)	Part of Himalmedia Private Limited; publisher and editor Kunda Dixit, brother to Kanak Mani Dixit.
New Spotlight Magazine (est. 1991)	Originally a monthly magazine, then from 2008 a fortnightly magazine.

Source: Author's own compilation

Some of these newspapers claimed to have online archive services but these were not fully functional. Moreover, some of the main newspapers I relied on have only been around since 2000 onwards. Onta (2001) writes that prior the restoration of multiparty democracy, nearly all media was state-owned and certainly the most powerful ones were owned and run by the government, but that after the 1990 People's Movement there was both quantitative and qualitative growth in media in Nepal. In particular, privately owned non-state print news media went from a limited number of weekly distributions (during *Panchayat*) to a larger selection of daily broadsheets (Onta, 2001: 332). From 1993-onwards, two of the largest private news media sources Kantipur (Nepali language) and The Kathmandu Post (English language) changed the field significantly and produced "relatively less ideologically inspired content" than the state-dominated *Panchayat* era of news media (Onta, 2001: 337).

I visited Kantipur publications headquarters to look through their hard copy archives, which consisted of two rooms – one for the newspapers and one to sit and read. The archive was substantial. There was a single hard copy of nearly every newspaper since 1993 for The Kathmandu Post. However, there was no system to know what is in each copy, so it felt like looking for a needle in a haystack. I also visited various resource centres and libraries while in Kathmandu. For example, I visited the Research Centre for Educational Innovation and Development (CERID) near the Tribhuvan University central campus in Kirtipur. I would spend a few afternoons in the CERID library, assisted by the helpful librarian. I also visited the Centre for Economic Development and Administration and the Tribhuvan University Central Library, both situated on the Tribhuvan University central campus in Kirtipur. I also visited the Martin Chautari Library and the Nepal Water Conservation Foundation library, both of which had helpful librarians. In some cases, I knew exactly what publication I wanted to find because I had a list of titles and authors that I had compiled over time and that participants had recommended to me. In other cases, I was starting from scratch, so my searches were less refined and less targeted.

Observations of public events

In keeping an eye on media articles, I could also see when public events were advertised. There were often articles or advertisements about upcoming events held at the *Bhrikuti Mandap* (Exhibition Hall) that were relevant to my research and would state that certain people or groups would be there with whom I wanted to meet and talk. This was the case for two such events. One was the three-day Nepal Medical Show, and the other event was a four-day annual Education Fair (fourth year running) (Pictures 3, 4, and 5) hosted by the private school interest group the Higher Institutions and Secondary Schools' Association Nepal (HISSAN). The Education Fair consisted of approximately 100 private secondary school colleges gathered to participate in a fair advertising their schools to attract students. I was able to locate key participants by attending these two events. I was also able to observe one public student union protest near the Prime Minister’s house in Baluwatar (Picture 6). This event was publicly advertised in the newspaper. Protesters accused the government of protecting the ‘education mafia’ and black marketers in the wake of the earthquake and associated increased inflation and lack of essential commodities.

Picture 3: Annual Education Fair, roadside entrance, May 2016

Photo source: Author’s own

Picture 4: Annual Education Fair walkway, May 2016

Photo source: Author's own

Picture 5: Annual Education Fair, stall inside hall, May 2016

Photo source: Author's own

Picture 6: Student union protest at Baluwatar, near Prime Minister's residence, May 2016

Photo source: Author’s own.

I had hoped to obtain more observation-based data through attending meetings or events and visiting sites to expand the range of my data sources and better familiarise myself with the relevant actors in the sector and my participants. However, during my two relatively short phases of fieldwork, participant-observation was a more difficult method for me in the sense that issues of gatekeeping and limited access prevented me from participating in terms of having a role to play, ethnographically. Some of the reasons for this are discussed in more detail in the following sections about participants and interviews.

Identification and recruitment of participants

One of the main sources of my primary data came from semi-structured interviews. Participants for the research were those whom I identified to have specialised knowledge about specific processes or events relevant to the topic in general (e.g. about government policies and programs; the interests of key actors; the institutional dimensions of Nepal’s social sector; or the role of different actors in Nepalese politics) and/or specifically about the education, health, and water supply sectors. These are all people who constitute the development interface.

The identification process was driven by the objectives and boundaries of the research (Littig, 2009: 103). In many cases, this meant identifying relevant ‘experts.’ In defining who is an expert in a given field, Littig (2009: 100) says that “anyone who is responsible for and has privileged access to the knowledge of specific groups of people or decision-making processes can be seen as an expert." Experts are deemed to have specialist professional or technical knowledge, knowledge of organisational procedures and processes, as well as interpretive knowledge about their field of activity (Littig & Pöchhacker, 2014: 1088). Such an identification process is iterative, in that I had to continually learn and stay updated as to who were the relevant experts in each sector in Nepal. This was an ongoing process, especially considering that two of my case studies only became relevant once in the field and of which I therefore had little to no prior knowledge of potential participants (Bogner & Menz, 2009: 55). This is an area where secondary source material was particularly useful for obtaining potential names and organisations. For example, in cases where I had identified a relevant organisation or government office to contact, I then looked at some of their specific reports or current projects listed on the websites and aimed to contact the people associated with these. Media pieces also often had contact details of the author at the end, so this proved to be a great resource too. Participants were identified in most cases through media reports (including television news, newspapers, radio, online news websites, and social media such as Twitter), public government documents, donor reports, and interviews with other key informants.

Prior to entering the field, I had compiled a list of potential people, organisations, and government departments I hoped to interview. This list was very helpful and grew and adjusted over time. Working out 'who' to contact within a given organisation can be just as important as knowing what organisations to contact (Leslie & Storey, 2003: 81). Participants came from a wide range of backgrounds and fields, including government officials and representatives (former and currently serving), private sector interest groups and businesses, representatives of domestic and international NGOs that are involved in advocacy work in relation to policies and rights of access to public services, journalists who report on issues to do with social policy reform, academics, university representatives, representatives from donor organisations, trade union representatives, representatives from state-owned enterprises and companies operating under public-private partnerships.

Identifying and recruiting participants was an ongoing process and was driven by snowballing and my own process of continued media and document analysis. Snowballing was a useful method because it opened avenues that would have otherwise been largely inaccessible to me as a foreign researcher. Being given a name or someone's recommendation helped to establish and signal my legitimacy, enable me to gain access, confirm my good intentions, and minimise me as a perceived threat to others within closed networks (Roberts, 2012: 342; Scheyvens et al., 2003: 185). This approach is "particularly useful in societies where personal links are paramount" (Scheyvens et al., 2003: 185), such as in Nepal (Adams, 1998; Bista, 1991; Kondos, 1987).

During my fieldwork, Nepal was still having issues with load shedding (limited, scheduled electricity supply), which meant email was not always an entirely reliable way to communicate because electricity and internet was often unavailable for long periods of time. Moreover, I was told that people did not 'have the habit' of checking their emails, which meant this way of establishing contact and possibly recruiting participants did not always bear fruit, in which case a follow up phone call or sometimes even a spontaneous drop-in was beneficial. Such issues are not unique to Nepal. As Leslie and Storey (2003: 80) explain, not only will some participants, who may end up being key to your research, not necessarily have access to email (including some government officials or NGO contacts), but internet servers can be "notoriously unreliable in many places and emails can easily be ignored, or lost, meaning that your best efforts to contact individuals can go unnoticed."

I did not publicly recruit participants (e.g. through advertisements or flyers) because many of the participants were known public figures, such as senior government officials, leading activists, sector experts, or elites in their field, and therefore readily identifiable. Recruitment of participants was difficult because many of them were simply very busy people in general, which adds to the danger of invitations to participate in research via email potentially going unnoticed. Hence, it was useful to follow up with phone calls or drop-ins, where possible (and only to formal places of work, not people's private spaces). As Leslie and Storey (2003: 81) remind us, not all cultures prefer the same modes of communication, with many preferring more personal and informal forms of communication. Moreover, not only were many of the identifiable participants busy people, but in a country such as Nepal that is of great interest to a vast array of researchers coming every year, participation fatigue and a sense of being 'over-researched' could also be a plausible explanation for no response or declining to participate (Scheyvens & Nowak, 2003: 104).

Tactics such as spontaneous drop-ins proved fruitful on a few occasions, but it did not always work. Sometimes the organisation I had spent all morning traveling to, could not offer anyone with whom I could speak or the office I was looking for was not locatable or had moved entirely (outdated websites and google map locations were partially responsible for this problem). I also found that some people initially agreed to participate but then became uncontactable or avoided my follow up contacts. I have since been told that this was a cultural way of politely saying no but doing so indirectly because to directly decline an invitation to participate would be culturally offensive or inappropriate. Roberts (2012) encountered a similar experience during fieldwork in Russia, which he referred to as “the problem of ‘non-commitment’ – a reluctance on the part of prospective interviewees to give a definitive ‘yes’ or ‘no’ to the interview request … Often, a request for an interview initially received a positive response, only for the subject in question to change his/her mind at a later date. … Sometimes a half-hearted ‘yes’ and agreement to be interviewed was, in fact, a polite ‘no’, which only became evident several telephone calls later” (Roberts, 2012: 340). I encountered a similar experience, particularly when trying to contact political party members. Once this was pointed out to me it was much more easily identifiable and I was able to adjust my behaviour and approach accordingly.

Conducting interviews

Wherever possible prior to an interview, participants were initially sent a summary of my research scope and a list of general questions pertaining to my research to act as a guide (usually email but sometimes hard copy, and either in English or Nepali language or both versions given where appropriate or requested). I then asked additional different questions on the day of the interview, depending on the nature of participants’ knowledge area. All my interviews started off semi-structured, which was an approach that allowed me to respond to emerging ideas, situations, and worldviews of participants. However, nearly all interviews ended up being a combination of semi- and un-structured/informal interviews, the latter of which is characterised by exploratory and open-ended line of questioning (Merriam & Tisdell, 2016). This made the interview experience more like an informal dialogue with the participant or “a conversation with a purpose” (Kvale, 2006: 483) but with a ‘mining’ approach to data acquisition (Brinkmann & Kvale, 2015: 57), which placed me as the researcher in a role somewhat comparable to that of detective (Merriam, 1998: 21); i.e. mining for meaning.

In most interviews I did not strictly adhere to the initial questions I had provided, which was largely driven by the fact that my case studies grew over time and therefore warranted a different line of questioning. As part of this I also made notes before and during each interview so that I could follow up with relevant future or existing participants. In this way I was better able to identify the main events, issues, and the dynamics in the sector, rather than sticking to a more rigid set of pre-conceived idea that may or may not have been entirely relevant to the new developments coming out (Richards, 1996: 202). This open style of interviewing allowed participants flexibility in what they wanted to emphasize in relation to the case study or sector issue (Meuser & Nagel, 2009: 31). Roberts (2012) found the same approach worked for interviewing elites and experts in Russia. For Roberts, “more structured interviews tended to antagonize the elite interviewee, especially if they were constantly interrupted and steered toward predetermined questions. This also led to a reliance on more open-ended questions that gave the interviewee license to elaborate particular topics, if they wanted" (Roberts, 2012: 343). There were times when I felt that the un-structured/informal interviews were potentially dangerous territory for me as a fairly novice independent researcher because I would find myself feeling a bit "lost in a sea of divergent viewpoints and seemingly unconnected pieces of information" (Merriam & Tisdell, 2016: 111). Yet there were other times when they were particularly useful, even crucial (for example, interviews for the two unplanned case study topics – higher education and medical education), because I lacked prior knowledge to be able to ask informed questions from the beginning (Merriam & Tisdell, 2016: 111).

In total 82 individuals were interviewed, all of whom were adults aged 18+ years. Most of them were men. This wide range of participants helped to ensure that the research project generated the empirical data required. Interview lengths varied but most interviews lasted approximately one hour. Some participants were consulted more than once. The interview schedule was dependent on me identifying the individuals I wanted to interview, and then the participants' consent and availability. I organised interview sites based on the participant's choices and needs, which usually ended up being the participant's office or a public space such as a cafe. Verbal and/or written consent was obtained at the point of every interview as well as project and participant information sheets (available in both Nepali and English language), all of which were emailed in advance where possible or presented at interview time. Precautions were taken wherever possible to ensure confidentiality and security of data. I used password encrypted features on my laptop, I anonymised participants identities, and kept notes in a lockable location in my accommodation (Mosley, 2013: 16). This adhered to my ethics approval concerning protection of data and participants identities, especially considering that some participants were high-profile (and potentially easily recognisable) people.

Approximately half the interviews were audio recorded, all with participants' permission. I used both recorded and unrecorded interview techniques to see if it yielded different responses from participants. Experience in political science has shown that sometimes the choice not to record an interview is one about managing power relations and/or confidentiality, especially when it comes to known public figures (Mosley, 2013: 25). In not recording some of the interviews, this meant that I had to concentrate more on taking handwritten notes, which limited by observational abilities. In my experience, no participant objected to being recorded but sometimes requested to pause the recording device to provide information 'off the record'. In comparing both my recorded and unrecorded interviews, the recorded ones did not seem to alter the nature of the information provided during the interview nor change the power dynamic in any noticeable way. This is consistent with Beckmann and Hall's (2013: 203) experience of interviewing elites.

Nearly all interviews were conducted in English and then a handful conducted in Nepali with English interpretation from a field assistant I recruited. I sought recommendations from my contacts for recruiting a field assistant. Overall, I met with around five potential candidates, and it was the fifth person who ended up being a good fit. Her availability was flexible, and she was working in the health sector, which was helpful in terms of her level of understanding about government policies and the way that bureaucracy worked in Nepal. When I went back for my second phase of fieldwork, she had taken a full-time job. This was great for her, but it meant that her flexibility was less. She was still keen to work with me though so we worked around her schedule the best we could.

The field assistant helped to facilitate communication with participants prior, during, and after interviews where necessary, and interpreted some interviews and some documents for me. She provided interpretation rather than real-time verbatim translation during interviews for those participants who preferred to conduct their interview in Nepali language (Littig & Pöchhacker, 2014). Providing interpretation during interviews was done on an 'ad hoc' basis, rather than on the basis of a formalised and "established criteria by which one's own and other participants' linguistic and communicative competences might be assessed", representing a case of some of the "methodological consequences of multilingualism" in the field site (Littig & Pöchhacker, 2014: 1085). Relatedly, in writing up and making use of direct quotes, in some cases quotes have been edited to facilitate reading ease. By this I mean either irrelevant sections were removed from lengthy pieces of speech (as shown by '…' or '[…]') or conversational gap fillers like "you know" or "like" or immediately repeated words have been removed.

Access: powerbrokers - elites and experts

I found that trying to access and interview participants that can be categorised as elites and experts was difficult. There is literature that delves into the differences between expert and elite interviewing. Littig (2009) says that there is considerable overlap in methodological terms in interviewing elites and experts, particularly in terms of target group definitions, access, and actual interaction in the interview setting, but the terms are not synonymous and interchangeable. The overlap comes down to two key commonalities that experts and elites share – knowledge and power (Littig, 2009: 106). The difference is in terms of how much knowledge and power each are accorded in their society and how this is exercised (e.g. regarding things like access to political decision-making). Whether elites feature prominently or as a 'side issue' in one's research may prompt one to think about distinguishing between elites as elites and elites as experts or 'gate-keepers' (Moyser & Wagstaffe, 1987: 16). It is in the latter distinction in which I am interested, where "it is quality of advice and guidance, or the degree of access to other data, which is of primary concern, and not so much whether the individuals are 'elites' or not" (Moyser & Wagstaffe, 1987: 16-17). Elites as experts or gatekeepers "play a strategic role in both facilitating and blocking the flow of certain types of information, and thus they are of crucial importance in understanding the functioning of knowledge networks" (Long 2001, pp. 180-181).

Boucher (2017: 100), writing from a feminist perspective, points out that in the literature on interviewing elites there are two broad definitions of 'elite': one that focuses on those in powerful positions (e.g. individuals in senior elected political and executive government roles) and one that focuses on those who hold positions of professional prestige (e.g. high-level bankers). Boucher also acknowledges Richards (1996: 199) definition of a positional elite[21] as someone who holds or has held "a privileged position in society and … [is] likely to have had more influence on political outcomes than general members of the public." For example, it is not only political and bureaucratic elites who are influential in places like Nepal but also actors from business or trade union communities who shape policy processes in their sectors (Leftwich, 2010: 104). While an exact definition of 'elite' has remained unclear (Moyser & Wagstaffe, 1987), Littig argues that Dexter's (2006/1969) version of an elite as someone who is influential, prominent, and well informed, seems to be one of the most relevant and constant throughout the methodological literature (Dexter, 2006/1969, p. 19 cited in Littig, 2009: 99).

I found it difficult to access elite participants (Scheyvens et al., 2003: 182), with many declining to participate at the first point of contact, if contact could be made at all; I had to get my 'foot in the door' first (Goldstein, 2002). As Richards argues, "by definition, elites are less accessible and are more conscious of their own importance; so problems of access are particularly important" (Richards, 1996: 200). Alvesson (2011: 45) makes a similar point in saying that elite interviewees are accustomed to controlling the agenda and are "skilful in using situations to their own advantage and avoiding exposure to potential critique." I found that politicians and high-profile members of political parties (low-profile members too, for that matter), were particularly difficult to access in Nepal. Adler and Adler (2002) concur that politicians and high-

[21] Adler and Adler's (2002) inclusion of 'advantaged' respondents in elite categories could be added here.

profile political party members remain “underresearched by sociologists, mainly because they have maintained the sanctity of access to their inner circles” (Adler & Adler, 2002: 520). This remains true for the study of Nepalese political parties, which Hachhethu (2007: 135) says is the “least-developed area in the literature on Nepali politics.”

Regarding access to high-profile people, it was often a case of me ‘studying-up,’ making access to relevant participants difficult (Mukherjee, 2017; Scheyvens & Nowak, 2003: 104). For Cassell (1987: 269), studying-up was a case of “doing fieldwork among a group of people more powerful than I am” where the researcher may be only ‘tolerated at best.’ Richards cautions that “there is a tendency for elites not to ‘suffer fools gladly’”, which he says can then result in the failure to trigger snowballing “if an interviewee is not impressed by your all-round knowledge” (Richards, 1996: 201). I was constantly aware of trying to manage first impressions well so that I could generate more access and confirm my professionalism as a researcher. This point links to how I wanted to be perceived by others and be taken seriously as an independent researcher and scholar, as part of my endogenous and referential positioning journey.

I was also aware of the hierarchical and asymmetrical power relationship in some of my elite and expert interview settings (Kvale, 2006: 484). Richards argues that “by the very nature of elite interviews, it is the interviewee who has the power. They control the information the interviewer is trying to eke out” (Richards, 1996: 201). As a result, certain techniques may be employed to help the elite interviewee maintain control of the interview space and information being discussed. For example, Boucher (2017) notes that when elite interviewees use lengthy monologues (measured as more than nine uninterrupted sentences in a row) to dominate the conversation then this “can be seen as an indicator of power” (Boucher, 2017: 102). This was the case with some of the interviewees I encountered, including non-elite ones, and was particularly noticeable upon transcribing, which I did myself. In such cases, interviewees largely reiterated to me basic histories, general achievements, and recent statistics that were already publicly available on their respective organisation or department websites or in publications (e.g. annual reports). This is an example of what Kvale says is a counter control measure that interviewees use to maintain the power dynamics in an interview setting, where interviewees may deflect or not answer a question, talk about something else entirely, or merely say things they suspect the researcher wants to hear (Kvale, 2006: 485). Indeed, Boucher (2017) reminds us that what is not said is just as important as what is said during an interview (especially elites), which can reveal just as much about the dynamics between researcher and participant (the former taking the latter seriously or not) as it does about what the participant knows and/or is willing to share, i.e. “whether certain facts are withheld and denied” (Boucher, 2017: 104). Yet in other instances and interview settings, such lengthy monologues were more of an opportunity for participants tell their story without constant interruption, rather than to control the interview. Elite interviews, while a key tool for qualitative research, provide their own set of difficulties, but what they do illuminate "is an account by a major player in an event or issue of importance to the researcher's work" (Richards, 1996: 204).

Making sense of the data: Thematic Analysis

For coding and data analysis purposes, I used thematic analysis. Thematic analysis "examines the ways in which events, realities, meanings, experiences and so on are the effects of a range of discourses operating within society" (Braun & Clarke, 2006: 81) and can be utilised in the process of making sense or making meaning when analysing data and data collection methods. Thematic analysis involves identifying, analysing, and interpreting themes[22] or patterns of cultural meaning, which is reached through coding and classification of data (Braun & Clarke, 2006; Clarke & Braun, 2017; Lapadat, 2010). Thematic analysis developed from the qualitative research paradigm emphasises "an organic approach to coding and theme development and the active role of the researcher in these processes" (Clarke & Braun, 2017: 297). Along with flexibility, the active role of the researcher in knowledge production is the core element of the reflexive thread of thematic analysis (Braun & Clarke, 2020; Braun et al., 2019; Terry et al., 2017). That is, themes do not emerge from thin air nor are generated in a vacuum of pure objective reality, they are actively created from within the researcher's head in connection to the data (Braun & Clarke, 2006; Braun & Clarke, 2013; Clarke & Braun, 2017). After all, in analysing and coding the data, it is the researcher – me – who selects what will be included and excluded in terms of importance to the overall picture. As the researcher engaged in data analysis, I went through the process of "consolidating, reducing, and interpreting what people have said and what the researcher [me] has seen and read" (Merriam, 1998: 178). In other words, "data do not speak for themselves; there is always an interpreter, or a translator" (Ratcliffe 1983, p. 149 cited in Merriam & Tisdell, 2016: 242). Importantly, it is about making sure the "the theoretical framework and methods match what the researcher wants to know, and that they acknowledge these decisions, and recognize them *as* decisions" (Braun & Clarke, 2006: 80, original epmhasis). This is the approach I adopted for my thesis and data analysis and fits well with an interpretivist epistemological direction.

[22] Merriam and Tisdell (2016: 204) refer to categories as the being the same as themes.

Coding and data analysis

As part of thematic analysis, I engaged in coding my data, which is a process of familiarising myself with my data and looking intently for “recurrent themes, topics, or relationships, and marking similar passages with a code or label to categorize them for later retrieval and theory-building” (Lapadat, 2010: 926). According to Merriam and Tisdell (2016: 199), coding is “assigning some sort of shorthand designation to various aspects of your data so that you can easily retrieve specific pieces of the data. The designations can be single words, letters, numbers, phrases, colors, or combinations of these.” Coding can be done manually or using software programs (Braun & Clarke, 2006). I initially used a combination of both, starting out using software program Nvivo but ending up primarily doing it manually.

I primarily used key word searches (such as public, private, state, government, social, decentralisation, autonomy, community, ownership, union, budget, tax, amendment) to generate initial codes, which I was then able to use to create more conceptual codes, leading to the development of broader themes and patterns. I did this by attaching excerpts of data to nodes in Nvivo, or manually on separate word document files such as transcripts and online news articles that I had saved, or saving digital ‘post-it’ notes on electronic texts (e.g. comments on secondary source documents such as donor reports). I also often used highlighters and coloured pens in my field note for quick reference and visibility, which is part of manual coding processes (Braun & Clarke, 2006: 89). I was able to code several ideas to one single piece of data or one excerpt in order to see “what might be interesting later” (Braun & Clarke, 2006: 89).

Coding processes can be done deductively or inductively, but the latter is more commonly associated with reflexive thematic analysis. I began my research process and data analysis with a deductive approach to coding but then quickly shifted to an inductive approach, allowing for greater flexibility for generating themes and ideas (Clarke & Braun, 2017). In other words, in the earlier phases of my field work I approached coding in more of a selective way. I was aiming to see what was in the data in relation to specific pre-conceived ideas (Braun & Clarke, 2013: 206); for example the transfer of management of community schools and health posts to communities. However, as time went on, and as new case studies became evident, my coding approach shifted to more of a ‘complete’ style, which meant instead of looking for pre-conceived instances of phenomenon, I aimed to “identify anything and everything of interest or relevance to answering [my] research question, within [my] entire data set” (Braun & Clarke, 2013: 206). After a while I was able to become more selective again later in the analysis process once I had a better idea about what my data was telling me. Braun and Clarke’s ‘complete coding' is similar to Merriam and Tisdell's 'open coding' (2016: 204), the latter of which means that what I was willing to code was quite expansive in terms of what might be useful and relevant, knowing that they could be uncoded later if necessary (Braun & Clarke, 2006: 89). I was able to do this more intensely during the three-month break between fieldwork phases where I was back in Australia. However, it was not until both phases of fieldwork had been completed that the beginnings of the main overarching theme and pattern was generated.

Thematic analysis is primarily concerned with making sense out of the data (Merriam, 1998), through detailed theme development and category construction (Merriam & Tisdell, 2016: 202-204). This sense-making process serves to validate the credibility of the researcher's interpretation and analysis. To strengthen this sense-making process, triangulation is a useful and oft cited term (Merriam & Tisdell, 2016: 245). Although there is an argument that the term triangulation originated in positivism and therefore it is not necessarily possible to apply it within a qualitative research design with interpretivist epistemological underpinnings (Yazan, 2015: 146), the way I understand and use the idea of triangulation for the purposes of my research is in line with the way that Stake (2006: 37-38) presents it:

> Triangulation has been generally considered a process of using multiple perceptions to clarify meaning, but it is also verifying the repeatability of an observation or interpretation. But, because it is acknowledged that no observations or interpretations are perfectly repeatable, triangulation serves also to clarify meaning by identifying different ways the case is being seen (Flick, 1998; Silverman, 1993; Smith, 1994). The qualitative researcher is interested in diversity of perception, even the multiple realities within which people live. Triangulation helps to identify these different realities.

Or as stated in Braun and Clarke (2013: 286, who draw on Silverman, 1993), "[t]riangulation becomes a way of capturing the multiple 'voices' or 'truths' that relate to the topic, rather than being understood as a way to access the one right 'result'", the latter of which would be more of a critical realist approach.

Limitations

Lack of prior knowledge for certain case studies

One notable limitation was that two of my case studies, higher education, and medical education, only became of interest once in the field due to present issues and debates coming up in media and interviews. Therefore, previous knowledge in terms of preparation was lacking, which meant I had to catch up fast on these issues to collect relevant data – a fast-tracked form of what George and Bennett (2005: 89) call "soaking and poking." This also relates to the process of ‘casing’ (Ragin, 1992: 218 cited in Vennesson, 2008: 230), which happens throughout the research experience and involves the researcher setting the parameters of the phenomenon (the case) being researched. This approach allowed me, as the researcher, to be guided and shaped by data emerging during fieldwork and collection phases (Silverman, 2013: 11). That is, despite the best way to proceed not necessarily being “obvious,” this approach did allow me, as the researcher, “to adapt to unforeseen events and change direction in pursuit of meaning” (Merriam, 1998: 20-21). It also allowed me to refine over time what I was choosing to ‘fence in’ as my case study (Merriam, 1998: 27). Or as anthropologist Max Gluckman once put it regarding his extended case method, I was ‘following my nose, wherever it led me’ (Handelman, 2005). This flexible approach allowed me to not be too strictly bound to my exact original research questions and contexts freeing me up to recognise new issues when they emerged (Stake, 2006: 13).

Risk management

Another limitation was *bandhas* (translating to ‘close’ but meaning strikes or shutdowns in practice) or *chakka jams* (traffic stoppages). Sometimes there would be a strike called and I would know about it in advance (e.g. a note sent home from my daughter’s school) and sometimes I would only find out the night before or on the same day. *Bandhas* are a regular and disruptive occurrence of daily life in Nepal, particularly so in the capital city of Kathmandu. They are called by various political party factions and their associated groups (e.g. unions) to protest a current and contested issue. People are advised not to go out in public on these days because ‘*bandha* enforcers’ could become violent and potentially target individuals or vandalise property or any cars, motorbikes, taxis, and buses that are on the streets that day. Those who do go out are effectively not heeding the warnings associated with a *bandha*. As a result, on *bandha* days taxis and buses generally would not run and schools, businesses, and government offices were closed. This affected my ability to collect data and required me to stay at home to maintain my personal safety.

My lack of Nepali language skills

As mentioned earlier, most of my participants spoke fluent English and were happy to conduct their interviews in English language. However, because of my limited Nepali language skills and limited time and budget, I missed out on many news articles, reports, documents, and interview pieces which would have added more contextual richness to my understanding. In the early months while I was waiting for my study visa to be processed, I attempted to learn the Nepali language. I located an informal language teacher through a flyer at a hospital where I was awaiting treatment for my daughter. It happened to be the same person who had published a

Nepali language book that I already had, so I thought she would be a good choice. I had a few lessons with this teacher, however once my study visa was granted then I stopped the lessons and concentrated on collecting data. It was also becoming apparent that most of my exchanges would take place in English and that I would recruit a research assistant for interpretation purposes during Nepali-only interviews. In the end, time constraints and practical considerations overrode the priority to continue with language lessons (but I continued self-learning on the side with books). Learning the Nepali alphabet also became useful for accessing local transport because I could read the destinations and routes printed on the buses and tempos. This further brought travel costs down because I did not always have to rely on taxis.

My *rite de passage* as post-graduate researcher and a note on positionality

My PhD fieldwork was my rite de passage (Noh, 2019: 331), and I did so in different country and cultural context to my own. Having visited Nepal a few times prior starting my PhD and marrying a man who shares Nepali ethnicity and cultural identity with Nepalese people (as a Bhutan-born Lhotshampa), has allowed me to gain certain insider knowledge over time, including pertaining to rituals, language, cultural practices, religion, family life, and more. But it did not position me an insider, beyond being accepted or understood as an honorary *buhāri* (daughter-in-law) of Nepal. I was an outsider as a foreign, white researcher. So while my surname may have given participants certain ideas about who I might be prior to meeting them (for example some participants after reading my introduction email thought I was a Nepalese student studying in Australia and was returning 'home' to do fieldwork), a rather different idea was given once we met in person. While I might carry a Nepali surname (giving a certain amount of insider status), I am aware that I do not personally and individually carry the full extent of the "socially and culturally coded expectations of [a South Asian name's] race, gender, ethnicity, religion, nationality, age, class, mother tongue, place, social networks and family history" (Patel, 2017: 1012). Ultimately, I remained positioned as an 'external-outsider' as someone who has been "socialized within a community different from the one in which he or she is doing research" (Banks 1998, p. 8 cited in Merriam et al., 2001: 412).

Conclusion

This chapter has provided an overview of the interpretivist research design and qualitative methods I used to frame the research, conduct data collection, and undertake data analysis. I have documented my experiences in each of these areas, including my own points of disjuncture and need for adaptability and change. Subsequently, this chapter has also demonstrated a complimentary fit to the overarching theoretical framework for the thesis of actor-oriented interface analysis. The next chapter provides the historical and contextual background of Nepal.

Chapter 3: History and Context

Introduction

This chapter provides a historical and contextual overview of Nepal, highlighting political, social, and economic elements and events that have shaped the country's development. It gives an account of a country under continuing transition and with a constant navigation of *bikās* (Nepali word for development). Nepal can be understood as a country still grappling with elements of fragility, most recently including emerging from a ten-year civil war, devastating earthquakes, and a new constitution that triggered violent political protests. Two themes orient the chapter. First, this chapter shows that a significant context for the thesis is the history of periods of state-led and neoliberal-led development and the transitions between them. This involves looking at how influential and powerful political actors have vernacularised global discourses and shaped the course of the country's development over time. Such actors include those at the helm of the royal regime and the various major political parties in Nepal (most of whom identify as socialist or communist) who have been in power at certain junctures and how their policies and politics have driven and shaped development agendas. This gives insight into how, and by whom, various reform strategies, including state-led or neoliberal policy elements, have been pursued or resisted in the country thus far. As such, this chapter gives the thesis its first taste of interface analysis by demonstrating how actors pursued their interests and negotiated contestations as they vernacularised policy visions. Second, this chapter introduces the concept of state fragility, outlining how and why I have situated Nepal in this category. To do so, I delve into donor and analytical understandings of state fragility to then demonstrate how various periods and events covered in the chapter have contributed to a picture of Nepal as a country (still) in transition and displaying elements of fragility.

These two themes provide the foundational context for the case studies and are developed though an analysis of five time periods: (1) 1950-1960: Nepal's emergence from the isolated Rana regime, first round of multiparty democracy, and the beginning of official development assistance; (2) 1960-1990: the *Panchayat* era of state-led development under an absolute monarchy; (3) 1990-1996: the restoration of multiparty democracy and the rapid embrace of neoliberalism; (4) 1996-2006: the ten-year civil war; (5) 2007-onwards: an interim constitution in 2007, the abolishment of the monarchy and the declaration of the country as a federal democratic republic in 2008, and then the earthquakes, the promulgation of a new constitution and subsequent violent unrest in 2015.[23] This last period also discusses the concept of resilience. Collectively these periods and events show that Nepal has had a unique and lengthy history regarding the struggle for power and resources between internal actors, and the influence of external actors within this. It highlights the emergent tensions concerning transition periods between state-led and neoliberal-led development and the legacies these transitions and tensions continue to have in the present day. This transition is most pronounced at the end of the *Panchayat* era with the introduction of donors like the World Bank as significant global influences on policy and development (although such influences will be explored in more detail in each of the case study chapters).

The chapter first begins with discussing state fragility, largely drawing from multilateral donor perspectives, but also by utilising fragile states literature. The chapter then follows each period chronologically, infused with the two themes of fragility and the transition and tensions between state-led and neoliberal-led development.

State fragility

For some, Nepal may not be the first country that comes to mind when talking about fragile states. This is largely because the country has managed to retain democratic governance throughout the country since at least the end of the civil war in 2006, including continuation of basic services, and managed to hold the first round of local elections in 20 years in 2017.[24] Moreover, Nepal has recently graduated from low-income status to lower-middle income status as of mid-2020 (Serajuddin & Hamadeh, 2020), which is indicative of significant developmental progress. Yet these factors do not automatically exclude its categorisation as a fragile state. Not only were there some initial concerns about Nepal being able to achieve this jump in status due to several persisting development concerns (Cosic et al., 2017), but fragility risks and concerns are not only confined to low-income states (OECD, 2020: 27; World Bank, 2018c: 6). Furthermore, while throughout Nepal's ongoing transition there has always been a government governing, within this there has been "both a profound failure by the state to provide services and stable government *as well as* an ability to reproduce itself and to function in some contexts" (Nightingale et al., 2018: 851, original emphasis).

[23] This latter period would also include the onset of the global COVID-19 pandemic, but there is not enough scope in the thesis to address this beyond noting its significance in terms of contributing to elements of fragility.

[24] Local representatives were last elected in 1999 and eventually dismissed in 2002 during the People's War. Elections could not take place then due to security concerns.

As part of this ongoing process of transition, Nepal's major political parties have experienced constant splits, mergers, and power sharing arrangements over the decades that have served to alter power relations and steer the country in various directions. The main political parties I refer to are the Nepali Congress Party, the Communist Party of Nepal-United Marxist-Leninists (CPN-UML), and the Communist Party of Nepal-Maoist Centre (CPN-MC, but also often referred to as just the Maoists because the party has gone through so many name changes). All three major parties have gone through name changes and have been rivals and allies at several times since 1950 to the present day. They have also established various coalitions with smaller parties, such as the ethnic-based parties, the pro-royalist parties, and various splinter communist factional parties (as a useful starting point see Hachhethu, 2006). Consequently, there has been ongoing political instability, including frequent changes of heads of government (26 Prime Ministers since 1990 to 2021, excluding the two brief periods of direct rule by the King in 2002 and 2005). This level of political instability, characterised by Kumar (2019a) as 'government dysfunctionalism', can be considered chronic in Nepal's case (Roka, 2011: 188), in which the country seems to be stuck in 'permanent transition' (Byrne & Shrestha, 2014).

Nepal has been categorised as a fragile state by donors mostly due to the civil war and an ongoing post-conflict status, as explored below. However, I would also argue that because regime changes in Nepal tend to be abrupt and frequent (including before the civil war, and involving both violent and non-violent means), then this is indicative of these political processes happening in contexts of fragility and which continue to result in tensions between state-led and neoliberal-led development directions for the country.

Donor understandings of fragility

Nepal has been considered a fragile state by various categorisations. For example, it featured on the Brookings Institute *Index of State Weakness in the Developing World* as a direct result of the civil war (1996-2006) (Rice & Patrick, 2008), and on the World Bank's *Harmonized List of Fragile Situations* for period 2010-2014. Since the late 1970s, to assess eligibility and allocate development aid and resources through its International Development Association (IDA) arm, the World Bank has been using scores from its in-house tool, the Country Policy and Institutional Assessment (CPIA).[25] Yet the CPIA has since become a proxy indicator for measuring state fragility (World Bank, 2014e: 119) with many other bilateral and multilateral

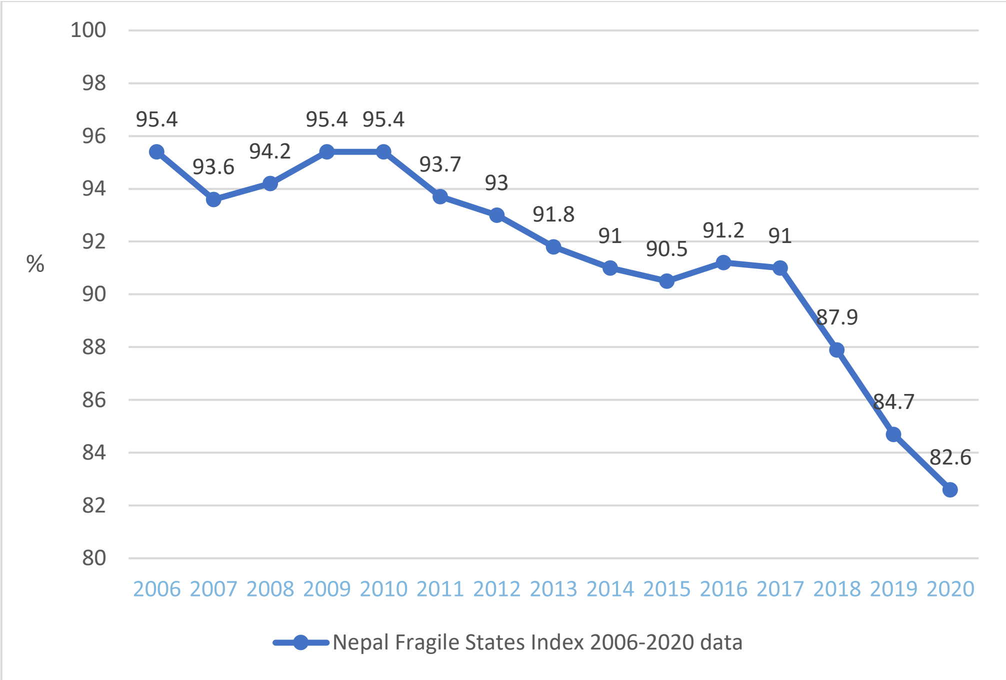
[25] The CPIA has 16 indicators, and country scores fall between 1 and 6. A country is considered to be fragile if it is low-income and has a CPIA score of 3.2 or less and/or has had a peacebuilding and/or political mission (e.g. UN or regionally administered) within the last three years. Updates were made in 2020 to include more fragility factors (e.g. number of displaced persons or refugees per population).

donors using it for their own fragility assessments and aid allocations (Mata & Ziaja, 2009). Critics have argued, however, that the CPIA rating system reflects the World Bank's inherent and persistent bias towards neoliberalism and that multilateral organisations (including the World Bank and the OECD) have been at the forefront of shaping fragile states definitions and agendas, all of which can result in a preoccupation with technical measurements for complex political realities and a focus on (Western) ideal-types as 'successful' states (Babb & Kentikelenis, 2018; Nay, 2014; Rocha De Siqueira, 2014; Saeed, 2020; Van Waeyenberge, 2010).

Only months before I entered the PhD program in 2015, Nepal was removed from the World Bank's fragile states list due to improved CPIA ratings. Yet in recent years the World Bank has acknowledged that classifying states as fragile based principally on CPIA scores "has not been consistent with actual fragility and conflict risks in many countries" (World Bank, 2014e: 119), meaning that many countries, including Nepal, have exited the list despite the presence of continuing risk factors (World Bank, 2014e: 120). The World Bank's Country Partnership frameworks for Nepal for 2014-2018 and 2019-2023 still understand Nepal to be a context of fragility (World Bank, 2014a, 2018a) and continues to channels its assistance to Nepal through a resilience-building and risk-mitigation 'fragility lens' (World Bank, 2018c). Nepal is now one of the IDA-eligible countries in the World Bank's Risk Mitigation Regime that focuses on supporting post-conflict transitions in contexts of fragility, conflict, and violence (World Bank, 2018b).

Nepal continues to be included on the Fund for Peace's *Fragile States Index* (see Figure 2 for Nepal's score over time) and has been included in the OECD's *States of Fragility* framework (OECD, 2018). The OECD's framework moves away from a 'list' approach by taking a multidimensional understanding of fragility across five dimensions: economic, environmental, political, security, and societal. Each dimension has a set of risk and coping capacity indicators (OECD, 2018: 268-270). By 2018 the severity of Nepal's fragility was downgraded in this framework due to improvements in the economic, political, and security dimensions (OECD, 2020: 26). Figure 2 reflects that improved status. Whilst I acknowledge these shifts, donor and analytical understandings of state fragility informed my research proposal, provided a background to my fieldwork and data collection, and has continued to feature as part of ongoing data analysis. Therefore, I have kept the fragile states framework for the scope of the thesis.

Figure 2: Nepal *Fragile States Index* score 2006-2020



Source: Fund for Peace (2020). Higher scores = worsening situation, lower scores = improved situation.

Public services in fragile and conflict-affected contexts

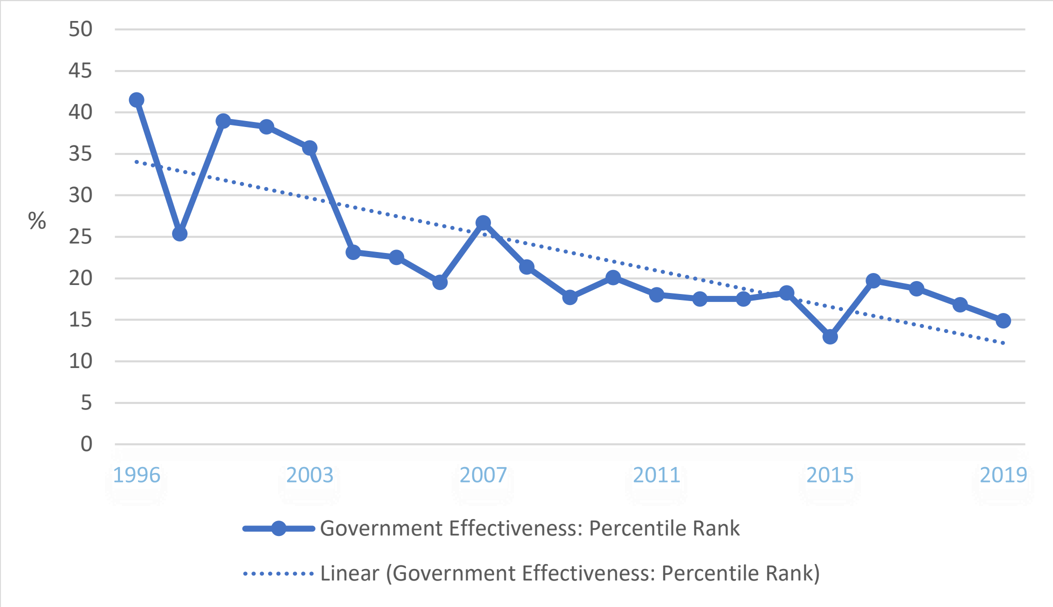
While there is widespread acknowledgment that there is no consensus on the term 'fragile state,'[26] and that it is often considered in non-neutral political terms (Grimm et al., 2014), the most commonly accepted definition frames state fragility as being about a state's lack of capacity to fulfill three core governance functions: (i) basic security, (ii) political legitimacy and accountability, and (iii) provision of basic welfare and public services (Brinkerhoff, 2005, 2007, 2011, 2019; Brinkerhoff et al., 2012; Mcloughlin & Idris, 2016; Milliken & Krause, 2002; Patrick, 2010). Out of these three functions, for the purposes of my thesis I am primarily concerned with the provision of public services.

As part of the World Bank's World Governance Indicators, as used in the OECD's multidimensional fragility framework, I am interested in the 'government effectiveness' indicator because of its specific focus on public services. This indicator is used in the OECD's fragility framework as a coping factor in the security dimension. It tracks the "perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures; the quality of policy formulation and implementation; and the

[26] Donor strategies for engaging with such states differ slightly from one another too (Boege et al., 2009; Boege et al., 2008; Cammack et al., 2006; Kaplan, 2014; Mcloughlin & Idris, 2016; Woolcock, 2014).

credibility of the government's commitment to such policies"[27] (OECD, 2018: 270). Figure 3 shows a general decline on this specific indicator for Nepal since the beginning of the civil war in 1996, indicating a reason for donors to engage with social policy reform.

Figure 3: Nepal 'government effectiveness' indicator 1996-209, percentile rank^



Source: World Governance Indicators (World Bank, 2021a). ^Data only available from 1996-2019.

Social policy and basic service provision came to the fore as part of state legitimacy and state-building responses for fragile states (Mcloughlin, 2015; OECD, 2008a, 2008c). This was buttressed by the introduction of the MDGs and the World Bank's *2004 World Development Report* (World Bank, 2003c) which highlighted the importance of basic services, especially for the poor. Today, most of the official development assistance (ODA) to fragile states goes to social infrastructure and services. For example, in 2016 nearly half (48.9%) of all ODA to fragile states (not including 'extremely fragile' states) went to these areas (OECD, 2018: 120).

When pre-conflict systems are distorted, corrupt, unequal or dysfunctional then a return to this can exacerbate fragility, while the task of restoring them with a renewed focus on equal distribution (e.g. power, resources) is complex and time consuming (Brinkerhoff, 2005, 2011). This indicates that fragile and post-conflict states pose particular challenges with regard to social policy reform. This can be seen in Nepal, especially so after the end of the civil war when it took eight years to finalise a new constitution encoded with new social rights. Moreover, in

[27] Similarly, the *Fragile States Index* indicator for Public Services (under the Political category) refers to whether (and to whom) the state is providing basic functions, including essential services, infrastructure, connectivity, and security. It considers whether the state is narrowly providing these functions to ruling elites or to the entire general population, and whether or not these services are being maintained over time (Fund for Peace, 2018: 34).

fragile situations, if government capacity is weak then many public services may end up being provided by non-state actors (Batley & Mcloughlin, 2010; Berry, 2010; Pandya, 2006). This has implications for policy implementation and development because it can bypass local capacity building, create short cuts for tangible and immediate results on which donors place a lot of emphasis, and can lead to resistance and reluctance from local actors to contribute to such efforts, undermining local ownership in the process (Bosley, 2019: 65). Such points of disjuncture indicate opportunities for social policy vernacularisation to take place. Post-conflict and transitional periods also increase opportunities and susceptibility for rent-seeking behaviour and politicisation of service delivery sectors (Brinkerhoff, 2011; Haass & Ottmann, 2017; World Bank, 2017f). The case studies I present in this thesis exemplify this and highlight actors' pursuing their interests as well as forces of vernacularisation. The question then becomes about making *what* work and for *whom*, and what this says about the realisation of rights to quality basic services.

Most donor fragility lists, indexes, and frameworks only started since the late 1990s onwards, so there is no fragility 'scores' per se for Nepal for many of the decades covered in this chapter. As such, to further contextualise Nepal's inclusion in the fragile states category I have retrospectively noted some applicable fragility dimensions as per the OECD's framework, as well as note the applicability of other relevant concepts such as 'soft' and 'weak' states, drawing on the work of Joel S. Migdal and Karl Gunnar Myrdal. For Myrdal, 'soft states' are characterised by a lack of law enforcement and compliance, corruption and frequent collusion between state officials and the powerful groups or individuals they are supposed to regulate, and a general resistance or lack of interest of the population to implement public control efforts (Myrdal, 1968: 1120). For Migdal, strong or weak states is a matter of capacity and capability of state leaders to bring about improvements and deliver on development plans and policies. Like soft states, weak states lack the ability to effectively "*penetrate* society, *regulate* social relationships" and use resources well (Migdal, 1988: 4-5, original emphasis). As such, the social and political characteristics of soft or weak states help to explain processes of development and reform in those places (Leftwich, 1994). For example, Lawoti (2003) argues that a lack of penetration by the Nepalese state was a contributing factor to the civil war. These soft and weak state characteristics are evident in this historical chapter as well as in the case studies covered in this thesis, particularly regarding regulation and enforcement of law and policy.

In summary, I acknowledge and recognise that 'fragility' is the kind of view that donors have taken, and it has thus shaped their policy engagements. At the same time, I would like to point out that Nepal's categorisation as a fragile state by donor agencies provides the context for, but not a dominant theme of, the case studies and the analysis. While it may be useful and even applicable to highlight elements of fragility over the course of Nepal's recent history, as I do in this chapter, the concept of fragility applied by donors also serves to provide another foundational point of donors' strategies from which actors can resist and vernacularise – a point I will return to later in the chapter.

With the above in mind, I now turn attention to the first of the chronological time periods covered in this chapter, 1950-1960. This period marks the first time that Nepal officially engaged in multiparty democracy after more than one century of rule under the autocratic and oligarchic regime. It is a decade characterised by political instability and tensions, indicating characteristics of fragility, but it is also a period during which some very important social progressions and milestones were made for the country, all of which is discussed next.

Multi-party democracy 1950-1960

After more than a century under the rule of the Rana dynasty (1846-1951), where the country was kept largely isolated from outside interference and the role of Prime Minister was declared hereditary by male succession, Nepal emerged ready to embrace multiparty democracy and consolidate new ties with the international community. Rana rule had become associated with lack of investment in infrastructural development and social welfare, and rather with the accumulation of wealth for family purposes (Hutt, 2004: 2; Khanal et al., 2005: 31; Whelpton, 2005: 178). Anti-Rana sentiment had been growing steadily since around the end of the Second World War and culminated in a series of armed attacks coordinated largely by political elites with support from King Tribhuvan (of the Shah dynasty, which the Rana regime had initially overthrown) from exile in India. Newly independent India at the time, under Prime Minister Nehru, feared insecurity in Nepal as being a security threat and sought to intervene to secure a favourable outcome (Mishra, 2004; Shah, 2004). A 'political settlement' was reached for a power sharing arrangement in the form of a coalition government consisting of both Rana and Nepali Congress Party representatives under the ultimate leadership of King Tribhuvan (Hutt, 2004: 3).

In the first decade of the post-Rana period some improvements were made regarding the extension of social services. The country's first Five Year Plan was developed, the first national education commission was formed, the first public university was established, and health services were expanded. However, the period was also marked by constant political struggles and initial oppositions to the Nepali Congress Party/Rana coalition government arrangement from communist factions who had denounced the political settlement as a betrayal of the revolution that had sought to remove all dynasty elites from power (Thapa, 2004: 23). The decade was marked by political instability, including constant changes of government and frequent intraparty power struggles and factional coalition building, as well as brief periods of direct control by the King (Whelpton, 2005: 89-90). In March 1955, King Tribhuvan died, and his son Mahendra became King and took over direct control of the country until January the following year. After four more prime ministers, King Mahendra finally became disillusioned with the 'democratic experiment' and seized all control himself again in a royal coup in December 1960. At this point he dismissed the parliament, arrested the Prime Minister and his cabinet, and reverted the country to an absolute monarchy (Riaz & Basu, 2007; Whelpton, 2005). King Mahendra declared Western-style parliamentary democracy a failure and sought to institute his new *Panchayat* system in which he envisioned "the formation of a culturally unique polity" (Burghart, 1984: 113) united under his guidance.[28] For Mahendra, it was a chance to bring forth a vernacularised version of democracy as the vehicle for what he saw as an uniquely Nepali-style of *bikās* (development), but for many others it marked the moment when "democracy was forcibly switched off" (Panday, 2000: 310). From the perspective of the OECD's fragility framework, this takeover represented a case of reduced 'voice and accountability' (a coping capacity for the political fragility dimension) because it reduced citizens' ability to participate in and select their own government. The *Panchayat* era is discussed next.

Panchayat era 1960-1990

The *Panchayat* era was a period of intensified state-led development. The *Panchayat* system aimed to combine a balance of centralised and local political power, but with ultimate executive power resting with the King himself (Burghart, 1984: 119-120; Kumar, 1964; Reed & Reed, 1968: 45). King Mahendra banned all political parties and their trade unions and suspended the months-old 1959 Constitution. He instituted a program of nationalism under a new 1962 Constitution and demanded loyalty to the Crown. A united Nepal under the strong symbol of the Crown was a geopolitically important choice for King Mahendra at the time (Reed & Reed, 1968; Wake, 1980). He was concerned about Nepal's security amongst the growing political polarisation between India and China, which was also right in the middle of the Cold War, and so complete control of the army by the palace was an important factor (Khadka, 1986). Nepal also started receiving official aid during this time, thus becoming a geopolitically significant country in terms of the regional superpowers (India and China), the respective world superpowers (USA and Russia), and their stances on the spread of communism.

[28] The *Panchayat* system was modelled on other forms of 'guided' democracy at the time, such as those found in the Philippines, Pakistan, Egypt, Indonesia and Yugoslavia (Rose, 1963; Whelpton, 2005: 101).

Correspondingly, foreign aid to Nepal increased dramatically and accounted for up to 95% of government expenditure at the time (Sharma & Bhattarai, 2013). For Mahendra, a party-less *Panchayat* system served to "maintain a 'systemic neutrality' suited to Nepal's political geography" at this time (Khadka 1986, p. 435).

Alongside geopolitical considerations, for King Mahendra these two institutions – the Crown and the *Panchayat* system – were the best suited to promote his vision of a unified and uniquely Nepali state through which *bikās* could take place. The concepts of service to country (imbued with service to religion) and a unified national identity served to legitimise the ban on what King Mahendra saw as self-interested and fragmented factional political parties (Burghart, 1984: 120). To bring about required unity, the *Panchayat* system promoted, to the exclusion of all others, one religion (Hinduism), one style of dress (e.g. the *daurā suruwāl* and the *topī*), one language (Nepali), for one country (Nepal), captured in the well-known slogan: *ek bhāsā, ek dharma, ek bhes, ek des* (one language, one religion, one dress, one country). This system claimed to create uniformity but it also effectively served to institutionalise and benefit the already privileged culture and positioning of the higher castes who embodied these four domains (Hangen & Lawoti, 2013: 14).

During the *Panchayat* period, all schools were nationalised under the National Education System Plan (NESP) 1971-76, paving the way as the first model of state-led education development in the country. According to Onta (1996), the NESP instituted a particular program of Nepali 'nationhood' as per King Mahendra's vision of the *Panchayat* system. Onta (1996) and Pigg (1992) both argue that there was a systematic moulding of Nepali identity and history in the textbooks of the *Panchayat* era that put forward a favourable historical narrative to bolster loyalty to the royal administration and the broader development framework of the time. This included the deliberate telling of Nepal as a *bīr* (brave) and sovereign land upon which the *Panchayat* system and the state could deliver *bikās* (Onta, 1996). Bennike (2015: 58) writes the reach and scope of this nationalised education system gave "unprecedented reach to the centralised voice of national government." Parajuli (2019) and Caddell (2007) both argue that the NESP and the nationalisation of education was used as a control mechanism for the *Panchayat* regime, but Caddell (2007, p. 16) specifically mentions how it was also an example of a policy breakaway from hegemonic powers at the time (in particular, US policy influences). Hints of this can be seen in the basic education case study I present in this thesis, where efforts to bring education more back around to a state-led model indicates a vernacularised version of global neoliberal-led development discourses. The legacy of nationalised education, I argue, is evident in the *guṭhi* system for schools, which can be considered a contemporary version of vernacularised global donor policy.

The *Panchayat* system was pledged alongside a firm promise of state-led *bikās* (Whelpton, 2005: 173). Pigg (1993) argues that the term *bikās* inherently means a state-led initiative anyway in terms of how most Nepalis, especially rural villagers (the 'targets' of *bikās*), understand the concept. Having said that, considering Nepal's historical context, i.e. that it was not officially colonised and received an influx of international development assistance after the fall of the Rana regime, for many Nepalis development is automatically a mixture of global/foreign and local forces (Crewe & Axelby, 2012: 18; Pigg, 1992, 1993). In this way, development, or *bikās*, was more of a new, overt, and deliberate link between Nepal and the West (Crewe & Axelby, 2012: 18). This is the process of vernacularisation, whereby the "ideology of modernization in Nepal is not simply a matter of western influence, but a matter of simultaneous nepalization [sic] and globalization" (Pigg 1992, p.512). Emergence from Rana-isolation and a strong unified political system allowed King Mahendra to capitalise on the idea of Nepal needing *bikās* and that his vernacularised vision of governance could bring exactly that kind of modernisation to the country. In doing so, Mahendra rendered *bikās* synonymous with state-led services and activities (Pigg, 1993). Such aspirations led to significantly increased government spending, much of which was possible due to increased foreign aid, in large part driven by Cold War geopolitical considerations.

Prior the institutionalisation of the *Panchayat* system, with the onset of the first Five Year Plan in 1956 Nepal followed an inward-looking import substitution and protectionist trade regime and embraced a state-driven developmental approach that was deeply embraced in the *Panchayat* era (Joshi, 2010; Khanal et al., 2005; Sharma, 1997, 2006; Sharma, 2000). As a result, state domination of the economic structure grew through protectionist strategies such as the growth of state-owned enterprises (SOEs), state control of licensing and quotas for trade and industry, high tariffs and strict foreign exchange regulations, as well as subsidies in the agricultural sector alongside the rise of many state-owned agricultural farms (Khanal et al., 2005; Sharma, 1997, 2006). These were all heightened during King Mahendra's *Panchayat* regime. In stark contrast to neoliberal policy preferences, the establishment of large-scale public sector industries and SOEs were prioritised based upon the assumption that they performed better, were the preferred vehicles for development, and were better resourced that the private sector (Sharma, 1997: 178). Such strategies also served to produce an urban bias in development (Chambers, 1983), focusing largely on infrastructure, which drew resources and incentives away from rural areas and rural-based industries such as agriculture

– the backbone of the Nepalese economy (Sharma, 2006). This bias against rural/agriculture served to create worsening economic and social conditions (e.g. see Byres, 1997, 2009), which led to many rural Nepalese losing control over their land and becoming landless, jeopardising their financial survival (Sharma, 2006: 1242). Control over land has been one of the main sources of political power in Nepal (Joshi, 2010: 94). Such strategies served to strengthen centralised state control, and particularly so through bureaucratic power.

Bureaucracy as arena for political survival

Compared to the limited civil service opportunities during the Rana regime, the bureaucracy expanded significantly during the *Panchayat* era (Pigg, 1993). For many Nepalis, just as *bikās* was rendered synonymous with government service provision, so too "[g]overnment was thought the be the first job provider" (Atreya & Armstrong, 2002: 15), which included employment in public enterprises. At the same time, the "public sector also became a ground for rewarding political patronage in Nepal" (Atreya & Armstrong 2002, p. 15). Being part of the bureaucratic machinery was thus desirable, but the growth of the bureaucracy came with some challenges about how to control and maintain it.

In writing about the differences between strong and weak states, Migdal (1988) argues that weak states have significant fragmentation of social control, which perpetuates a range of political survival strategies (Migdal, 1988: 214-237). One such strategy, which Migdal calls 'the big shuffle,' is relevant to dimensions of fragility or state weakness and was evident during Mahendra's regime. The big shuffle is a strategy of deliberately and continuously placing preferred people in positions of power in one's administration or larger circle of political influence. Such a strategy resembles a "dizzying game of musical chairs" involving the "circulation of elites" because it tends to involve the same people appearing repeatedly in different positions (Migdal, 1988: 214 and 215). In this way, appointments, transfers, and removals are used strategically to prevent other people or sites of power from growing while maintaining one's own power base and network, including hold on the highest levels of state leadership (Migdal, 1988: 214-217). These types of strategies are still used today (strategic use of transfers and the same small group of individuals taking turns as head of government or ministries).

'Big shuffle' strategies, including strategic and routine administrative transfers, were used by King Mahendra to secure his *Panchayat* regime in Nepal. Transfer to an unpopular post was punishment for falling into 'royal disfavor'[29] while district-level fragmentation was a strategy for maintaining and justifying centralised control (Rose & Scholz, 1980: 54-55). Writing about the health sector (but equally applicable to other sectors), Justice (1989: 43-44) writes about counter-strategies to ameliorate such disfavour.

> The person punished in this way must use 'source and force' to obtain transfer to a more desirable post until he is restored to favor. This strategy requires being close to those in power at the center; thus, health workers are reluctant to accept district assignments, especially in remote areas. Those who must work in rural areas often spend considerable time away from their rural post to make the desired contacts in Kathmandu.

Using 'source-force', a colloquial understanding of having access (*pahum̐ca*) to influential people, relates to other forms of social and cultural interaction used in Nepali society that enable clientelism and (neo)patrimonialism. These include *chākarī* (sycophancy), *cāpalusī* (flattery), and *chuklī* (gathering or spreading information for a superior to receive favors), *nātābād-kṛipābād* (nepotism, reciprocal family-like relationships)*,* and *āphno mānche* (one's own people, including but not limited to relatives) (Adams, 1998; Bista, 1991; Kondos, 1987; Subedi, 2014; The Asia Foundation, 2012).

King Mahendra preferred to rely on administrative leaders rather than political elites because they were essentially easier to control – bureaucratic elites understood that their own survival depended on loyalty to the regime whereas Mahendra could not always be certain of the where loyalty stood with the political elites. Growing the size and strength of an urban-centric bureaucracy, allowing it monopoly status because of the ban on political parties, further solidified its acceptance of Mahendra's rule (Riaz & Basu, 2007: 98; Rose & Scholz, 1980: 54). The *Panchayat* regime lasted nearly three decades, indicating a level of 'regime persistence' (number of uninterrupted years of a certain polity formation), which is a risk indicator for the political dimension in the OECD's multidimensional fragility framework. There was one significant challenge to the *Panchayat* regime in the late 1970s, though, that signalled the beginning of the end for the regime.

In 1979, the *Panchayat* system was significantly challenged with widespread protests. Discontent with the lack of *bikās* and the brutality and force of the *Panchayat* system in suppressing fundamental rights, had grown among the banned underground political parties, educated sections of society, and elites (Hutt, 2004: 3). The 1979 protests prompted King

[29] The converse was also evident whereby the King would promote favoured people into better positions (Khadka, 1986: 438).

Birendra (who had taken over after his father Mahendra died in 1972) to announce a referendum in which people could choose between a reformed *Panchayat* system or multiparty democracy. The referendum was held in 1980 and the *Panchayat* system won, but only marginally, and largely due to support from rural elites and landlords who had benefitted from the *Panchayat's* treatment of rural Nepal (Khadka, 1991: 707; Whelpton, 2005: 86). This challenge to the state-led regime and the resulting referendum coincided with a turn toward neoliberalism, not just in Nepal but globally too.

The turn toward neoliberalism

By the mid-1980s, a worsening financial situation for the entire economy had set in. This had been spurred on by economic mismanagement of the *Panchayat* ruling elites, including increased government spending in efforts to secure the regime (particularly after the 1979 protests) without simultaneous efforts to increase revenue or maintain the economy. The continued diversion of state resources for the purposes of retaining the loyalty of individual *Panchayat* members also contributed to the growth of corruption (Rose & Scholz, 1980: 57). Analysts argue that one of the main reasons why the economy worsened significantly during the *Panchayat* years was due to the limited power, and therefore motivation, of the members of the *Rastriya Panchayat* (National Legislature) in the actual design or implementation of economic and social policies, and instead they were driven by a desire to control government resources (Khadka, 1991: 709; Rose & Scholz, 1980: 53). Ultimately, an "unprecedented rise in internal borrowing" resulted in a balance of payment deficit in 1983 (Khanal et al., 2005: 18), which exacerbated inflation and food and commodity prices. This trend continued for another couple of years before King Birendra was compelled to adopt a reform package of neoliberal fiscal policies at the behest of the World Bank and the IMF (Joshi, 2010: 96; Khanal et al., 2005). First was the Economic Stabilisation Programme in 1985, followed by Structural Adjustment Packages (SAP) in 1986 and 1989, all administered by the IMF and the World Bank and implemented without obstruction.[30]

This marked the end of state-controlled development and the beginning of neoliberalisation in the country. These austerity packages aimed to limit the role of the state, liberalise and deregulate the economy, and cut social expenditure – what Klein refers to as the neoliberal 'policy trinity' (Klein, 2007: 15). According to Joshi (2010: 97), following the neoliberalisation of the economy, protection for domestic industries halved from 80% to 40% alongside significant growth in export-oriented industries. Khanal et al. (2005: 41) write that many of the SAP policies

[30] Analysts argue that this process lacked transparency and widespread consultation and was streamlined through a select number of high-level government authorities (Khanal et al., 2005: 161).

were “pro-rich and provided market access to the outside world,” while specifically cutting off the interventionist and protection strategies that had preceded. This is line with Chang’s (2008) argument that the now richer and more developed nations, and the multilateral agencies that are controlled by them – such as the IMF, the World Bank, and the World Trade Organisation, collectively what critics have referred to as the ‘unholy trinity’ (Peet, 2009) or the ‘evil troika’ (Edelman & Haugerud, 2005: 22) – only pursued free market economics after initially sufficiently protecting and subsidizing their own industries with policies that would go against modern day neoliberal orthodoxy.[31]

It was during this latter half of the *Panchayat* period that the World Bank entered Nepal’s social sectors. For example, from the 1970s the World Bank initiated a series of urban drinking water projects in Kathmandu Valley aimed at creating a new autonomous institution to replace the state-owned drinking water supply utility, the *Pani Goshwara Adda* (office for water supply). The World Bank wanted to free the institution from what it saw as the same type of bureaucratic constraints that plagued other government bodies in Nepal through a strategy of corporatisation, with the potential for privatisation in the future (World Bank, 1974b, 1977, 1980c, 1991a). The World Bank also became engaged in the primary education sector with its first Primary Education Project in 1984 (World Bank 1984) and in the higher education sector starting with a series of technical, vocational, and engineering projects throughout the 1970s and 1980s. The aim was to improve education systems that were considered to have been neglected and poorly run under state-led control. These motivations were linked to the perception that state-led control of development was producing poor governance and was antithetical to the growing influences of neoliberalisation that saw the market as the principal driver of economic growth. The World Bank also started recommending decentralisation of medical training (World Bank, 1989b). The *Panchayat* government had to respond to the introduction of such ideas. It therefore marked a period of renewed vernacularisation of *bikās* for Nepal under King Birendra, who departed from his father’s vision and acquiesced to global policy forces by filtering in neoliberal policy elements into the existing *Panchayat* system.

After the 1980 referendum, the *Panchayat* system continued for another decade until nationwide protests again culminated in opposition to the autocratic royal regime in what became known as the first People’s Movement of 1990 (*Jana Āndolan I*), which was led by the Nepali Congress Party and the United Left Front (an alliance of several Communist factions). As a result of the movement the *Panchayat* system was abolished and Birendra reintroduced

[31] Similarly, debt service payments on export earnings have significantly increased since the post-war 1950s, putting more pressure on debtor nations today than in the past (Sassen, 2005: 174).

Western-style parliamentary and multiparty democracy. The first democratic elections in 1990 were won by the Nepali Congress Party, which essentially picked up where it had left off back in 1959.

Multi-party democracy 1990-1996

This period marked a significant increase of integration into the world system for Nepal, particularly on the back of the introduction of neoliberalisation of the economy that had begun during the 1980s. By the 1990s, neoliberalism had taken hold globally. It very much viewed state-led approaches to development as problematic to free market operation. This was espoused in World Bank publications at the time that cautioned governments to stick to “interventions on areas in which markets prove inadequate” and let the market to the rest (World Bank, 1991b: iii). The Cold War had come to an end by 1991 and the World Bank devoted its *1996 World Development Report* to outlining strategies for former state-planned and interventionist economies to make the transition to free market ones (World Bank, 1996). Consequently, smaller governments were encouraged and bureaucrats were deemed bad for business (World Bank, 1995a).

As a continuation of what was started in Nepal’s Sixth Five Year Plan (1980-1985), with the onset of the Seventh (1985-1990) and the Eighth (1992-97) Five Year Plans, the policy focus shifted to the adoption of neoliberal-led development coupled with the belief that downsizing (also known as ‘right-sizing’) the bureaucracy was an effective strategy for streamlining government efficiency. It was also a policy shift designed to chip away at any leftover loyalties to the previous regime. As a result, several government ministries and departments were eliminated or merged, and compulsory retirement amendments were introduced into existing laws, resulting in widespread job reductions in the public sector (Atreya & Armstrong, 2002: 7; Ghimire, 2019b: 153). This overall period of intensified neoliberalisation emphasised greater decentralisation, cost recovery, community participation, and private sector involvement. As a result, many sectors (including the social sectors) were opened to private sector and non-state participation (Khanal et al., 2005).

As a continuation of ‘right-sizing’ the post-*Panchayat* government, in the 1990s, the Nepali Congress Party government (which held power for the first four years after the fall of the *Panchayat* regime) started a rapid-fire sequence of privatisations on state-owned enterprises (SOEs). This had already begun during the last few years of the *Panchayat* era as part of the structural adjustment conditions (Khanal et al., 2005: 52-53; Paudel, 2009: 119-120). Privatisation is a hallmark policy of neoliberalism and marked a definite policy shift from the state-driven days of the *Panchayat*. During the *Panchayat* era, SOEs had grown from eight in 1961 to 64 by 1989, but by 1991 many of them were eventually running at a loss (Khanal et al., 2005: 52) and by 1989 government subsidies to them equated to 13% of the total development budget (Whelpton, 2005: 147). According to former Finance Minister for the Nepali Congress Party, Ram Sharan Mahat, subsidizing poorly-run and anti-competitive SOEs was a complete waste of government money (Mahat, 2005: 141). This was the same judgement expressed in the party's 1991 'Policy Paper on the Privatization of Public Enterprises' (Paudel, 2009), which preceded the country's first Privatisation Policy in 1992 and the Privatisation Act introduced in January 1994. By the end of the Eighth Five Year Plan (1992-1997), of which Mahat was a principal author, 17 public enterprises had been privatised, with another 30 targeted in the Ninth Five Year Plan (1997-2002).

Privatisation was thought to stimulate domestic and foreign private investment and reduce the economic burden of the government, yet due to such a fledgling private sector at the time there was little private interest to buy SOEs (Ghimire, 2019b: 180-181). Indeed, some SOEs were eventually bought back by the government because the private sector was ill-equipped to manage them and because they were supply-side privatisations instigated by the government, not demanded by the private sector (Khanal et al., 2005: 53-54; Manandhar & Bajracharya, 2000: 121). When the CPN-UML government was elected to power in late 1994 they significantly slowed this program of privatisation, but did not outright abandon it, favouring a (largely unimplemented) selective strategy for privatisation, said to be in line with its Communist ideology of supporting public institutions (Hachhethu, 2006: 35; Paudel, 2009: 121-122; Whelpton, 2005: 193). Then privatisation efforts intensified again under a Nepali Congress Party government for the remaining years of the Eighth Five Year Plan (1995-1997). Commentators posit that the Nepali Congress Party viewed privatisation as an internal necessity whereas the CPN-UML rather saw it as an external compulsion and not a major priority (Ghimire, 2019b: 162-169; Manandhar & Bajracharya, 2000: 107).

Khadka (1993: 61-62) points out that in the initial years of the Nepali Congress Party government in the 1990s, what they said in their manifestos (democratic socialism) and what they did with the economy (free market) were two separate and confused things: the Nepali Congress Party's policy goals were developmentalist, but the party's approaches were neoliberal. Even Nepal Congress Party's Finance Minister at the time, Ram Sharan Mahat, was cognisant of the fact that there was some criticism of his party's rapid embracement of neoliberal-led development as a "contradiction to the philosophy of democratic socialism" (Mahat, 2005: 118); a contradiction others have also pointed out (Hachhethu, 2006: 7). Yet

Mahat argued that it was a case of redefining the direction for the country and not an abandonment of ideology, indicating a vernacularisation of policy. Similar criticisms are also now waged against the major communist-based political parties in Nepal (expressed in several interviews and evidenced in manifesto analyses[32]), with words like 'duplicity' used to describe such a 'gap between words and deeds' (Lawoti, 2014).

With the Eighth Five Year Plan (1992-1997), the Nepali Congress Party government confirmed the shift away from state-led *bikās* and toward neoliberal-led development with a smaller government playing the role of facilitator. The Eighth Five Year Plan read,

> Socialism as conceived by Nepali Congress, is not orthodox socialism where the state dictates but the one by virtue of which the state in a supporting role will bring about social and economic justice through increase in production, creation of employment and special programs directed towards the upliftment of the socially and economically deprived poor people who are left out of the mainstream of development.
>
> It is evident from the changes occurring in the socialist countries that the traditional state directed socialism is no longer suited to the existing global economic scenario. Therefore, the state directed and state controlled economic system pursued for the last thirty years will be gradually phased out and a policy will be adopted to carry out development through free market oriented liberal economic system. (HMGN, 1992: 85)

This first period of liberalisation was also coupled with an influx of foreign aid and donor development strategies, especially in the social services sector. But poverty, inequality, and unemployment had been continuously on the rise (particularly so in rural areas) since the late 1970s, which were all contributing factors to the onset of the civil war (Sharma, 2006, 2011). Even though multiparty democracy had been restored in 1990 and the country had further opened to the rest of the world, the fractious balance of power in the post-1990 governments continued to be a problem for Nepal. Poverty and discontent with persisting systems of discrimination, marginalisation, and lack of development grew amongst the population. Capitalising on the building resentment and disenfranchisement and wanting to create a 'new people's democracy' rather than continue with the same old system, in 1996 the Communist Party of Nepal-Maoist (CPN-M, hereafter the Maoists), a fringe political party at the time, declared war against His Majesty's Government of Nepal.

[32] For example see Bhatta (2015b).

The 'People's War' 1996-2006

In February 1996, the Maoists, headed by Pushpa Kamal Dahal (hereafter P.K. Dahal) and Baburam Bhattarai, handed the government a 40-point demand[33] and then launched a civil war against the state. As reasons for an armed insurgency, the Maoists cited political, economic and social grievances, persisting inequalities, and the marginalisation of many groups (e.g. indigenous, ethnic minorities, women, poor) whose needs were not addressed by the democratic changes of 1990, after many decades of rule under royals and elites (Pherali, 2013: 52; Tamang, 2011: 294; World Bank, 2011c: 90-91). From an interface analysis perspective, this represented a point of discontinuity and resistance resulting in the Maoists insurgency as a rejection of both the previous *Panchayat*-style royal rule and the neoliberal-led development thus far. This resistance is indicative of broader experiences of inequality and uneven development brought about alongside increasing global neoliberalisation, which has consequently seen more instances of internal conflict within countries (rather than between countries) due to internal identity group concerns (Springer, 2009: 273).

Pherali (2013) and Sharma (2006) argue that collectively, the Rana regime (1846-1950), the first period of democracy (1951-1960), the *Panchayat* era (1960-1990), and the restoration of multi-party democracy with a constitutional monarchy (1990-1996) did not adequately address the grievances of ordinary people. It was still largely hill-based and high-caste groups who primarily benefited (particularly Brahmins and Chhetris[34]) from all these systems and who were able to monopolize state power and adapt policies to their benefit (Lawoti, 2007b; Pherali, 2013: 51). Lawoti (2008) further argues that the period 1990-2002 was a period of 'exclusionary democratisation' in Nepal, characterised by an overcentralised polity (Lawoti, 2007a). In such an environment, dominant castes continued to occupy influential positions, such as in the parliament, civil service, cabinet, and judiciary. Upper-caste Hindu elites (Brahmin, Chhetri and Newar, who constitute nearly 40% of the population) have a long-standing monopoly on social, political, and military power in Nepal, occupying more than 90% of leadership positions in professional bodies across all sectors in both public and private industries (Pherali & Garratt, 2014: 48). Comparatively, Dalits (so-called 'untouchable' low-caste) occupy 0.3%, Indigenous

[33] Demands included to make Nepal a secular state, repeal major treaties with India, put an end to excessive police brutality, and elect a constituent assembly (Whelpton, 2005: 205). The Maoists also espoused an agenda of abolishment of the private school system as well as opposition to the caste system and to the oppression of women, which was largely well received by the more disadvantaged populations.

[34] Or what Lawoti (2010: 10) refers to as the CHHEM – Caste Hill Hindu Elite Males, who have "monopolized the political, economic, social and cultural power." Lawoti also refers to this as ethnic and gender centralisation (Lawoti, 2007a: 12).

people occupy 7%, and Madhesis occupy 11% (Pherali & Garratt, 2014: 48). As such, critics have argued that the Nepali bureaucracy "is characterized by values that are representative of the existing power structure in society, where those belonging to higher castes decide for others" (Jamil & Dangal, 2009: 208). Caste discrimination was officially abolished in 1963 with the establishment of the *Naya Muluki Ain* (New National Code) to replace the 1854 version devised during the Rana regime (see Höfer, 1979), but caste-based exclusionary practices have continued well beyond this and are still felt today (Sharma, 2012: 58).

Since the beginning of the civil war in 1996, by November 2001 it had escalated significantly so the government imposed a state of emergency and deployed the army for the first time. This was only a few months after the massacre of Nepal's royal family in June 2001 and after 9/11 in the United States. It was around this time, after 9/11, that the global fragile states agenda particularly took hold. Failed, fragile, or weak states were now seen as a threat to international security and global capitalism (Kaplan, 2008). Consequently, this prompted more bilateral donor engagement (particularly the United States and United Kingdom) to Nepal as a fragile state and as part of the 'Global War on Terror' (Gobyn, 2009). By April 2003, the United States had put the Maoists on a State Department terrorist group watch list. The 'impact of terrorism' is a risk factor for the security dimension in OECD's fragility framework, which is measured using the Global Terrorism Index.

By 2002 the war had spread to 73 out of 75 districts, claiming the lives of thousands of people and causing enormous economic losses (Pherali, 2013: 52). This level of coverage indicated the insurgency's strength and the government's lack of effective control. From the OECD's fragility framework, the amount of effective control the state has over its territory is a coping factor for security dimension, thus indicating that by 2002 the state was not coping very well. According to the Uppsala Conflict Data Program (UCDP), 2002 marked the height of the insurgency in terms of number of deaths and prompted its categorisation as a war. According to UCDP numbers, more than 12,000 people were killed during the ten-year war, with both Maoist and government forces responsible for killings (Uppsala University, n.d.).[35] Furthermore, the Maoists created a power vacuum at the local level in many of the affected districts, and then

[35] According to the UCDP, a war can be categorised when the number of battle-related deaths reaches at least 1,000 in one calendar year. This was the case for Nepal's People's War for years 2002-2005. For the other years (1996-2001 and 2006), it was categorized as an intrastate conflict, with at least 25 battle-related deaths in one calendar year (see Uppsala University, n.d.). 'Battle-related deaths' is a risk factor for the security dimension of the OECD's fragility framework and uses UCDP data. Similarly, 'state-sanctioned or state-perpetrated violence' (including police brutality) is a 'political terror' indicator and a risk factor for the political dimension of fragility, and 'deaths by non-state actors' is a risk indicator for the security dimension.

tried to fill that gap with their own version of a 'People's Government', 'People's Courts', and economical self-sustainability (Sharma, 2004: 46-48).

In 2002 and then again in February 2005, King Gyanendra (who had ascended to the throne after the death of his brother Birendra in the royal massacre in June 2001) seized total power for himself by dissolving the parliament, arresting political leaders, and effectively banning political parties, much like his father Mahendra had done decades earlier (Peshal, 2013: 56). This led to a turn in the insurgency by November 2005 that saw the Maoists joining forces with the other major political parties to fight for the common cause of restoring democracy and opposing the autocratic monarchy. The Maoist leaders therefore entered into a 12-point agreement with seven major political parties (including the CPN-UML and the Nepali Congress Party), known as the Seven Party Alliance (SPA), ensuring a power sharing arrangement and the holding of Constituent Assembly elections, and importantly, an end to the war.

The coming together of historically and ideologically opposed groups in such a way exemplifies actors pursuing their interests and indicates vernacularisation of 'ideoscapes.' The Maoists ideologically supported nationalisation and state-led development and opposed neoliberal policies (such as privatisation), but also ultimately rejected a state-centric model under royal executive rule. Entering an arrangement in which the system and actors had already embraced neoliberal policy elements indicates some ideological inconsistencies for the Maoists (e.g. see Ismail, 2018). But as Appadurai (1990: 299) writes, 'ideoscapes' are "often directly political and frequently have to do with the ideologies of states and the counter-ideologies of movements explicitly oriented to capturing state power or a piece of it." Such arrangements, like the Maoists joining the SPA against the ultimate executor of the state, can be useful in fragile environments because they can help to bring about a level of stability and consensus to 'get things done.' But consensus can also potentially function as collusion in such environments, leading to a whole new set of negotiations, interests, and tensions (Byrne & Klem, 2015; Byrne & Shrestha, 2014; Haass & Ottmann, 2017; Timalsina, 2017).

Gyawali (2018) points out that initially the Maoists cited Nepal's continued lack of development (*a-bikās*) as the primary reason to go to war, which diverted attention away from any positive connotations of *bikās*. Such a positioning directly juxtaposed the Maoists' ideological intentions as being opposite to what the *Panchayat* era and neoliberalisation promised to deliver (despite the latter two regime changes attempting to capitalise on the same sentiments, e.g. Mahendra initially characterised Nepal as 'underdeveloped' in order to drive his notion of *bikās*). Then to bring the war to a close and in the post-war period, the Maoists re-focused attention back on the idea of *bikās* as a future-oriented concept that would, in part, be led by them. Gyawali (2018) argues that this is the regenerative, flexible, and necessarily ambiguous power of the word *bikās* in the Nepalese context. That is, one word, but with the possibility of multiple vernacularised meanings.

With the Maoists and SPA in agreement, this led to the second People's Movement (*Jana Āndolan II*) or Democracy Movement (*Loktantra Āndolan*) in April 2006. This period of "unrelenting protest for 19 consecutive days" (Peshal, 2013: 56) displaying the "sheer force of non-violent people power" was dubbed Nepal's own 'Kathmandu Spring' moment (Dixit, 2006: para fourteen). King Gyanendra conceded, which resulted in the signing of the Comprehensive Peace Agreement (CPA) in November 2006 and a peacekeeping mission under the United Nations Mission in Nepal for 2007-2011. This officially brought an end to the People's War and the process of creating a new constitution began.

2007-onwards: constitutions, earthquakes, and resilience

Not long after the CPA, in 2007 an Interim Constitution was promulgated that guaranteed social rights for the very first time (including for education, health, and water). Then in April 2008 the Constituent Assembly elections were held and the Maoists received the largest share of votes, with the leader of the insurgency, P.K. Dahal, becoming Prime Minister. One month later in May 2008, the parliament voted to abolish the 240-year-old Shah monarchy and the country was declared a Federal Democratic Republic, which was one of the major demands of the Maoists (Routledge, 2010: 1295).

But it was not until September 2015 that the government promulgated the first official post-war Constitution, replacing the 2007 Interim version. The 2015 Constitution restructured the country into seven provinces (replacing an older system of 14 Administrative Zones and five Development Regions) and solidified the social rights that were first provisioned in the 2007 Interim Constitution. The 2015 Constitution took eight years to eventuate, highlighting ongoing political and constitutional instability and tensions, and indicating a lack of consensus and higher stakes for rights and identity recognition (Lawoti, 2015). The newly adopted constitution was met with fierce debate and violent (even deadly) controversy over issues of citizenship and lack of representation and autonomy of marginalised ethnic groups, particularly in the Southern Terai region of the country (Human Rights Watch, 2015; Strasheim, 2019). Such conditions point to continuing elements of fragility in an already fragile post-conflict setting. This also exemplifies vernacularisation, whereby the global universality of social rights language, including inclusivity, can be understood and experienced differently as it is constitutionalised at the national level and then played out in a very particular and "localized version deeply grounded in local social and political realities" (Brinks et al., 2015: 290). Furthermore, Timalsina (2017: 70) argues that the wording in documents such as the CPA, the Interim Constitution, and the 2015 Constitution "is so vague that political actors interpret clauses of those documents per their individual interests" leading to a vernacularised or even hijacking of meanings. This is made all the more complex when considering that the 2007 and 2015 Constitutions are the first secular constitutions in Nepal's history, which Malagodi (2015: 51, original emphasis) argues is a continuing source of tension in terms of where people believe the "*rightful* political authority in the country" should lie – with top-down authority (e.g. monarchy) or with bottom-up authority (the people).

Only months before the promulgation of the 2015 Constitution, the country was hit by two devastating earthquakes in April and May 2015, with respective magnitudes of 7.8 and 7.3. The earthquakes killed nearly 9,000 people, injured more than 22,000 people, and destroyed several hundred thousand homes, government buildings, world heritage sites, classrooms, and health and water facilities (NPC, 2015), making them the most destructive in 80 years since the 1934 Nepal-Bihar earthquake. The earthquakes exacerbated Nepal's economic and security dimensions of fragility (OECD, 2018: 86), with natural hazard exposure being a risk factor for environmental fragility in the OECD fragility framework. The National Planning Commission estimated the overall reconstruction cost to be about US$7 billion (NPC, 2015). Regmi (2016) argues, however, that despite the US$4.4 billion pledged from international donors to support reconstruction efforts, these loans have only added to Nepal's overall debt load rather than helping those who were affected. Such a position could arguably be used as leverage for further neoliberal reforms, further linking examples like this to concepts like 'disaster capitalism' (Klein, 2007; Paudel et al., 2020). In any case, some have argued that the post-earthquake reconstruction in Nepal is inherently political and cannot be separated from post-conflict efforts, and that it is all happening in a "a political context which is wholly a product of the tensions and compromises of the as-yet unresolved post-conflict polity" (Harrowell & Özerdem, 2018: 190).

From fragility to resilience

In line with fragility discourses, there is an increasing trend around highlighting Nepal's resilience, especially after the 2015 earthquake.[36] While fragility is still often conceptualised by donors as weak state legitimacy, where the state-society relation lacks a strong binding social

[36] Often specifically climate change or 'disaster resilience' coupled with the 'build back better' mantra.

contract (e.g. as with conceptions of weak or soft states), it has now become more common among development agencies to instead "conceptualise fragility in relation to its opposite – resilience" (Mcloughlin & Idris, 2016: 6). Lemay-Hébert (2019) argues that this shift in understanding, readily embraced by policy actors (including the World Bank[37] and the OECD), moves away from deficit ideas of state capacity, and instead views fragility in terms of risks and therefore state-building as risk mitigation with a resilience discourse at the core. Such approaches have been taken up for Nepal (Ruszczyk, 2019), despite the term resilience lacking a stable definition for donors (Felli, 2016).

According to one study, elites in Nepal rejected the label of fragile as misleading because they argued that external understandings of the term failed to capture endogenous forms of optimism and resilience that had helped carry the country through its transition from conflict to peace (Dix et al., 2012). As Thompson et al. (2017) and Bhatta (2015a) have argued, while Nepal is not a failed state, it may be considered a weak state but one with a strong society, evident in examples like the swift societal response to the earthquakes in the wake of slow governmental action. Such strength is argued to derive, in part, from *dharma* (sense of duty) which helps build resilience (Thompson et al., 2017). From these points of view, resilience has a localised and meaningful context, and one which has developed out of a vernacularised and resisted understanding of fragility.

While resilience is a good thing, some would argue, however, that such efforts falling to individuals or community groups indicate a form of 'neoliberal resilience' whereby responsibility for security and well-being is shifted to the individual level (Chandler, 2013). 'Neoliberal resilience' is also about bringing states and individuals in line with and accepting neoliberal structures and policies, depoliticising any shocks, disturbances, and pre-existing structures of risk in the process (Chandler, 2013; Felli, 2016; Jospeh, 2013; Reid, 2013; Tanner et al., 2017). In this way, resilience can be understood as a form of neoliberal governmentality, especially when applied to contexts such as state-building, poverty reduction, and delivery of social services (Felli, 2016; Jospeh, 2013; Lemay-Hébert, 2019) – all core features of the fragile states agenda.

Resilience, as employed by actors like the World Bank, is "used instrumentally to promote 'business-as-usual'", which means that while its application may bring about immediate solutions and promote coping strategies, it does not seek to challenge the dominant neoliberal capitalist framework, some of which may have triggered elements of fragility in the first place

[37] E.g. World Bank (2011c).

(Felli, 2016: 274). Felli (2016) points to Walker and Cooper's (2011) 'genealogy of resilience' to argue that neoliberalism and donor conceptions of resilience share a "disregard for central forms of political authority (such as the State)" (Felli, 2016: 274). Therefore, I argue that the fragility-to-resilience spectrum is the new conduit for the pursuit of neoliberal policy preferences through donor engagements. Rather than focusing on empowering communities and embracing new governance opportunities (Lahai et al., 2019), and because donor engagement through resilience is thought to be indirect, noninterventionist, and taking the "local context as [the first] point of departure" (Haldrup & Rosén, 2013: 133-134), neoliberal resilience is rather an "artificial construction" in which the real aim is to bring governments in line with, and remove barriers to, open markets (Jospeh, 2013: 51). Joseph does say, however, that neoliberally embedded resilience processes are not necessarily hegemonic because the way this plays out in individual context varies considerably (Jospeh, 2013: 52). Such disjuncture allows for vernacularisation and various forms of resistance to neoliberal policies, governmentality, or resilience.[38] In the case of Nepal, this is infused with a legacy of state-led preferences for development, which produces a tension when positioned alongside strategies for neoliberal-led development. This once again brings us back to the concept of vernacularisation and the applicability of Long's interface analysis precisely because it serves to highlight heterogeneity in the flow of dominant ideoscapes.

If King Mahendra was one of the most influential power figures and forces of vernacularisation in a state-led *Panchayat* Nepal, then political leaders and political parties are certainly significant vernacularises and influential power figures in a liberalised Nepal. As frontline actors at the development interface and as dominant powerbrokers in Nepali society, the role and influence of political leaders and political parties is discussed next.

Political leaders and political parties as powerbrokers

Since the 1990s, political parties have emerged as the country's most influential set of powerbrokers and as significant forces of the vernacularisation of social policy and *bikās*. They therefore feature heavily in my case studies. These actors' approach to foreign aid and donor social policies have been shaped by the history of Nepal that I have discussed in this chapter so far. They have lived through and shaped versions of state-led and neoliberal-led development for Nepal, evident in periods of multiparty democracy or the *Panchayat* era. What this history and context chapter has pointed to, and what the case studies will further demonstrate, is that

[38] For example, drawing from James Scott's work, Grove (2013) refers to a 'subversive resilience' within the 'hidden transcripts of resilience.'

this group of actors seeks both neoliberal and/or state-led development strategies, depending on the context. In this way they embody the main tension presented in the argument of my thesis.

Gyawali (2018) argues that *bikās* is a concept that is not confined to Nepal's history (e.g. associated most heavily with the *Panchayat* era) but is also a regenerative and future-oriented concept. Political leaders therefore significantly influence the swing between state-led and neoliberal-led forms of development, governance, power, and resources, which has further implications for policy formulation and relations with donors. In such a context, political parties have effectively replaced "previous hierarchies" (Gellner & Adhikari, 2020: 186) and "have become the torchbearers of centralized government control" (The Asia Foundation, 2012: 67). Byrne and Klem (2015) argue that in post-conflict Nepal, actors are seeking to "race to the centre [i.e. government] … not the wings [i.e. rebel warfare]" and that this is done as much to avoid further conflict as it is to secure legitimacy and consensus or collusion and interests. Indeed the overall number of political parties has grown from approximately 10 in 1990 to over 75 by 2010 (Sharma, 2011), showing an increased desire for political representation, democratic participation, and perhaps above all, eventually even a turn in government.

Acharya (2009) argues that while most of the major political parties in Nepal have their origins in the causes of freedom and democracy, their own internal practices are not democratic and their times in positions of governmental leadership and power have been questionable. For many political leaders, "power, position, and privileges [are seen] as a deserved pay-off for their struggles and sacrifices in the past" (Hachhethu, 2007: 154). Moreover, Hachhethu (2006: 5) argues that once political parties gain power and are "in a position to translate [their] ideology into public policy and governance," which is the vernacularisation of ideoscapes, "the party leadership has largely appeared to be self-centric and power-seeking" instead, indicating the pursuit of specific interests. Hachhethu (2006: 41) further argues that "centralisation, oligarchic control and non-transparency remain features common to all parties." This includes how party members are chosen and how they attain high-level positions like party leader or Prime Minister, with nepotism and favouritism replacing merit-based selection (Acharya, 2009). 'Non-merit appointments' is a political survival strategy evident in weak states (Migdal, 1988: 217). It involves making appointments based on personal, kinship, or loyalty ties, the latter of which can, in some cases, take on a familial character (e.g. *āphno mānche*). This can be seen in Nepal, as discussed in the medical education and higher education case studies in this thesis. This strategy is widely used in patrimonial regimes because it secures both power and loyalty

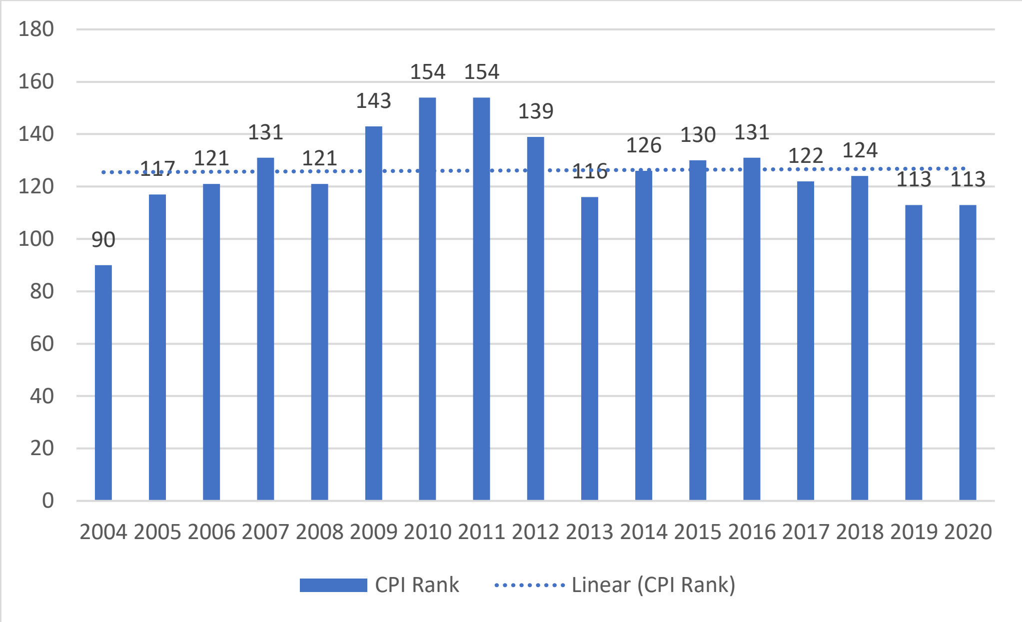
(Grindle, 2012: 19). For Nepal, such a system "has helped to maintain centralization and power within the top leadership" (Lawoti, 2007a: 11).

Nepal has been categorized as a (neo)patrimonial clientelist state where personal loyalty dominates the state machinery and bureaucracy is treated as the personal domain of those in power (Riaz & Basu, 2007), which is characteristic of 'weak' states (see Springer 2009, p. 274). This is evident in strategies like the continued use of 'non-merit appointments' or the practice of *bhāgbaṇḍā* (spoil sharing), as discussed in the higher education and medical education case studies. Speaking to patronage politics, interviewees I spoke with argued that there are no 'people' in Nepal, only 'political party cadres' (interview, December 2016), meaning that one must secure support or membership from political parties if they wish to 'get anything done'. Conversely, they argued that political parties will boycott you if they do not agree with your agenda or if they do not see opportunities for themselves (interviews, May and December 2016). This speaks to "patronage dispensing politics" in Nepal (Gyawali, 2013: 187).

For some elites in Nepal, patronage systems that facilitate corruption can be both "necessary and harmful" in that while it may be a problem for corruption, it also presents benefits and opportunities that are "not linked to corruption" and as such many officials may be required to participate in such activities for political and professional survival[39] (Dix et al., 2012: 35). Or as Panday (2000: 389) writes, such people tend to argue that "corruption in Nepal is a fact of life and that they have to live with it in order to 'get things done.'" As per the OECD's fragility framework, the perception of corruption is a risk factor for the political dimension of fragility and is based on Transparency International's definition of corruption as "the misuse of public power for private benefit" (OECD 2018, p. 268). This indicator for Nepal has varied over time but has ultimately stayed in the higher categories, indicating sustained high levels of perceived corruption (see Figure 4; a ranking of 1 is the least corrupt).

[39] Recent research indicates that corruption and informal channels can be useful in bringing about cooperation and in contributing to political and peace stabilisation in Nepal (Jarvis, 2020) and that corruption in particular can be a useful diagnostic tool for understanding power and state-society relationships in Nepal (Rankin et al., 2019).

Figure 4: Nepal Corruption Perceptions Index (CPI) rankings 2004-2020 data^



Source: Transparency International <https://www.transparency.org/en/cpi/2020/index/nzl> ^No data available prior 2004. Number of countries surveyed each year varied from 146 in 2004 (lowest) to 183 in 2011 (highest).

In 2018 the CPN-UML and the Maoists merged to create the largest communist party ever seen in Nepal – the Nepal Communist Party (NCP), jointly headed by UML leader Khadga Prasad Sharma Oli (hereafter Oli) and Maoist leader P.K. Dahal. By 2020, the NCP, with Oli as Prime Minister, held nearly two-thirds majority in federal parliament, controlled six out of the seven provincial governments, and controlled 60% of local governments (Pradhan, 2020). By 2021, the NCP was dissolved and the former two parties restored (Pradhan, 2021). Majority by one party in parliament has not been seen in decades though. Since 1990, most prime ministers have averaged less than one year in the position, but at the time of writing Oli had lasted more than three years, which is among one of the highest number of days recorded in office since 1990 (with only G.P. Koirala of the Nepal Congress Party administration of 1991-1994 bettering those numbers). Such an alliance of the two largest communist parties also has implications for policy formulation as the ideological underpinnings of the joint party are traditionally couched in state-led orientations for *bikās*. But even unwavering commitment to state-led development is not a given with a communist partnership as big as this, as examples in my case studies exemplify that acceptance or embracement of neoliberal policy elements are seemingly never too far away.

Conclusion

This chapter has demonstrated the struggle for power and representation in Nepal, elements of fragility, and, most significantly, the transition from state-led to neoliberal-led development. Since 1950, Nepal has experienced a major transformation from mostly state-led strategies, but with some neoliberal influences starting to come in during the 1970s, to now being more neoliberal-led but still with a legacy of state-led influences that keep coming up, as my case studies will demonstrate. In such a context, tensions and opportunities for vernacularisation keep occurring and further elements of fragility may be identified. The *Panchayat* system was a prime example of state-controlled development and of a vernacularised version of Nepal, but it was also in service of a political agenda—to maintain the dominance of the monarchy and elites through control of all economic and social processes and resources. So, when there was protest and resistance to the *Panchayat* system as a political structure, it was also a resistance to that version of state-led development. Similarly, resistance in the form of overt declaration of war against the state (People's War) was in response to the way that economic and social development processes were going, in response to both the previous state-led direction and to the new neoliberal-led direction. Both periods of either state-led or neoliberal-led development have engendered resistances and protests (both violent and non-violent) as an overall response, with neither strategy for *bikās* seeming to improve the quality and access to basic services adequately enough. Furthermore, this chapter has demonstrated various actors and political structures and institutions over time that have pursued and enabled centralised control over power and resources. Within this has been a growing acceptance of the role that the private sector and market can play in Nepal's development. This embodies the tension that is present between too much government versus too much market, as discussed in chapter one. Such a shifting political landscape brings forth many opportunities for vernacularisation of social policy.

What this chapter has shown, and what the following case studies will demonstrate, is that vernacularisation of global, external, foreign, other ideas (i.e. for policy, for governance) is a continuous process in Nepal, whereby actors seek to imbue Nepali, local, or interest-driven qualities into reform processes. As such, this can be understood as a type of resistance to hegemonic or dominant discourses. Nepal's categorisation as a fragile state (or having elements of fragility) feeds into this because it is a categorisation that informs and provides context for the provision of development aid by multilateral donors such as the World Bank. These days, donors tend to promote multidimensional approaches to fragility that prioritise resilience and with the view that *all* countries as having coping mechanisms and risk factors, concluding that fragility has no one cause or characteristic and that no state is *either* uniformly fragile *or* uniformly strong (Brinkerhoff, 2019). Yet hardly any state asks for the fragile states label, rather it is a label that is given, which is also a reason why it can be rejected, resisted, reinterpreted or repurposed by those who may wear it (Grimm et al., 2014). This speaks to vernacularisation. As such, resistance to neoliberalism can also be considered resistance to labels of fragility.

The context provided in this chapter helps to explain the neoliberal policy preferences that are being resisted and vernacularised in each of the case study chapters. My analysis shows what this can look like in the actual arenas of these social policy areas. The first case study I present in this thesis to continue demonstrating the tension between neoliberal policy preferences and state-led preferences for development and the forces of vernacularisation and resistance, is the basic and secondary education case study, explored in the next chapter.

Chapter 4: Basic and Secondary Education

Introduction

This chapter focuses on a legislative change to Nepal's 1971 Education Act that was formally enacted in late 2016, known as the Eighth Amendment to the 1971 Education Act (hereafter Eighth Amendment). The Eighth Amendment ushered in major structural changes to the schooling system in Nepal and changed the categorisation of all schools throughout the country, including both public and private schools. With this change, the Government of Nepal aimed to bring the entire schooling system to be more in line with global standards. It also helping to finalise some of the main components of the School Sector Reform Program (SSRP, 2009-2015) and provide the foundation for the following School Sector Development Plan (SSDP, 2016–2023).[40]

The Eighth Amendment aimed to redirect the sector towards a welfare-oriented provision of primary and secondary education and bring schools more under the wing of the public sector. In doing so, it altered some of the provisions that were enacted more than a decade prior in the Seventh Amendment to the 1971 Education Act that had allowed for greater privatization of education in Nepal. The Eighth Amendment introduced the *guṭhi* (trust) system instead. The *guṭhi* schooling system disallows full private ownership of schools, mandates that all schools should be non-profit entities, and in the event of school closure, all property (both public and private) will eventually belong to the state. Ideologically, this reflects more state-led tendencies evident in communist-based political parties in Nepal, such as the Oli-led CPN-UML and the Dahal-led Maoists. This agenda calls for greater public investment and management in education with a report submitted to the government by the newly formed High-Level National Education Commission suggesting a doubling of government funding for public education to 20% (Ghimire, 2019a), bringing the sector in line with globally agreed amounts (UNESCO, 2014: 9).

Resistance to these elements of the Eighth Amendment mostly came from the private sector because they will have to change the way they operate their schools under the new *guṭhi* system. Although the change temporarily does not affect private for-profit company schools, the plan is for all schools in all forms to eventually be converted to the *guṭhi* system. In the words of one Ministry of Education official, "our desire is still that even the existing schools need to be converted into trust. …That is our plan" (interview, July 2016). In the meantime, the

[40] The SSRP and SSDP are sector-wide programs supported by multiple donors using pooled funding. The World Bank and the ADB are donors for both programs.

private for-profit company schools that are left may operate in a closed market because no new company schools may be registered from the Eighth Amendment onwards, giving the remaining ones a form of monopoly status within the sector. Political elites stand to benefit from ownership or investments in these remaining schools. Resistance largely played out in the parliament as an arena of contested interests, as proponents of the status quo, many of whom are Members of Parliament with investments in private schools, sought to alter the amendment in their favour. The result being that those with investments in private schools had influence over the legislation that controls the sector.

This chapter demonstrates a continuing struggle between the public and private arms of Nepal's economy and society in the delivery of education services – from centralisation to decentralisation and then back to what can be interpreted as a new form of centralisation (all schools under one category), and from nationalisation to de facto privatisation (Tooley & Dixon, 2006) and then back to what can be interpreted as a new form of nationalisation (all schools under one category). All the while, these legislative changes took place in an act that was conceived for nationalised education. The 1971 Education Act, brought forth in the middle of the *Panchayat* era, has not yet been replaced with a new act that could better reflect the changes that have taken place in the country, including the shift to federalisation following the abolition of the centuries-old monarchy. According to stakeholders, structural change is what is needed. New reform elements are constantly inserted into an old act and this does not adequately capture the essence of current education sector reforms[41] (interviews with Ministry of Education officials and education NGO representatives, November and July 2016).

What this overarching change signals is how the influence of neoliberalism as a globally dominant discourse, and as promoted by multilaterals such as the World Bank, is filtered through local structures and by various actors to facilitate the pursuit of their interests to create a different trajectory for education development in Nepal. This is the process of vernacularisation, where ideoscapes are introduced and then altered as per local understandings, culture, and politics. Consequently, the analysis in this chapter reveals simultaneously a tension between state-led and neoliberal reform directions and an amalgamation of the two, resulting in collusive and cooperative practices for mutual gain. This highlights junctures of discontinuity and linkage in processes of development brought forth through applying Long's interface analysis.

[41] In 2018 the newly formed High-Level National Education Commission proposed a new Federal Education Act to replace the 1971 Education Act (Glocal Khabar, 2018).

To demonstrate this analysis, I first start by looking at the decentralisation and liberalisation of Nepal's education system in the post-1990 period, with a special focus on the Seventh Amendment to the 1971 Education Act and the growth of private schools. This section serves as the precedent to then illustrate in the following section how the Eighth Amendment to the 1971 Education Act and the focus on *guṭhi* schools can be understood as a swing back towards state-led control of the education system and how this engendered resistance from various actors in the process. To explore this idea, I highlight the use of specific language in drafting the bill and how the promotion of specific school formations supports either more of a state-led or neoliberal reform direction. I make key points about neoliberal discourse concerning monopoly power and private property juxtaposed against the state-led ideologies of the more communist-oriented political parties in Nepal and their actions. The chapter then focuses on some of the losses and gains to be made for private sector actors as per the school restructuring requirements in the Eighth Amendment, before highlighting the role of the parliament as a crucial arena for the contestation of education reform.

From nationalisation to liberalisation

During the *Panchayat* period, all schools were nationalised under the National Education System Plan (NESP) 1971-76 and governed by the 1971 Education Act.[42] By the 1980s however, economic liberalisation and structural adjustment conditions compelled the government to open up the education sector to private sector participation. This included amendments to the 1971 Education Act that allowed for schools to collect fees as separate sources of funds from that provided by government (Poudyal, 2016; Shrestha, 2010). Once the *Panchayat* system was abolished, and through a new democratically elected government in 1990, Nepal began to participate in the global movements for the universalisation of basic education. After the 1990 World Conference on Education for All (EFA), universal basic education became one of the first global education commitments that the new government (headed by Nepali Congress Party for the first few years, 1991-1994) signed up to, followed shortly in 2000 by the renewed commitment in the MDGs. Coupled with these commitments was a major influx of international resources whereby Nepal quickly became a 'donor darling' for education development (Rappleye, 2011). The first and second Basic Primary Education Projects (1991-1996 and 1997-2004, respectively), the EFA project (2004-2009), and the Community School Support Program (2003-2008), all of which were partially or fully supported by the World Bank, all emphasized

[42] The 1971 Education Act only covered grades 1-10. Grades 11 and 12 were part of the university system at that time. Once the government decided to take grades 11 and 12 out of the university system (as part of higher education reforms), these levels were then covered by the separate 1989 Higher Secondary Education Act.

decentralisation, community participation, and school autonomy as core strategies for improving quality and access (World Bank, 1992a, 1999a, 2003a, 2004b). These were implemented alongside the Government's own first and second Basic and Primary Education Master Plans (1991-2001 and 1997-2002, respectively), as well as the Eighth and Ninth Five Year Plans (1992-1997 and 1997-2002, respectively), which supported similar reform directions. The World Bank's own projects to support the most recent SSRP and SSDP continue a commitment to decentralisation and school autonomy for management of public schools in Nepal (World Bank, 2009, 2017d), which is consistent with the Tenth Five Year Plan/PRSP document (2002-2007) and the Three Year Interim Plan (2007-2010).

Liberalisation of the economy triggered rapid expansion of unregulated private education in the country. Over time, this has led to quality concerns and rampant fee charging (Ghimire, 2016c), so much so that in 2012 the Supreme Court banned private schools from increasing their fees for three years (Budhathoki, 2016). A liberalised education sector also triggered flight from public schools due to the widespread perception that private schools performed better and produced better results (Caddell, 2006; Carney & Bista, 2009; Carney & Rappleye, 2011; Graner, 2006; Joshi, 2014a). As mentioned in my methods chapter, I found myself falling into the same line of thinking when choosing a school for my daughter, as did many of my Nepali friends. According to one private school owner I interviewed, the perceived superiority of private schools in Nepal is "not only perception, this is reality also" (interview, June 2016). This situation is what Tooley and Dixon (2006) consider to be the de facto privatization of education, driven predominantly by parental dissatisfaction with public education. Various politically affiliated teachers' and students' unions in Nepal routinely call for regulation of the private sector, while private school owners lobby for deregulation (Poudyal, 2013: 168). At the same time, public schools continue to suffer from weak management and regulation, limited managerial capacity, inadequate access, poor quality of education, teacher absenteeism, and political interference (Koirala, 2015; Thapa, 2015).

Critics argue that the change in policy direction from nationalised education during *Panchayat* to a decentralised and more open private sector post-1990s was very much donor-driven, with the World Bank being one of the most significant influences on education policy (Bhatta, 2011; Caddell, 2007; Rappleye, 2011; Regmi, 2015, 2017; Winther-Schmidt, 2011). Poudyal (2016) and Regmi (2017) both argue that multilateral donors, such as the World Bank, have sought to encourage private schooling as part of a neoliberal agenda, simultaneously reducing the role of government in educational governance while increasing their own role and influence. Indeed, a World Bank report for education reform in Nepal released in 2001 argued that free education in Nepal was counter-productive to education improvements and served to constrain the ability of public schools to generate their own resources, unlike their private counterparts. It also recommended private sector involvement throughout the entire education system (World Bank, 2001a).

Further growth of private schools picked up pace after the Seventh Amendment to the 1971 Education Act in 2002. The Seventh Amendment (introduced under a Nepali Congress Party government) aimed to promote improvements in public education, yet it simultaneously created more opportunities for private education to flourish. According to Carney and Bista (2009), this was done with heavy donor consultation and support, particularly from the World Bank. The Seventh Amendment primarily focused on the decentralisation of public schooling, with a categorical change of public and private schools in the process. Public schools were changed to 'community' schools and management responsibilities were transferred to local communities. The new definition further divided community schools into three sub-categories of 'community-aided' (fully supported by the government), 'community-managed' (fully supported by the government for teacher salaries but managed by communities), and 'community-unaided' (limited or no support from the government). Private schools were changed to 'institutional' schools and were defined as those privately owned and operated or non-governmental or trust schools that are supported by parents and trustees (DoE, 2016: 11).[43] For the rest of this chapter, I will refer to community schools as public schools and institutional schools as private schools. With the Seventh Amendment, schools had to specifically define and register themselves as belonging to one of these categories.

Greater privatisation of education was encouraged through the option of private schools specifically registering as a for-profit company under the Companies Act[44] with the Office of the Company Registrar. For private schools that opted to register as a for-profit company, the property of those schools would remain under the name of that company (HMGN, 1971,, Section 16(3)). According to Poudyal (2016: 229), the majority of private schools opted to register as a company after the Seventh Amendment, reflecting an ideological preference for neoliberal-led development strategies.

[43] Alongside community (public), institutional (private), and trust schools, there are also several hundred religious schools operating in Nepal.
[44] The 1997 Company Act was the first one to incorporate the liberalised economy and the one in operation when the Seventh Amendment was passed. The 2006 Companies Act replaced the 1997 version.

For private schools that opted to register as an educational trust, investors were not allowed to receive any personal profit and any profit made in the name of the school had to be reinvested back into the school. Moreover, the property of any trust school closing for any reason would automatically become public property, whereupon the government could either use that property to operate a public school or sell the property and deposit the money into the relevant District Education Fund (HMGN, 1971, Section 16(2)). Private school owners were reluctant for their property to potentially be taken by the government (Caddell, 2006: 473-474). Recent research indicates that many private school owners felt that it was not really a choice to register as a private company because the only other option was the trust model. Converting to a trust came with the conditions outlined above, but then registering as a private company came with both income and services taxes payable to the government. Many private school owners have claimed that engaging in a business model was 'at odds' with the educational purpose of schooling, hence their claimed reluctance (Joshi, 2019).[45] Few schools have opted to register as a private educational trust (Poudyal, 2016: 30), evidenced by the fact that they are a minority in the sector (Pal & Saha, 2014, 2015, 2018).[46]

With the introduction of the Eighth Amendment in 2016, however, the direction for education development in Nepal changed from one focused on school autonomy, decentralisation, and de facto privatisation, to what I argue can be conceived of as a form of re-nationalised and re-centralised education management, with more limitations on the private sector. The Eighth Amendment made a vast array of changes, but for the purposes of this thesis I am interested in the categorisation of all schools in Nepal to be converted into *guṭhi* status, including a reversal of schools being allowed to register as a for-profit company. In such a way, we return to the idea of the school and the education system being a primary driver of development and Nepali nationhood. As Caddell (2005, 2007) writes, schools in Nepal are sites of contestation and imagining of Nepali nationhood and development. In Nepal the "school is not simply an institution through which the state advocates and delivers development opportunities to the populace, but a site within which what it means to be 'developed', and what constitutes being 'Nepali', are promoted and contested" (Caddell, 2005: 78). In this way, therefore, the change to the *guṭhi* system can be considered an example of that, effectively demonstrating the

[45] Many private school owners claimed to be service organisations and therefore thought they should be exempt from tax (Poudyal, 2014). One private school association representative I interviewed agreed with this idea: "We were [a] tax-free region. Education is always tax free" (interview, June 2016).
[46] In a study of 5,778 private schools in 2004, 3% were trust schools (Pal & Saha, 2014). A later study produced similar findings, where 3.2% of the sample were trust schools (out of 122 private schools, only 14 were trust schools) (Pal & Saha, 2018).

process of vernacularisation within Nepal's schooling system whereby schools are sites for globalised discourses to be reinvented through incorporation of locally existing cultural forms of organisation – in this case, the *guṭhi* system.

Eighth Amendment and re-centralisation: *guṭhi* schools

The Eighth Amendment (2016) removed the option for private schools to register and operate as a for-profit company. Instead, all schools, including both private and public, must be converted into trust schools, known as *guṭhi*. *Guṭhi* is a Newari word for a type of social organisation, but it is also commonly known as trust. The *guṭhi* is a socio-economic (corporate, cooperative) institution stemming from indigenous Newari culture. *Guṭhis* often use income from common land and assets to fulfill social roles, public services, and religious activities within the community, while other *guṭhis* remain privately owned and managed (Rankin, 2004: 123). Membership can be either common or diverse lineage, e.g. kinship or geographical proximity (Müller-Böker, 1988). *Guṭhi* membership ties an individual and/or household to a set of obligations and to a particular place that is distinctly local and creates community interdependency and a sense of respect and honour (*ijjat*) in terms of participation (Rankin, 2004: 123-124). Rankin argues that *guṭhis* "are viewed by many (and especially those with direct interests in preserving the established distribution of power and resources) as the surest mechanism for protecting 'traditional Newar culture' against 'outside' influences of modernization" (Rankin, 2004: 123). These ideas offer insight into why the government would choose this organisational type for schooling in Nepal. By this, I argue that the ideological principles of the *guṭhi* can be seen as a basis for a vernacularised vision for schools because it represents a type of resistance to neoliberal (modernisation) development directions more broadly. That is, providing some level of 'protection' of Nepali ideas and more centralised forms of governmental control, against 'outside influences' such as globally dominant discourses.

The move to convert all schools to *guṭhi* status can be conceptualised as a form of re-centralising education in Nepal by placing all schools within one category and under the purview of the state. The provision to operate a school as a trust has always been available in the 1971 Education Act, the difference now is that the Eighth Amendment made *guṭhi* the only option. School owners can still stipulate whether they would like to run as a public (*sārbajanik*) or private (*nijī*) *guṭhi* with the difference being that any profit made in a private *guṭhi* school must be reinvested directly back into the school and cannot be distributed as private, group, or individual profit. In line with the original provisions for private educational trusts in the 1971 Education Act, the Eighth Amendment reinforces that the property of any private *guṭhi* school will be regarded as public property in the event of the school's closure and whatever shares and property are left (e.g. in the event that a private trustee is nominated to receive any shares or property prior to closure[47]) will be automatically handed over to the government. The government may then either operate the school as a public *guṭhi* or sell the property and transfer the funds back into the relevant district education fund.

According to one Ministry of Education official I interviewed, the Eighth Amendment provision to convert all schools into *guṭhi* status was aimed at making education in Nepal more welfare- and service-oriented and to discourage commercialisation in the sector (interview, July 2016). This is in line with the 2015 Constitution of Nepal that stipulates even private sector investment in education should be service-oriented and properly regulated (GoN, 2015: 36, Section (h)2). This marks a point of tension between previous neoliberal education policy preferences and this new more state-led orientation, exemplifying this juncture as vernacularisation of social policy. The Ministry of Education official further explained this shift in focus to me:

> Their [private schools] incentive is making money, making profit, and they are not so much responsible for social obligations. … And then we thought that once we convert the company ownership to the trust ownership, they would be more sustainable. They would not be looking only for money. They will be more welfare in nature … So if institutions become more philanthropic or socially responsive I think their longevity also becomes more credible. That's why our desire is that if schools want to stay here 200 years, like 400, 500 years,[48] I mean they should not only look at making money. So they should give services rather than just making profit. ... So in that sense I think ultimately we'll also pursue and push harder for to converting the existing company registered schools into the public trust schools. (Interview, July 2016)

In this vein, other sector stakeholders are supportive of the "progressive" Eighth Amendment. One education NGO presentative put it, "actually, we want all the schools to be converted to *guṭhi*, if possible" and that "all the private schools … need to have courage of transferring their school as a trust, *guṭhi*" (interview, July 2016). For the interim future, however, all private schools currently registered as a for-profit company may continue to operate under this status

[47] Trustees can name successors of their investment shares (either while still alive or after death, i.e. in a will), but for public trusts this may be done only with the approval of the education ministry.
[48] Research on trust schools in Nepal has found that trust schools tend to be the oldest schools in the country and offered the best value for money. Company schools were twice as expensive as trust schools and nearly six times as expensive as government schools, while trust schools also paid their teachers well and students from trust schools were more likely to progress on to higher education (Pal & Saha, 2014, 2015, 2018).

until such time that the government can successfully implement their vision of converting all schools across the country into *guṭhi* status.

According to one former health ministry staff member, there is general resentment from the government and public sector in relation to the overall role and performance of the private sector, which he says contributes to state-led rhetoric and fuels the move to take back more services under government control. This interviewee said,

> it is true that the policies [are] market-oriented, but right now if you talk to [a] lot of these political leaders, there is huge resentment about the private sector. [Me: Resentment?] Resentment! They say, 'private sectors are cheaters, they cheat, that's why the onus is upon us to provide services.' So what they're doing is, they're not saying that 'look, let's govern the private sector better to ensure equity and quality,' they're not saying that. So what they're saying is that the private sector is basically not honouring either equity principle or quality of care principle so [the] onus is upon the state institutions to provide that. … that's the kind of rhetoric that the government has, [the idea that] 'we have to do, we have to provide,' you know? 'Our job is to provide services, and private sector is evil […] we are the good forces […] we can't regulate the private sector, so we have to provide parallel services'. (Interview, June 2016)

Perhaps unsurprisingly then, private sector stakeholders found some of the terms in the Eighth Amendment 'unfriendly' (interviews, June 2016). For example, one private school owner was very concerned about the future of private sector education if all schools must become *guṭhi* schools:

> The private sector established the private institute from their own effort. The private sector has taken nothing from the government side. But they have paid to government [in terms of tax] … [In the case of] private trust, yes you invest, if your institution collapses you have to pay from your side. But if you earn then you have to give that property to the government. Is it fair? Is it justice? … Nobody wants to lose their investment, you know. … In case of company what happens, if I earn then I will give, I'll [give] tax to the government, there is some taxation rules, and the remaining we can distribute it as a bonus. But in case of this private trust or private *guṭhi*, what happens if you lost? You have to pay from your other properties … If bankruptcy happens you have to pay, that's up to you. If you get profit then you don't distribute that, you are not eligible to distribute that profit. So that profit will go to government fund. So at that time who will come and invest in education sector? (Interview, June 2016)

Another private sector education interest group member opined that in passing the Eighth Amendment, the Oli government was operating like it was stuck in ancient times and did not understand the role of the modern private sector. He said that “the government of [the] 21st century is so much undemocratic and so much orthodox that I could not understand” and that the government wanted to control everything through a “control economy” (interview June 2016). He further explained,

> everywhere they [the government] want to decide. We are investors so we are school owners, right? We want to run the school, we want to decide our teachers, we want to decide our teachers’ salary. So, they [the government] want to decide everything. So, fee they will decide [referring to the government’s private school directives for fees], salary they will decide, so what is the role of private sector if the government decides everything? So, in every step government wants to interfere, so *that* we don't want. … We invest the money, and the government will take. The *guṭhi* is like … government will be more powerful on that. … The government never listened [to] our voice. … Even we want to make them convinced in dialog, but they don't listen [to] our voice. (Interview June 2016)

When discussing this issue, one Ministry of Education official said to me,

> These directives are there. That’s why sometimes these private schools are not happy with the government. They don't like to [be] regulated [or] monitored that closely. So we sometimes have some tensions because they want to see that we should not control fee structure. But we say that we want to see that how their fee structures also determined their services, what they offer in school is also interlinked with the fees that they raise from parents. That’s why our instruments are there. Our system has given lot of focus to making sure that these private schools also remain within the containment, within the boundary that we define. But there is always a tension. (Interview, July 2016).

This kind of tension is consistent with other research findings. For example, when Joshi (2019) asked private school principals about their relationship with the government, there was “broad consensus that their experiences have typically been negative or hostile” (Joshi, 2019: 64). Such antagonism “casts doubt on the government’s ability to motivate cooperation in enforcing any old or new regulations” (Joshi, 2019: 66). According to one interviewee, when private school interest groups are a part of the reform process and the outcome or the agreement is in their favour, then they will implement it. But then if they are part of the process and the outcome is not in their favour then they will reject it and say they were not consulted (interview, November 2016). Or in the words of one education NGO representative, private schools “always try to see from the business point of view and if they see profit in it, they support. If they don't see profit, they will always disagree with it" (interview, July 2016).

During the drafting process of the Eighth Amendment, private sector actors ventured to have other options included that would allow for some kind of profit to be made, thus presumably making the piece of legislation more 'friendly.' This prompted rounds of debate about whether schools could be run as public, private, or cooperative entities. Actors drew on ideology, market discourse, and the constitution as ways to frame and support their interests and were able to bring these into the parliament to drive their agendas. An example of this is explored next, demonstrating negotiations around which words were to be included in the final document, because the power of certain words being included or not would determine whether profit could be easily made or not. This exemplifies dialogical processes and the forces of vernacularisation, driven by key actors pursuing their interests in the arena of the education sector.

Nepal's three development pillars: public, private, and cooperative

I have so far mentioned private and public schools, but I have not yet discussed cooperative (*sahakārī*) schools. During the drafting of the Eighth Amendment (2016) in parliament, the option of running private schools as a cooperative was bandied about and the provision was to be explored as per the School Sector Reform Plan (2009-2015) (MoE, 2010: 111; Shahi, 2016). Importantly, both the cooperative and company forms of operating a school allow the distribution of profit or savings in some way, as per the respective acts. For example, the 1992 Cooperatives Act allowed for maximum 15% per year of savings to be distributed (Section 27.2) while the updated 2017 Cooperatives Act, which replaced the 1992 one, increased the distribution of cooperative dividends to 18% per year (Section 71.2).

Members of Parliament from the CPN-UML who had investments and interests in private education were lobbying for the cooperative provision to be included in the Eighth Amendment, arguing that it violated free market principles to withdraw the option (Ghimire, 2016a; The Himalayan Times, 2016a). Such a position seems to run counter to the ideological communist origins of the party and exemplifies actors pursuing their interests. Private school association groups the Private and Boarding Schools Organisation (PABSON) and the Higher Institutions and Secondary Schools' Association Nepal (HISSAN), also lobbied to have cooperatives included in the bill (The Kathmandu Post, 2016b). Earlier, many of the same individuals and groups had been against the provision of converting ownership of all private schools to a cooperative model when it was included in earlier drafts of the bill to replace company schools (The Kathmandu Post, 2014a). However, despite their later efforts and demands, and despite earlier versions of the Eighth Amendment including the cooperative model, the cooperative option was scrapped at the last minute and not included in the final version of the bill (Ghimire, 2016a). Private sector stakeholders in support of schools as cooperatives were saying that if the government was going to remove the option of registration under the Company Act, then it should be replaced with the option for cooperative. But those in support of schools as companies said if cooperative was going to be allowed then so too should registration under the Company Act. After excessive lobbying and pressure from private sector stakeholders in and outside of the parliament, cooperative and company were excluded from the bill and only the provision of *guṭhi* made the final cut (interview with parliamentary committee representative, June 2016).

One main reason, as identified by interviewees, was that making only *guṭhi* schools in the final cut serves the interests of the government first and foremost (which was at the time a CPN-UML-led administration under Oli) because the government needed to be seen as supportive of public education first. As one interviewee said,

> Nepal is divided politically, politically in two streams. The one stream is, we can say a right or left-of-the-right[49] and other stream is the left. And left is compelled to make popular slogans, that’s their compulsions. That's not their choice, communist party … they have to repeat the same jargons because they are communist. So, they have to repeat time and time again that’s a people-oriented education, but they don't believe themselves in reality, because they need private schools to send their children. But publicly in formal line, they will not stop, they will not give up that type of slogans. (Interview May 2016)

Moreover, according to the above interviewee, trust schools have just as much scope for loopholes and creative ways to earn profit as other types of schools. This interviewee argued that trust schools are “occupied by the family. So, if profit income is divided between the family members, through the different channel, yeah, they can manipulate, they can find certain windows to [join or connect] … with a private account. So, there are many big schools in Kathmandu Valley [that] are not in company act but in the trust, but they are making the good money” (interview May 2016).

I asked one Ministry of Education official about his thoughts on cooperative-managed schools. He said that traditionally in Nepal, the cooperative movement was a more rural-based organisation, stemming from farming and agricultural practices and cultures and was to do with

[49] This interviewee puts Nepali Congress Party in this category.

improving the overall livelihood of people in those areas and situations. He went on to say that these days, however, the cooperative model is becoming very common in urban areas and has changed to a more commercial and profit-oriented nature than its rural counterparts. The ministry official said that cooperative schools were basically private schools under a different name and that the "private sector wants to upgrade the schools under the cooperative" (interview June 2016). Understood in this way, if the cooperative model was kept in the Eighth Amendment, then this could have more easily (and more obviously) left open a profit loophole.

One private school association member said that of the major political parties involved in this debate (cooperative, *guṭhi*, or company), the Maoists said no company, Nepali Congress Party said no trust, and the CPN-UML were in between (interview, June 2016). One interviewee claimed that the idea of cooperative schools being included was CPN-UML's idea (interview, June 2016). Effectively, then, a cooperative model is a private equivalent, but one that is potentially more palatable or suitable for communist-based parties to push for and indicative of a more modest approach to capitalism (such a stance is similar to the CPN-UML's approach to privatisation, mentioned in Chapter 3).

One private school association member said that cooperatives are good because of the profit factor, which was one of the major concerns of removing the option of school registration as a for-profit company. "In case of the cooperative, this is the very good thing. In case of the cooperative, you can distribute 15%. You can distribute 15% from profit. And as you said, why not there is only *guṭhi* or trust. Why not cooperative?" (interview, June 2016). He went on to mention the inclusion of cooperatives as one of three main development pillars in the 2015 Constitution and therefore criticised the Government's decision not to include it in the Education Act as being unsupportive of private and non-state actors. He argued that,

> One pillar is from government side or public side, another pillar is cooperative, another pillar is private sector.[50] In constitution there is written and in government policy also there is written that with the cooperation of these three pillars only we can boost up our economy. But what [have] they written? There is no provision of cooperative in this Education Act. (Interview, June 2016)

But a different private school association group member disagreed with the system of a cooperative model to run a school, indicating that not all private sector stakeholders agreed.

[50] The 2015 Constitution states that development will be achieved through "maximum mobilization of the available means and resources *through participation and development of public, private and cooperatives*" (GoN, 2015: 28, Section 4, 50(d)(3), emphasis added).

“In the beginning they want to introduce also cooperative system also but in cooperative there must be 100 people.[51] So it is not a scientific way of running an institution, like education run by the cooperative is not so scientific” (interview, June 2016).

Some private sector associations have gone further than this and have called for their own law (see Poudyal, 2017), believing that their service to their country should be secured this way. One private school association member said, “we are claiming that we are Nepali, our investment for our country, right. There is no security of our investment, no regularity, no laws, any. We want to have laws so that our investment must be secure, right. That is the amendments we want. … we are private … we want to develop our own act” (interview, June 2016). This has not happened yet, and the option of registering a school as a private company or a cooperative was not included in the final version of the Eighth Amendment.

The eventual exclusion of both company and cooperative schools in the Eighth Amendment emphasised the CPN-UML government’s ‘on paper’ commitment to eliminating the commercial and profit motive from the table. The following sections, however, serve to illustrate how the ‘off-paper’ reality is that profits are in fact being preserved within the new structure, even if only temporarily, with some of the main beneficiaries being Maoist and CPN-UML party members. This again indicates a source of tension between state-led ideology and neoliberal-led policy preferences and demonstrates how these actors are vernacularising education policy in Nepal.

Communist political parties and shifting attitudes

As mentioned in the previous chapter, in 2018 the CPN-UML and the Maoists merged to create the Nepal Communist Party (NCP), jointly headed by K.P. Oli and P.K. Dahal. Many members of these two parties are said to have investments in private education. Some interviewees I spoke with said that many CPN-UML party supporters and members are owners or have investments in private schools and colleges in Kathmandu Valley, especially private schools offering only grades 11 and 12 (interviews, May and June 2016).

For many years, the CPN-UML maintained a strong state-led position. The Eighth Amendment was passed under an Oli-led CPN-UML government, in coalition with the Maoists, headed by P.K. Dahal. Oli has been known to promote nationalist rhetoric and politics, as he did during the

[51] The new 2017 Cooperatives Act, which replaces the 1992 one, says minimum 100 Nepali citizens required to form a cooperative, limited to one person per family (section 3).

2015-16 India-Nepal border blockade.[52] He has also been criticised for re-centralising control under his government, including merging ministries into the Office of the Prime Minister, and tightening media laws, including limits to social media platforms citing reasons of protection of national sovereignty, morality, and decency (The Kathmandu Post, 2019; The Record, 2019). The latter is argued to be due to ulterior motives, such as “restrict[ing] the ability of journalists to expose corruption” (Gellner & Adhikari, 2020: 200).

Critics have also argued that Oli has significant connections to power in the private sector, which has led to criticisms of him projecting “two images of himself—the protector of oligarchs and the messiah of development” (Lamichhane, 2018: para seven). The Maoists have an even stauncher history of promoting nationalised education and banning private education, evident in their principles around the People’s War and in their election manifestos (Bhatta, 2015b). The Maoists’ attitudes and actions toward private schools, particularly during the insurgency, have been covered elsewhere (Caddell, 2006; Carney et al., 2007; Pherali, 2011, 2013). These attitudes and actions speak to an anti-capitalist agenda for development. Yet these days the CPN-UML and the Maoists are more sympathetic to capitalism, including protection of private assets and private profit.

Education experts in the sector have commented on the changing attitudes of traditionally communist parties in Nepal. They note a marked shift, evidenced in the manifestos of the major and traditionally staunchly communist political parties, to accepting the private sector in education delivery and a softening in terms of calling for better regulation rather than banning them completely (Bhatta & Pherali, 2017; Carney & Bista, 2009). Several interviewees commented how these days there are no fundamental differences between the three major political parties – the CPN-UML, the Maoists, and the Nepali Congress Party[53] (interviews, May and July 2016). As part of the peace process that led to the eventual end of the civil war and being incorporated back into the mainstream governance structure as a legitimate political party, the Maoist party and its leaders said they would openly support a capitalist economy and encourage foreign investment with the state as the guiding facilitator, indicating an ideological swing away from staunch communism and towards a neoliberal form of governance (Gobyn, 2009); perhaps hinting at more of a ‘red neoliberalism’ (Paudel 2019 cited in Paudel et al., 2020: 146).

[52] This was largely motivated by wanting to take a stance against the power and influence of India (Paudel & Le Billon, 2020).
[53] Khanal (2019: 42-43) notes very similar election promises from these three parties manifestoes leading up to the 2017 local elections.

Communist parties and private property

Writing about China and Vietnam as two countries under communist regimes, London argues that while the 'Marxist' version of socialism would suggest a continued staunch rejection of private property and capitalist social relations, the 'Leninist' version of socialism has witnessed a relaxation and increased friendliness towards private property arrangements and pro-capitalist views and principles (London, 2017: 414).[54] I would argue that the same could be said of the CPN-UML and the Maoists. As one interviewee put it, "the communists are no more communist in this country because the communists are believing that we need the personal property. If communist regime believes in personal property, then what is the crux of communism?" (Interview, May 2016). This idea of traditionally communist parties in Nepal relaxing their stance towards private sector involvement and private property rights, while simultaneously pushing through reform that could potentially result in all privately owned school properties becoming the property of the government, could be described as 'fuzzy' property rights enacted by communist regimes. That is, "states led by communist parties remain pervasively involved in economic affairs and govern in ways that keep prices 'wrong' and property rights fuzzy" (London, 2017: 391).

Interviewees I spoke with who are involved in the education sector expressed concern over what they saw as the hypocrisy in the sector or the duplicitous nature of political leaders in relation to education sector reform (interviews April and May 2016). As one interviewee put it,

> in terms of the [CPN-]UML or even Maoists we see the duplicity, that you say something totally, and you do something totally opposite, right? Outright opposite. You're talking about opposing the privatisation of the school system or education or health but then you invest in that and money and for that sole reason you try to drag the government down because you're not allowed to run a private profit-making institution, right? So, whereas in the case of NC [Nepali Congress], … they don't oppose what is happening in the education sector so we can't blame them … But those who oppose and then who do the same thing is much more dangerous, right? It's duplicitous. (Interview, April 2016)

One education NGO representative expressed a similar idea when discussing engaging in dialogue with the government on issues of state-supported or private-oriented education. This interviewee said that in such contexts the,

[54] In writing about China and Vietnam, London refers to this regime type as 'market-Leninism', in which "market-based economic institutions develop in subordination to Leninist principles of political organisation" (London, 2017: 420). In such configurations, the market (and neoliberal polices) is used to promote political and state goals.

> government response is not straightforward. They, in the space they say as if they are opposing, [or] as if they are supporting. So, you can get two meanings from the government. If the situation comes that they need to oppose, they can easily oppose. They use different kind of sentences, which will have different meaning. You can interpret in any way. (Interview, July 2016)

This quote speaks to the tension between state-led and neoliberal-led preferences for education development, or even on another level, the tension between communist ideology and profit. Another education researcher expressed a similar concern:

> It's a mismatch between where society is going and where their ideology is actually coming from, yeah? So they are part of a society which is increasingly becoming privatized, but they are coming from an ideological background which says 'ok we should go in that [public] direction' … And I mean ultimately at one point, profit takes over ideology [laughter]. (Interview, April 2016)

Another interviewee said it amounted to a lot of drama in the communist parties: "so happens a lot of *nāṭaka* [drama] in the communist party, yeah? … this whole notion of dialectic materialism really goes on within communist party, yeah? And that's what makes them survive" (interview, April 2016). This same interviewee also pointed to what he thought of as one of the enduring schisms in and between the various factions of the communist and Maoist parties, stemming from this material and ideological divide that has marked the genealogy of the various communist-based parties within Nepal: "that's why they split a lot of times, yeah? It's precisely because of this distance between your material standing and your ideological orientation, yeah? So, lot of *gaddars*, *hoina* [betrayers, isn't it]?" (interview, April 2016). What this serves to demonstrate is that this tension between state-led and market-led development seems to exist even within some of the major political parties in Nepal, the communist ideology-based ones in particular. It also shows how the vernacularisation of social policy in Nepal is a fluid and chaotic process driven by inconsistent ideological positions. One such inconsistency is the resulting monopoly status of the remaining private company schools despite the passing of legislation that seeks to reduce commercialisation in the sector. Such an inconsistency is an example of this ongoing tension between neoliberal-led development and state-led preferences for education development. This is explored next.

Monopoly and competition

As mentioned earlier, all private schools currently registered as a for-profit company may continue to operate with that status until further notice. According to one former World Bank representative and education specialist in Nepal, a healthy private sector ripe with competition is necessary for education development in Nepal. He believed competition should decide when it comes to school education, rather than trying to prop up a failing public sector. He acknowledged that reforming the public sector is necessary but challenging, and that it was therefore important to support the non-public sections of the sector to stimulate improvements through competition (interview, November 2016). However, some stakeholders in the sector with whom I spoke expressed concern that these remaining for-profit company schools will gain monopoly status as a default consequence of disallowing new private players. One interviewee lamented that private school owners have "won the race because the provision is in their line" and they have "stopped their competitors at least" and that the number of remaining private schools is "sufficient" for them to "play in the field [and] no one will be the new competitor" (interview, July 2016). But one donor was concerned that the decision to reverse the option of registering a school as a company would lead to a lack of competition in the sector. Competition is one of the hallmarks of a neoliberal policy prescription and yet he was concerned that the remaining playing field would not be fair or level. In his opinion,

> I think the decision was not very appropriate … there will be no compulsion. Those [schools] will be the big, big, big elephants, nobody will be able to touch them actually or to influence on them. … and there will be no competition, you see? So, there will be monopoly by privates as well. So that is what the law says now, yes? So, I'm sure this is not a fair game level playing, this is not a good level playing field for all private sectors. (Interview, June 2016)

Poudyal (2017: 546) similarly argues that the remaining for-profit company schools will have monopoly status. While the Eighth Amendment aimed to reduce the competition and profit-making motive in the private sector in efforts to bolster the public sector, it simultaneously effectively allowed for the remaining many private school owners, operators, and shareholders to benefit from greater influence and profit in a now closed market. This is in light of the First Amendment to Nepal's 2006 Companies Act in 2017 that increased the number of shareholders a private company can have from 50 to 100 (Section 9). This increases investment scope and potential, alongside merger requirements to be in line with the restructuring (explored below), both of which have the potential to create even bigger business houses in the private education sector.

In modern neoliberal terms, private monopolies, understood as large concentrations of business power, are a benign threat to free market operation (van Horn & Nik-Khah, 2018), rather than as distorting market competition, as classic liberalism viewed it (Birch, 2016). That being said, the more a business is protected from competition by near-monopoly status, the more likely it is to prioritize shareholders concerns (including profit maximization) over consumers (Crouch, 2011: 60). Classic liberal theorists contend that competition means the existence of many players of similar size in the market (regulated through the use of mechanisms such as antitrust laws, as in the United States for example), whereas modern neoliberalism (Chicago School style) conceives of competition in terms of larger players naturally emerging and squeezing out smaller ones in a 'survival of the fittest' kind of way (Crouch, 2011: 55). In the first formation competition serves to keep monopoly powers at bay, while in the second formation competition effectively creates monopoly power. The second formation is a potential for what is left of Nepal's private education market. In the case of Nepal, "the rewards for those providers who are able to restrict access to the market, and enable oligopolistic capture for themselves, are huge" (Gellner & Adhikari, 2020: 199).

One sub-sector of education that is dominated by private sector ownership in Nepal is schools that provide only grades 11 and 12 (also known as '10+2' schools). This sub-sector caters to wealthier families who can afford to send their children all the way through private higher secondary schooling streams, and sometimes pay significant amounts of money to do so. Yet the restructuring of the school system, that was another feature of the Eighth Amendment, has put a proverbial spanner in the works for the operation of this sub-sector by discontinuing this category of schools. At the same time, and like the creation of a small monopoly market, it has provided new opportunities for greater private business growth and wealth concentration through mergers of schools to comply with the restructuring. This highlights another nuance of the tension between state-led and neoliberal-led development. That is, actors vernacularise education policy depending on their interests (i.e. ideology versus profit) such that processes of policy or legislative reform provide opportunities for this tension to keep resurfacing. Implications of this tension are explored next.

Mergers and the fate of '10+2'

Before the Eighth Amendment, Nepal had four levels of schooling: primary (grades 1-5), lower secondary (grades 6-8), secondary (grades 9-10) and higher secondary (grades 11-12). The Eighth Amendment streamlined those into two categories of basic (grades 1-8) and secondary (grades 9-12), which brought Nepal's schooling system in line with global practices and finalised one of the main visions of the School Sector Reform Plan 2009-2015. The restructuring was also in line with the 2015 Constitution of Nepal, which mandated education as a right and that all schooling for basic and secondary levels (covering grades 1-12) must be free, while basic education (covering grades 1-8) must be compulsory (GoN, 2015: 20, Section 31(2)). The commitment to free and compulsory education was to specifically strengthen public education (interview with parliamentary committee member, June 2016).

Prior the Eighth Amendment, many schools across Nepal, including both public and private, were providing grades 11 and 12 as part of larger school units with other grades (e.g. grades 6-12, grades 9-12, or grades 1-12). However, not all schools across the country were required to provide grades 11 and 12, particularly so for public schools which constitute the majority of schools in Nepal.[55] This was partly due to inadequate resources for poorly funded schools and partly due to the fact that for many years completing the School Leaving Certificate at the end of grade ten was the minimum sufficient qualification to enter the labour force. As a result of this structure, most schools that offer grades 11 and 12 are in the private sector and in urban areas. These two grades when offered alone (i.e. the only grades offered within a school) are known colloquially as '10+2' as in grade 10 plus two more grades, 'plus two' or 'zero +2' levels (hereafter 10+2).[56]

Students wishing to enter higher education must complete grades 11 and 12, meaning that for many poorer students, higher education is not an option because most schools offering these grades are in the private sector. 10+2 schools can charge higher fees which reduce access for poorer families (World Bank, 2001a: 28). This makes the 10+2 sub-sector highly lucrative. Critics argue that this ensures continuation of a system of exclusivity, catering to the upper echelons of Nepali society involving "elite (re)production through the use of fees as a tool to restrict entry into such institutions" (Bhatta & Pherali, 2017: 47).

Many parents are increasingly drawn to the private sector, even for low-cost 'budget' private schools because they are perceived to be of better quality than public schools, even though that may not always be the case (Bhatta & Pherali, 2017; Caddell, 2006). This idea was supported as expressed by one private school association member that the 'products' of public education are not as good as those coming from private education, indicating class divides in the process. He said,

> We are helping the citizens of Nepal for the better future and our main aim is to provide quality education. We are dedicating our lives and money for quality education so that our

[55] Out of a total of 35,601 schools in the country, 29,035 are public (community) schools (MoEST, 2018: 28).
[56] At the beginning of FY 2016/17, there were 295 schools in this category (World Bank, 2017e: 38).

> children, citizens of Nepal … [can be] challenged or can be competitive role in the international arena. … [the] good product [students] that are able to go to the higher studies in international universities, they are from the private sector, right. … most of the people they want to [go to] private schools because they have, they trust on the private sector because they provide the quality and the modern technology. So, our students are all over the nation and with the very successful university and they have a great success rate. But the government's products are in the Middle East working as a labourer. So, parents, many people they trust on the private schools. (Interview, June 2016)

This lines up with what Joshi (2019: 66) found as a consistently promoted idea among private school principals in Nepal (and South Asia more broadly, that the success of private schools is directly correlated with the failings of the state system and leads to mushrooming of private schools. Additionally, according to one UNESCO representative I interviewed, the very fact that many of Nepal's youth go to the Gulf for work indicates that there must be problems within the education system (interview June 2016).[57]

The Eighth Amendment mandated that no 10+2 schools could exist anymore, in order to be in line with the restructuring of the schooling system to have only two levels, not four. Any school offering only grades 11 and 12 must merge with another existing school or close and create a new *guṭhi* school to cover minimum secondary education levels (i.e. grades 9-12). This engendered resistance from 10+2 school owners and investors who do not want to "extend their investments downstream" (interview with journalist, May 2016). That being said, merging of schools in Nepal has picked up pace, contributing to the growth of chain and franchise schools in the private sector. "[S]chools under individual proprietorship are gradually being converted into chain or network schools involving mergers, acquisition and partnering, indicating the rise of more organised and powerful groups in the education sector" (Bhatta & Pherali, 2017: 4). One teachers' union representative talked about the remaining for-profit company schools' potential to become bigger and more powerful franchise or syndicate private schools. Through strategies such as merging, these schools can increase their share value and even potentially raise fees in a now closed market. He referred to this practice as "chain business … franchising, like McDonald schools" (interview, July 2016). Bhatta and Pherali (2017) argue that the emergence of chain and franchise schools in Nepal, including mergers and the

[57] At the same time, interviewees I spoke with argued that remittances from these kinds of workers constituted one of the main drivers of the national economy and was therefore one of the main reasons for social improvements across the country, especially in rural areas (interviews, May 2016).

‘McDonaldisation’ of schools and the increased privatisation it brings, represents a neoliberal direction of education management in Nepal.

The main arena for which these competing interests played out was in Nepal’s parliament. That is where the drafting of the Eighth Amendment primarily took place and is where the main negotiations, conflicts, and points of linkage of disjuncture became most evident. Parliament was thus a principal arena for the vernacularisation of education policy and for actors to pursue their interests.

The arena of parliament

The parliament of Nepal has become increasingly more inclusive and representative in recent years and serves the interests of a diverse population, including the private sector. The private school sector is comprised of wealthy, well organised, and influential people, particularly regarding political connections. This enables private sector stakeholders to sit in parliament and have access to law-making processes. The main interest groups active in the education sector are HISSAN, PABSON, National PABSON (NPABSON), and the Association for Private Educational Institutions, Nepal (APEIN). These organisations are made up of private school owners, founders, and operators as members and are increasingly well organised and resourced. Any efforts to regulate the private school sector have been met with the increased and combined strength of PABSON, NPABSON, HISSAN, and APEIN through their lobbying and access to lawmaking processes through their representatives being in parliament (Bhatta & Pherali, 2017: 47). The latter are the “hidden agents” inside the parliament and yet their vested interests remain an “open secret” (interview with journalist, May 2016). A similar idea was expressed to me by a health sector NGO representative who argued that those involved in the lucrative private sector industries (including hospitals and medical colleges), had a ‘hidden motto of profit,’ while claiming an ‘open motto of service’ (interview, July 2016).

During 2016, around 50 Members of Parliament were reported to have involvement, including direct investments, in private schools, with some even currently or formerly holding positions in the major private school associations HISSAN, PABSON and NPABSON (Ghimire, 2016a). These lawmakers had direct access to the legislative process and were able to use their positions to seek favourable outcomes for the private education sector during the drafting of the Eighth Amendment. They lobbied to keep registration of schools as private companies and change the restructuring to allow continuation of the 10+2 sector (Ghimire, 2016b; The Kathmandu Post, 2014a). According to one private school association member, however, the collective voice of private sector actors within the parliament is not strong enough to advocate adequately for their interests. He said,

> Yes, there are some schools, those who are patron or kind of representative from the private sector, but we [our organisation] are not sending [to the parliament]. They are different political groups [who] are involved. But they could not, their voice is low down out of 630 [members or parliament]. There are 10 or 15 people, voices always down. They could not raise the voice as much as the voice is needed there. (Interview, June 2016)

However, one education journalist assured me that the level of influence these school owners and investors enjoy far outweighs their number, so “their voice is heard” (interview, May 2016).

Easier access to parliament has been possible through Nepal’s electoral system, which includes Proportional Representation (PR) ballots. As per the 2015 Constitution, Nepal uses a plural voting system for elections into the House of Representatives (the Lower House) and the National Assembly (Upper House). For elections to the House of Representatives, members (275 in total) are directly elected for a five-year period consisting of a First-Past-the-Post (FPTP) system (for 165 members) and a PR system (for 110 members). With the FPTP system, one member is elected from each of the 165 constituencies in Nepal, while the PR system considers the whole country as one single constituency (2015 Constitution of Nepal, Part 8, Federal Legislature, Article 84). The plural system was introduced after the civil war in the 2007 Interim Constitution and then formally in the 2015 Constitution to promote inclusiveness (Pandeya & Oyama, 2019).

Compared to FPTP-only systems of the past (e.g. the 1990 Constitution), introducing PR into Nepal’s federal electoral system for the Lower House was meant to improve minority representation and inclusion for groups such as ethnic minorities, women, Dalits, oppressed castes, Janajatis (indigenous groups), and Muslims. However, research indicates that Nepal’s PR system has not adequately addressed issues of inclusivity and representation in the parliament and has loopholes that ensure that the views of traditionally dominant groups (e.g. upper-class and upper-caste males) and those from ‘creamy layer’ political subgroups in the legislature still dominate (Gellner, 2014; Pandeya & Oyama, 2019; Vollan, 2011, 2017).

Nepal uses a closed list PR system in which voters cannot see individual candidates on the ballot and instead vote only for a party. The Asia Foundation writes that in Nepal’s closed list PR system, the list of candidates is ultimately decided at party headquarters within a closely guarded and highly centralised control system of political parties. Choosing candidates in such a context often renders qualities such as electability and public popularity peripheral concerns compared to factors like party loyalty or political family connections (The Asia Foundation, 2012: 68), indicative of patrimonial states and the use of political survival strategies like non-merit appointments. One Ministry of Education official I spoke with argued that in Nepal's closed list PR system, accountability went upward to the political party and the political leaders rather than downward to the constituent voters (interview, November 2016).

This closed list PR system allows people to be hand-picked by political parties who can then install them in positions of influence, such as the parliament. Such candidates do not require any specific qualifications or political experience nor to specifically represent the political party ethnically or regionally. This has enabled some private school owners and investors to make their way into parliament where they can influence legislation, often having done so through controversial or corrupt means (e.g. sizeable donations)[58] (e.g. Dhakal, 2014; Gellner & Adhikari, 2020: 184; Lama, 2015; Online Khabar, 2015). According to one study, elites in Nepal suggested that because of a lack of understanding of the electoral system and campaigning rules of the regular lay person, questionable and corruptive influences or activities does not affect public perceptions of state or government legitimacy. That is, it is only really a problem if it is visible and understood by the majority (Dix et al., 2012: 36). This goes back to the idea of 'getting things done,' by means including corruption and collusion.

During my interviews, the term 'five crore MPs'[59] came up, denoting a Member of Parliament who had become so by paying a significant amount of money to a political party in order to secure a seat through PR (interview with education NGO representative, May 2016). This phenomenon has been noted by Gellner (2014: 252). According to some of my interviewees, these people "literally purchase the ticket" to enter parliament (interview, April 2016) and are therefore considered to have alternative motives and vested interests in doing so. As one education NGO representative put it, "they are not just ordinary members. They go with some strategy, and they are far clever, far well informed and they know how to do things, otherwise you wouldn't pay five hundred million rupees for nothing, yeah?" (interview, May 2016).

According to education researchers, Members of Parliament with interests in private schools are much less likely to support policies or legislation that would significantly improve public

[58] This has also been possible largely due to the secretive and untransparent nature of political party financing and the inability or unwillingness of the Electoral Commission to enforce rules, which are ongoing issues (Election Observation Committee Nepal, 2017; Shrestha, 2020; Transparency International Nepal, 2010).

[59] One crore is equal to 100 lakhs in the Nepali numbering system. One lakh is equal to equal to 100,000 rupees.

institutions because a better performing public sector is potentially "a threat to their profit interests, right?" (interview, April 2016). This was seen in some of the reactions of private school owners and investors who resisted the introduction of the *guṭhi* system in the Eighth Amendment, discussed earlier in the chapter.

According to a parents' and students' representation association, there is a feeling of relative powerlessness compared to private sector actors. The representatives of one organisation I spoke to saw their role as limited to information dissemination, largely due to lack of influential power and resources compared with the private sector (interview, June 2016). As one representative put it,

> We are the student society, we don't have power [i.e. supportive members in parliament], we don't have resources. Only what we can do is just we can review and let the people know 'this' is happening and 'this' is why. … Our role is just like that. We don't have more than that because we are not a violent group. We can't stop school, we can't burn the, tell people, 'oh, you have to burn the schools.' 'Yeah, we want to make Nepal *bandha* [strike] today to stop this.' [referencing this as a point of difference from student unions] We can't do this one because we are the people to open everything [not close everything through *bandha*]. So, we are not the violent group. We are the pressure-making group. (Interview, June 2016)

Interviews with other education stakeholders (i.e. representatives from the School Management Committee Federation and international education NGOs) further confirm this perception that non-state actors (namely private sector) are the strongest and most powerful players in the education sector, especially in comparison to what is seen as a non-impartial state (interviews, June and July 2016). So long as private sector stakeholders continue to secure positions of power and influence (e.g. parliamentary seat, favourable relationships with powerful political parties), and remain organised in their interest groups, they can continue to "uphold and further the interests of private providers, as well as to systematically challenge any state efforts to tighten the noose around education privatisation" (Bhatta & Pherali, 2017: 47). They can also remain significant agents of social policy vernacularisation.

Conclusion

In this chapter I have used the Eighth Amendment to the 1971 Education Act to demonstrate education policy vernacularisation. Specifically, I focused on the categorisation of all schools in Nepal to *guṭhi* status, a reversal of schools being able to register as for-profit private companies, and the restructuring of the schooling system. In doing so, I have highlighted the interests and actions of various stakeholders within the education sector and shown how the parliament plays a central role as an arena for contests over power and resources, all of which exemplifies Long's interface analysis. What my case study reveals is that private sector actors are reluctant for the changes in the Eighth Amendment to go ahead while the public sector arguably stands to benefit from an education system oriented away from commercialisation and toward a more state-led agenda. However, the lines between public and private sector actors become blurred when the same people operate in both spheres. For example, political leaders such as Prime Minister Oli have an interest in promoting improvements and reforms in public education because it secures the popular vote and donor funds, yet he also has an interest in securing private sector education because it rewards his closer supporters and party members, which in turn secures loyalty, resources, power, and a continuing place for himself at the top. The *guṭhi* system within the Eighth Amendment can, for the time being, secure privatised education within a system of centralised control, presenting an amalgamation of both state-led and neoliberal development discourses. This is an outcome of policy vernacularisation.

The next chapter focuses on higher education. In contrast to the basic and secondary education sector where private sector actors were resistant to more state-led initiatives, the next case study is an example of public sector resistance to neoliberal policy elements.

Chapter 5: Higher Education

Introduction

The policy reform discussed in this chapter is one that focuses on institutional autonomy, as a midway point between decentralisation and privatisation. Institutional autonomy is considered by donors to be a strategy to depoliticise higher education systems (ADB, 2014a; Saint et al., 2009) and to fast track accountability. The World Bank (as the almost exclusive donor in Nepal's higher education sector) has supported reforms in Nepal for downsizing the public sector through decentralisation, autonomy, and de facto privatisation of higher education institutions, while introducing New Public Management-style reforms such as performance management and quality assurance and accreditation for regulatory purposes. This forms part of the neoliberal global value package that aims to make higher education institutions more competitive as they participate in the global knowledge economy. An entirely new Higher Education Policy for Nepal was released in 2016 along these lines, emphasizing Nepal's competitiveness in a global market.

This agenda calls for less public investment and management in higher education to reduce the fiscal burden of the state and stimulate more competition and efficiency in the sector. Yet successive reform projects in Nepal have shown a less than progressive picture of the advancement of institutional autonomy. Resistance to this agenda has come largely from public sector actors who benefit from the status quo. University teachers and students, particularly union groups, as well as staff, administrators and other university authorities are largely non-committed to the reform component around institutional autonomy amid concerns and suspicions that it will lead to privatisation and bring an end to benefits and guarantees, such as retirement pensions and salaries. These actors are also concerned about increased pressures to generate resources alongside budget reduction, which is a common concern regarding higher education reform in other Asian countries (ADB, 2014a). These actors vernacularise higher education policies in a way that makes sense of their concerns or to the pursuit of their interests, demonstrating interface analysis.

Writing about higher education in neighbouring South Asian states, critics caution against the perpetuation of neoliberal policy directions. Instead they argue that increased public investment is needed to reach access and quality goals and that public funding is crucial because it will allow for the actual creation of knowledge production rather than effecting a preoccupation with resource and income generation just to stay afloat in the market (Kabir, 2010; Kamat, 2011). Yet after more than three decades of World Bank-supported reform in

Nepal's higher education sector, threaded throughout three main projects – the Higher Education Project (HEP) 1992-2001, the Second Higher Education Project (SHEP) 2007-2014, and the Higher Education Reform Project (HERP) 2015-2020 – what can be seen is an ongoing effort to reduce the size (both physical and financial) of the Nepal's largest public university, Tribhuvan University (hereafter TU).

The World Bank has long viewed the highly state-supported and centralised management in TU as the "root cause of the problems in higher education" in Nepal (World Bank, 2007c: 117, Annex 19) and has routinely recommended decentralisation and institutional autonomy to fix the problem. Even former Vice Chancellors (VCs) of TU are of the opinion that the break away from centralised control and downsizing TU are crucial steps to improving Nepal's higher education:

> Frankly, Tribhuvan University is too big. Nepalis tend to be weak at management, especially when it's centralised, due to the corruption and nepotism we have instilled in all institutions. So an answer would be to have many universities outside of TU. … Accountability and competition will rise automatically and the load will gradually be taken off of TU. (The Kathmandu Post, 2012: para twelve)

Reform packages have aimed to convert some of TU's constituent and community campuses into decentralised and autonomous entities and introduce financial self-reliance policies (cost sharing), while earlier reforms included attempts to convert some of TU's larger constituent campuses into regional universities. Happening alongside this rightsizing of the public sector in Nepal is the continued proliferation of private sector higher education institutions. Regmi (2019) argues that all three World Bank-supported reform programs (HEP, SHEP, HERP) have been taken up readily by the Government of Nepal without significant and widespread consultation, and the World Bank has been able to achieve this with its near monopoly in the sector for more than four decades.

This chapter demonstrates that many public sector actors within the arena of TU (e.g. staff, administrations, students, teachers), are resistant to the institutional autonomy reform component. Private sector actors, on the other hand, potentially stand to benefit from greater profit and investment opportunities if institutional autonomy reforms are successful, and especially considering that greater private sector participation has been identified as important to achieving goals set out in the 2016 Higher Education Policy. I argue that public sector actors are resistant to an autonomy-driven reform agenda because it seeks to divert resources and power away from existing institutions and arrangements. This resistance is captured though dialogical processes that highlight the significance of particular words or terms (e.g. privatisation) and how they are vernacularised to suit specific contexts. TU and its constituent campuses constitute the main arena in which these processes of negotiation and contestation play out.

The chapter is structured as follows: the first section below provides an overview of higher education in Nepal, which helps to give an indication of TU's size. The following section then tracks the issue of institutional autonomy through four decades of World Bank-supported reform. The final section in the chapter then explores the various actors' responses to those efforts which helps illuminate why institutional autonomy reforms have been largely unsuccessful so far in Nepal.

Overview of higher education in Nepal

Higher education in Nepal officially began with the establishment of Tri-Chandra College in 1918. At that time, higher education was reserved for the ruling Rana family and their affiliates and was not accessible to the wider public. Once the Rana regime collapsed in 1951, access to higher education was opened to all. Not long after that, Nepal's first ever National Commission for Planning Education recommended the establishment of a national university. As a result, TU was created in 1959 and became the only institution authorised to award degrees, run postgraduate courses, and grant affiliation to other colleges. All existing colleges were then transferred under TU's management to become constituent campuses, including Tri-Chandra College (Parajuli et al., 2008: 18-19).

Decades later, in 1982 a Royal Commission of Higher Education was established to review and provide recommendations for the sector. One suggestion was to establish multiple universities to downsize TU and improve the quality and increase competition in the sector. As a result, Nepal Sanskrit University was established in 1986 (originally Mahendra Sanskrit University). Since 1990s onwards, several other universities have been established: Kathmandu University (est. 1991), Purbanchal University (est. 1994), Pokhara University (est. 1997), Lumbini University (est. 2005), Far-Western University (est. 2010), Mid-Western University (est. 2010), Agriculture and Forestry University (est. 2010), Nepal Open University (est. 2016), and Rajarshi Janak University (est. 2017). Four autonomous medical academies have also been established that enjoy the same status as universities, known as 'deemed universities'[60] (see medical education chapter).

Each university is comprised of constituent, community, and private campuses. For financial year 2018/19, there were 1,432 higher education campuses in Nepal, comprised of 147 constituent campuses (10.27%), 747 private campuses (52.16%), and 538 community campuses (37.56%) (UGC, 2020: 9). Constituent colleges share administrative and governing functions with the parent university, while private and community campuses operate through affiliation, a process whereby a community or private college can run university programs under the banner, rules, and regulations of the concerned university. Community-affiliated campuses are expected to run under a not-for-profit motive while private-affiliated campuses may run as a for-profit business entity. Private campuses depend completely on tuition fees and internally generated resources for financial survival, which are significantly higher than community campuses, who still have comparatively high fees but also receive small grants from the University Grants Commission (UGC). As a result, access to private and community campuses remain limited to those who can afford to pay, and the percentage of seats allocated to poor students in terms of scholarships and fee waivers is small (ADB, 2015: 33). Private-affiliated campuses enjoy significant management autonomy but depend on their affiliated university for degree programs, academic calendar, examinations, and certification (ADB, 2015: 43). Although Nepal officially does not have any private universities, private-affiliated colleges is the fastest growing sub-sector of higher education facilitated through the process of affiliation.

Affiliation is an extensive and hugely popular system in Nepal and the South Asian region (Bhatta, 2015b: 304). In Nepal, it extends to the schooling system whereby grades 11 and 12 can be essentially substituted with university-affiliated programs. Yet the granting of affiliation is often understood to be based less on pragmatic considerations and the development needs of the country and much more on "demand and pressure" from those involved who will benefit from the process, resulting in universities in Nepal becoming "affiliating entities rather than academic centers" (ADB, 2015: 43). For universities, the more colleges they affiliate the more revenue they make, thus "affiliation fees have remained an attractive source of funds" (ADB, 2015: 13). Critics argue that there are "significant monetary and social incentives and benefits to the political and other actors involved in securing affiliations," which serves to contribute to the growth of de facto privatisation of higher education in Nepal (Bhatta, 2015b: 323).

[60] Medical academies receive public financing through the Ministry of Health and Population and so are not included as part of higher education reforms.

For TU, while the numbers of community and private affiliated campuses continues to grow every year, the number of constituent campuses has remained stagnant for more than a decade. The number of TU's constituent campuses has increased by only 1 since at least 2006 (going from 60 to 61), while in the same period TU's private affiliated campuses have more than doubled, from 234 in 2006 to 551 in 2019, and its community affiliated campuses have nearly tripled, from 186 in 2006 to 529 in 2019 (UGC, 2015: 37; 2020: 7). Although private affiliated campuses (from all universities) make up the majority in terms of campus numbers across the country, student enrolment across constituent, private, and community campuses is rather even sitting at 36.03%, 36.56%, and 27.41%, respectively (UGC, 2020). This means that constituent campuses maintain similar enrolment numbers to their private and community counterparts despite accounting for only 10% of all campuses in the country. Out of the total 147 constituent campuses in Nepal, 61 (41.5%) belong to TU alone (UGC, 2020: 10).

This brief overview shows that higher education has expanded significantly over the last few decades, with a particular acceleration since economic liberalisation 1990 largely because of allowance of affiliated colleges. Throughout this time, TU has remained the largest and most influential institution, both as a legacy of state-led development and since the introduction of neoliberal-led policy directions. It has therefore become the main target of institutional autonomy reforms led by the World Bank to decrease and alter both its size and influence and place its wider integration into a global market-led knowledge economy.

TU is the largest university in Nepal, evidenced by a 75.95% share of student enrolments and a 79.68% share of all campuses in Nepal (1,141 out of 1,432) (UGC, 2020).[61] TU's size is partly because for nearly three decades after it was established it was the only university in Nepal, making it the default institution responsible for the majority of higher education development in the country (UGC, 2013). After the nationalization of education in 1971 under the NESP, all existing campuses were brought under the jurisdiction of TU as constituent campuses. As a result, student numbers ballooned at TU, stretching limited management capacity. Despite the budget for higher education in Nepal having significantly declined over the past five decades,[62] TU is still almost completely government funded to the tune of almost 90% of total

[61] After TU, the next highest student enrolment share is 6.91% (Pokhara University) and the next highest number of campuses is 116 (Purbanchal University) (UGC, 2020). This clearly demonstrates TU's size.
[62] Government expenditure on higher education as a percentage of the education budget was as high 35% in 1976 during the *Panchayat* years (World Bank, 2002b: 4), but stood at 7.17% of the education budget for 2016 (UGC, 2017a: 37). Throughout the 2000s, the steady decline in public funding for higher education in Nepal was attributable to the government policy of shifting away from fully funded higher education to a model based on cost recovery (CEDA, 2007).

expenditures (ADB, 2015: 17), out of which 92% of recurring total expenditure goes to staff salaries (World Bank, 2015b: 57), and 65% of the total budget for higher education institutions alone went to TU in 2018/19 (UGC, 2020: 26). TU therefore become the target for World Bank-supported reforms to reduce its size and financial burden on the government. As one World Bank representative explained to me, neoliberal-style reforms focusing on institutional autonomy and decentralisation are necessary for a big institution like TU because unlike a slow centralised structure, these reforms will allow for more efficient and faster decision-making processes that will ultimately make the institution more market-responsive and competitive (interview, June 2016). The four decades worth of World Bank-supported reform so far, with specific attention to downsizing strategies, are discussed next.

Chasing institutional autonomy

The World Bank first entered the sector with the Technical Education Project in 1978, which focused on capacity building of TU's Institute of Engineering (World Bank, 1978). Since then, the World Bank has been the primary donor for the Higher Education Project (HEP, 1994-2001), the Second Higher Education Project (SHEP, 2007-2014), and the Higher Education Reform Project (HERP, 2015-2020). Among other priorities, each successive reform project has sought to bring about institutional autonomy through downsizing attempts of TU and its constituent campuses. For example, the HEP was the first reform project to introduce decentralisation of TU's constituent campuses, with a view to moving to institutional autonomy later. This pathway was promoted in Malla's (1995) joint assessment[63] of the sector, which was developed on the back of the government's 1992 National Education Commission report, which outlined the ills of TU and the higher education sector in general. Such ills included bloated student enrolment,[64] irregularity of classes, delays with exams, an out-dated curriculum, basic and poorly maintained facilities, and an administrative bias that crowded out academic and research motivation (MoE, 1992,, Section 4). Similarly, the World Bank's HEP appraisal document highlighted many of the same issues and singled out highly centralised control of the sector, amplified during the *Panchayat* era, as a key problem area (World Bank, 1993a).

Both the World Bank's HEP appraisal and Malla's assessment noted a lack of cost recovery mechanisms in Nepal's public higher education institutions. Whether this might have been

[63] Along with His Majesty's Government of Nepal, Tribhuvan University, United Nations Development Program, and the World Bank.

[64] At the time, almost all students who passed their School Leaving Certificate were guaranteed entry into TU (World Bank, 1989b: 21), which served to exacerbate enrolment numbers. Automatic entry for SLC-passed students had been one of the successful demands of agitating student union groups during the 1980s (Whelpton, 2005: 108).

driven by “genuine disincentives” (i.e. potential budget cuts if savings were realised) (World Bank, 1993a: 6) or an “absence of consciousness” (Malla, 1995: 4), the conclusion was that public money was not being used wisely: subsidies and concessions were being given to students who were actually able to pay resulting in free higher education being taken for granted (World Bank, 1993a: 5-6). Based on these views, the HEP began in 1994 with the aim of introducing decentralisation. It also marked a shift away from a state-led centralised model of higher education to a neoliberal one that fit with the newly liberalised economy.

Introducing decentralisation: HEP, 1994-2001

Among a range of improvements outlined for the HEP, Timsina (2016) argues that the overall aim of the HEP under the guidance of the World Bank was to deregulate, liberalise, and privatise Nepal’s higher education through two key concepts – decentralisation and autonomy. Decentralisation, autonomy, and eventually privatisation, were also three main steps for improvements in Nepal’s higher education set out in Malla’s (1995) assessment. Malla had argued that Nepal’s government should follow the ‘supervision model’ of higher education management, rather than the ‘state control model’ that was tried (and deemed to have failed) during the *Panchayat* era. To do so, Malla recommend a four-stage action plan for higher education reforms that started with decentralisation and ultimately ended in full privatisation of campuses, with stages of institutional autonomy in the middle (Malla, 1995: 39-45). Incentive grants were offered during HEP to a small number of constituent campuses that were willing to decentralise. However, this component largely fell down because TU authorities, arguably still transitioning out of the centralised control days of the *Panchayat* era, remained unconvinced about delegating power to local campuses (Timsina, 2016: 291).

One of the main strategies in the HEP to downsize TU, decentralise its management, and create greater institutional autonomy for many of its constituent campuses, was the regional cluster idea. The plan was to convert some of TU’s larger constituent campuses in the West and East of Nepal into separate universities with their own campus clusters. This idea was to be the blueprint for creating other regional universities in the future (World Bank, 1993a). However, the government instead created two entirely new universities during the HEP period rather than developing the regional cluster idea – Purbanchal University in 1993 (located in the East) and Pokhara University in 1996 (located in the West). This move directly contradicted the regional cluster idea and bypassed the original goal of unbundling or downsizing TU. Such a move can be understood as a form of resistance through nonconformity to agreed parameters.

Later on, the 1998 National Education Commission report and the Ninth Five-Year Plan (1997-2002) both recommend that since Purbanchal University and Pokhara University were already established then TU campuses in those areas should be incorporated into them (Bhatta, 2015b; Uprety et al., 2015). The Government did attempt to transfer two of TU's constituent campuses over to Purbanchal University and Pokhara University in 2000 but it was met with resistance from staff and faculty members from the two concerned campuses. The employees' organisations of TU did not want the institution to be 'broken up' in this way (including assets such as land) and at the time of my fieldwork it still had not happened (Uprety et al., 2015). The regional cluster idea was officially dropped in 1999 before the HEP had finished. The World Bank rated the sub-component as 'unsatisfactory,' stating that it was introduced without enough understanding and acceptance from stakeholders (World Bank, 2002b). Uprety et al. (2015) argue that TU authorities and administrators continue to undermine downsizing processes by instead choosing to provide affiliation to private and community colleges in regional areas rather than converting existing constituent campuses into autonomous institutions. Understood this way, affiliation is favoured over institutional autonomy because of the kickbacks associated with affiliation processes.

While the HEP introduced decentralisation to the reform agenda, the SHEP furthered these goals by introducing institutional autonomy of decentralised campuses, discussed next.

Introducing autonomy: SHEP, 2007-2014

Timsina (2016) describes how higher education reforms in Nepal that have served to consolidate neoliberalism through decentralisation and autonomy have taken place within a specific social and historical context of post-conflict transformation. In such a context, actors, including the World Bank, were able to capitalise on widespread associations of 'autonomy' and 'decentralisation' for the broader political transformation of the country, which included the promise of autonomous states within a federal structure and signalled a shift away from past state-controlled centralised regimes (Timsina, 2016). In the SHEP document, the end of the civil war was heralded as an "open moment" whereby higher education, and the entire country, could seize an opportunity to move forward from the "old order" (Timsina, 2019: 151; World Bank, 2007c: 1). This emphasised the shift from the 'old' ways of state-led *Panchayat* days to the new 'open' ways of neoliberal-led development. As such, the plan was for six already decentralised campuses of TU to become autonomous during SHEP (World Bank, 2007c: 6).

Reform grants were introduced to incentivise decentralisation and autonomy, representing a general shift in tertiary financing globally (World Bank, 2002a: 68). Grants of US$3,000 were offered for organizing in-campus consultations about autonomy and in the event of further interest then an additional US$7,000 could be requested with which to prepare a plan for autonomy risks and benefits, and to decide whether to go ahead. TU decentralised campuses that accepted autonomy were eligible for another US$0.2 million incentive grant, while the TU Central Office was eligible for US$0.1 million for every campus that they successfully granted autonomy to and received a US$1 million grant for establishing the TU Autonomy Rules in 2006 (World Bank, 2007c: 30). The message being conveyed was that it literally paid to go autonomous, however, this was not necessarily the message being received, evidenced by the numbers. While 49 constituent campuses were decentralised and autonomy plans were prepared for nine TU constituent campuses, only four constituent TU campuses achieved autonomy during the SHEP period against the initial target of six that was later revised to three due to slow initiation of reform (World Bank, 2014d).

The lack of success achieving autonomy of constituent campuses prompted the reforms to turn attention to granting autonomy to community campuses during the third year of the SHEP, framed in terms of meeting demand for autonomy[65] (My Republica, 2010). One senior education specialist and former team member for the SHEP told me that the change in focus toward community campuses was intended to create greater competition in the sector and to stimulate the public institutions (constituent campuses) to perform better (interview November 2016). As higher education institutions that are already supporting a significant portion of the financial and management responsibilities themselves, community campuses are closer to operating like autonomous and private institutions already, making successful autonomy reforms more likely in these campuses. But community campuses tend to be located in more rural, remote, and poorer underserved areas (Bhatta, 2015b) and are more financially vulnerable than their private counterparts (ADB, 2014a: 101), leaving them susceptible to the same kinds of "political incursions by student and faculty unions" found on constituent campuses as a result (ADB, 2015: 43).

Obstacles to autonomy uptake included student and teacher union protests and the perceived inability of the UGC to stimulate this reform component. Groups such as the Maoist-affiliated teachers' union actively blocked the implementation of autonomy of constituent campuses in

[65] From an initial target of 10, by the end of the SHEP, 89 community campuses had received project support. "Due to very high demand, the target was raised by 800% at restructuring" (World Bank, 2014d: vi).

2009, not long after the Maoists had come into power after the end of the civil war (World Bank, 2011b: 45). At this time, Maoists were promoting their agenda of nationalised social services. Autonomy reforms were moving so slowly that in 2010 a new Project Implementation Office (PIO) was formed under TU to take over the functions of the UGC pertaining to autonomy. Up until this point and three years into the SHEP, the UGC had overseen only one campus to become autonomous (My Republica, 2010). From 2011-onwards the PIO was tasked with achieving autonomy and by June 2014 nine autonomy packages had been created (World Bank, 2014d). While the SHEP introduced autonomy, the third phase HERP sought to accelerate it.

Accelerating decentralisation and autonomy: HERP, 2015-2020

The objectives of the HERP were an exact continuation of those in the SHEP. This time, the target for autonomy was that another ten campuses would become autonomous. Autonomous campuses were to be treated preferentially regarding access to reform resources (World Bank, 2015b: 40). Despite the Autonomy Rules being adopted by TU in 2006, by 2017 only seven (out of 60) of TU's constituent campuses had opted for autonomy.[66] A 2016 World Bank aide memoire noted delays in processing autonomy applications and a lack of applications from potential campuses, citing that "progress in this front has not been encouraging" (World Bank, 2016a: 3). The reasons given by the World Bank for the lag were that the concept of autonomy, and its associated benefits, were not being communicated clearly enough, which was affecting uptake. As a result, autonomy remains a 'substantial' risk factor for the success and sustainability of the HERP objectives (World Bank, 2016a: 8).

To expedite autonomy and put more pressure on achieving this objective, the PIO was tasked with preparing a strategy and action plan by November 2016 (World Bank, 2016a: 3). However, the suitability of the PIO to fulfil autonomy objectives was now also being called into question, despite being set up to expedite the process earlier when it took over from the UCG in 2010. Instead, a Task Force was proposed, stocked with "champions of autonomy" to fast-track autonomy uptake and "articulate the concept and operational details of autonomy to ensure consistency in interpretation of Autonomy Rules" (World Bank, 2016a: 16).

In the above section I have showed that across the three reform projects (covering more than three decades), uptake of institutional autonomy has not been overly successful. As a result,

[66] Four during SHEP: Mahendra Ratna Multiple Campus, Ilam (2009), Central Technology Campus, Dharan (2012), Mahendra Ratna Campus, Kathmandu (2013), Ayurveda Campus, Kirtipur (2013); and three during HERP: Public Administration Campus, Kathmandu (2015), Padma Kanya Campus, Kathmandu (2017) and Mechi Multiple Campus, Kathmandu (2017) (last three confirmed in UGC, 2017b: 8).

TU remains largely the same size as before. So far, I have mostly provided a statistical picture of what happened, whereas the following section takes a closer look as to why this is the case, looking specifically at the various actors involved and how they understand and interpret the reforms, with special regard to the pursuit of their interests. The following analysis of the slow uptake of institutional autonomy indicates policy vernacularisation and highlights points of disjuncture and resistance along the way.

Resisting institutional autonomy

In this part of the chapter, I outline how efforts to convert constituent campuses into autonomous entities have met with resistance from public sector actors within the arena of TU. I argue that autonomy reforms have not been very successful because public campuses often serve as sites of politicisation, including the desire to preserve access to political power and state resources. With four decades worth of reform under its belt, the Government of Nepal can be seen as the instigator of higher education reforms, shaped in conjunction with global actor the World Bank and therefore featuring the dominant discourse of neoliberal policy preferences. Yet as I argue in the following sections, underneath this overt and public "outward consent" of the government in accepting and undertaking the reforms, lays some below-the-surface transgressive practices and everyday acts of resistance that work to stall the uptake of institutional autonomy without necessarily completely disrupting the entire reform program (Rankin, 2010; Shakya & Rankin, 2008). Different actors in the sector – ruling government, political parties, student and teacher unions, administrative staff, and faculty – all have "varying interests" that can pull higher education institutions (like TU) in "different directions," resulting in slow, delayed, or partially implemented reforms (Khanal et al., 2021). It is at these junctures that the tension between state-led and neoliberal-led preferences for development and control over resources becomes evident.

In the first part of this section, I consider the role of student unions and their parent political parties in maintaining hold and influence over public higher education institutions. Then in the following two sections, I further this line of argument by looking at the ways that specific words and phrases, such as privatisation, *bhāgbaṇḍā*, and 'doing politics', are understood and used to enact types of everyday resistance to the institutional autonomy reform component. To borrow from Rankin (2010), who refers to Abu-Lughod's work, I do this by interpreting and analysing the effects of the behaviour, actions, and words of actors involved in the sector, and use the theoretical frameworks (outlined above and in chapter one) to inform my analysis. These sections exemplify dialogical processes, interface analysis, and the forces of vernacularisation.

Student unions and political party hold over public institutions

Politically affiliated student unions and political parties have long been involved in higher education in Nepal. Yet this influence and relationship seems to have less to do with academia and the student experience and more to do with politics, which, I argue, ultimately acts as a deterrent for the uptake of institutional autonomy. If successful, autonomy reforms will reduce the number of constituent campuses under TU's responsibility (particularly for finances and management), and by extension decrease the size and influence of TU. But if TU remains large (in terms of resources, assets, student enrolment, and campus numbers) then those in charge of it continue to have access to state resources and political power, ideology, and influence. Conversely, these are all factors that neoliberal reforms seek to reduce and change in efforts to depoliticise higher education institutions, reduce the state's role to facilitator only, and redirect attention towards producing professional and labour-market relevant graduates for the knowledge economy. I argue that efforts to maintain state-led control and influence of the largest public university in Nepal, understood and exercised through size and strength of political parties and their politically affiliated student unions, can be interpreted as a form of resistance to neoliberal policy preferences as a globally dominant discourse.

This influence of student union groups can be seen in the constituent campuses of TU and is enabled by status quo conditions, such as the persistence of the annual system rather than the semester system. Although already decentralised campuses now follow the semester system, and it is slowly being introduced into some of TU's main campus programs (e.g. masters level), the annual system is still widely used across TU constituent campuses. In this context, student enrolments can end up happening at any time throughout the year and often because of student union pressure to bolster support to both their own unions and to their parent political party numbers, rather than genuine student interest to study. The ADB explains, "[u]niversity authorities have often given in to student pressure because student groups are associated with unions that are, in turn, directly linked to powerful political parties" (ADB, 2015: 45). This can result in the admission of fake or superficial students who enrol but do not attend classes and have ulterior motives for their enrolment, such as the pursuit of a political career. Participation in student union organisations is a well-known gateway to national party politics (Snellinger, 2010). According to one senior TU administrator I spoke with, the semester system requires a quota for student numbers, more frequent assignments and more group work, and regular attendance, but students who are only enrolling for political purposes are not interested in meeting those requirements and do not bother to attend classes (interview, March 2017).

Ongoing admissions throughout the year allows student unions to bolster their numbers for themselves and their parent political party, including through the influential Free Student Unions (FSU) in every TU campus across the country. For example, the announcement to conduct FSU elections in 2013 directly prompted a sharp increase in TU student admissions that year compared to the decline in the previous four years where no FSU election was held (Ghimire, 2013). The FSU is the common union to all student unions and the elected FSU representative sits on the student council for the university for a two-year term during which they are supposed to handle matters of student affairs, rights, and welfare. However, the FSU as well as other regular student union activities, have become arenas of politicisation. FSU elections are of interest to the national level political parties in terms of gaining influence through power secured at that level by their sister/brother organisations – the student unions – as well as a strategy for bolstering their own vote banks (Rana, 2013). As a result, FSU elections, as well as regular student union activity, can reflect national level political alliances and deal making (The Kathmandu Post, 2017b). As Bista et al. (2019: 9) point out,

> Political parties also mobilize “brother” student organizations that are explicitly partisan, using the facade of student governance as training grounds and ladders to political leadership, often letting them resort to violent tactics of all kinds. Not only do public colleges and universities have leaders (from vice chancellors to provosts and often deans) who are politically appointed or apportioned among parties in power, they also exert proportional political power through their respective student organizations.

During the *Panchayat* period a similar situation was present, even more so because the political parties were officially prohibited at that time, but student union groups were still allowed to operate. “Student politics also looked like party politics by proxy; for different groups of students manifestly echoed the views of, and played the roles assigned to them by, the various outlawed political parties” (Baral, 1975: 309). Thus, national level politics were played out at this level, including through FSU elections (Snellinger, 2010: 153). Although political parties are no longer banned today, a similar symbiotic relationship can be observed.

Student as well as teacher unions have strong and long-term relationships with the major political parties of Nepal, which are deeply rooted in, and have shaped the country’s history (Baral, 1975; Snellinger, 2005, 2010; Whelpton, 2005). However, the priorities of these relationships are often far less focused on academic concerns or actual improvements in higher education but rather are more often preoccupied with securing the right people in the right positions to ensure party power, resulting in interfering with administrative processes to secure politically favourable outcomes (ADB, 2015: 44-45; Bista et al., 2019: 9). One former senior TU administrator I spoke with was more critical of this relationship by describing the student unions as “instruments” and “tools” of the political parties who “do whatever their masters say.” To this end, he opined that “they are not the students first, they are the political parties first ... So as a student they are supposed to study but they don't raise the issues of the study. They raise … the issue of the political parties” (interview, May 2016).

One former VC of TU was critical of the way that national level politics plays out and of how it influences the ways in which students interact with higher education institutions:

> In Nepal, in order to organise a mass meet, the university has to be shut for the day because all the students are also the political activists on the streets. It’s one thing to practice student unionism, and its necessary too, for the student cause—for issues related to the university and education. But national politics in university grounds is a scary thought. Political interference prevails in appointments; it also prevails through their interference through student unions. (The Kathmandu Post, 2012)

According to one Ministry of Education official I spoke with, “students who protest in a group tend to be much more critical and vocal, however students who present one-to-one in a meeting tend to be much more amenable to negotiation, which is like a thawing process, a melting of their attitudes” (interview, November 2016). There are hints in this sentence about the few versus the many, the individual versus the collective that relates to autonomy reforms – so long as TU remains big and a collective then there is more power and security for those who benefit from that status quo, including unions, faculty and staff, and political parties. When autonomy reforms detach campuses away from the parent institution, i.e. TU, then this effectively reduces TU’s collective size, making it easier to introduce neoliberal-oriented reforms because union and collective bargaining power is also reduced. This is arguably part of why student union groups and their parent political parties are intent on maintaining hold over public institutions, because I argue that it can be understood as a resistance to the alternative of political apathy, anti-politics, or ‘political a-politics’, seen to be increasingly a feature of private ‘elite’ institutions “inflected by neo-liberal subjectivity” in Nepal (O'Neill, 2016: 1086). If a neoliberal-oriented higher education system seeks to remove political interference, then the opposite can be considered examples of actively ‘doing politics,’ which brings me to the next section.

‘*Bhāgbaṇḍā*’ and ‘doing politics’

This section concentrates on politically influenced appointments in the higher education sector and how certain terms phrases, in this case *bhāgbaṇḍā* and ‘doing politics’, relate to this practice. This harks back to some of the political survival strategies mentioned earlier in chapter three that show a preference for ruling figures to place people who are close and loyal to them in positions of power and influence. I argue that politically influenced appointments, *bhāgbaṇḍā*, and 'doing politics' mean that the neoliberal-led World Bank reforms are going ahead but at a slow 'foot dragging' pace in terms of the institutional autonomy reform component. This is partly because local political considerations and influences are being filtered through neoliberal policy considerations, resulting in an unwillingness or inability to implement reform components, and indicating policy vernacularisation.

Regarding universities in Nepal, the Chancellor is always the Prime Minister (it used to be the King), the Pro-Chancellor is always the Minister of Education, and the positions of Vice-Chancellor (VC), Rector, and Registrar are always appointed by the government for a four-year term. This arrangement can often mean that the ruling government will put someone close to the party into the positions of VC, Registrar, Rector, making the appointments based on loyalty and ideology rather than on merit (e.g. 'non-merit appointments' strategy for political survival). As one educationist I spoke with put it, the problem with such an arrangement is that university authorities are not obliged to the institution itself but to the political parties who put them there (interview, May 2016). When I spoke about this with one education international NGO representative, they pointed out that this also perpetuates a lack of institutional memory due to frequent changes of government, which consequently results in frequent changes of university authorities. This encourages a situation where the government consults those who are close to them, rather than those who are capable (interview, June 2016). One donor representative described this kind of situation as a "vicious circle", understood as a kind of slow-moving disruptive element to reforms (interview, June 2016).

Frequent changes in university leadership and appointments based on political considerations can mean that someone completely unqualified may secure the top leadership positions in Nepal's universities. For example, as one UGC representative put it: "It gets complicated, and you wouldn't get the result. And sometimes you get very funny results. I mean, you find a Rector appointed from somebody who doesn't have any idea what a rector is. … You get a Registrar who has no idea what a Registrar means to be" (interview, May 2016). Similar situations have been found in university systems in Africa (Oanda, 2016; Ogachi, 2011) India (Altbach & Salmi, 2017; Kapur & Mehta, 2004), Bangladesh (Kabir, 2010), and Malaysia (Welch, 2017) where institutions have placed unqualified staff and where the appointments of high-level university positions, such as Chancellor and VC, are politically appointed and have served to deepen political patronage networks. Grindle (2012: 21) writes that recruitments in patronage systems tend to be defined by obligations and upward loyalty rather than in terms of performance or competence. It comes as no surprise then to note that critics see this system as one of the defining characteristics of poor-quality higher education. As one Nepali educationist put it: “It would be an understatement to claim, therefore, that appointment of political cadres in the academic posts is the major reason for the deterioration of quality in Nepali universities” (Wagle, 2008: para two).

One term that came up in relation to this issue of politically motivated appointments was *bhāgbaṇḍā*, which in political terms is a Nepali word that translates to ‘spoil sharing arrangement.’ Such arrangements are understood to be informal practices, such as behind-the-scenes negotiations and bargaining, carried out by powerful, influential and politically connected people (Dix et al., 2012: 38), and are easily connected with corruptive and “consensual collusive practices” (Pandey, 2017: 173). *Bhāgbaṇḍā* is also known as a “quota system” where appointments are made “based on the parties’ strength in Parliament” (Ghimire, 2017), or as an “oligopolistic spoils system” (Gellner & Adhikari, 2020: 187). Maintenance of the status quo secures continuation of systems such as *bhāgbaṇḍā*. Gellner and Adhikari (2020) write that the *bhāgbaṇḍā* system became particularly entrenched during period 1997-2017 because there were no local elections during this time and thus far less public accountability for non-elected representatives. They write that the three major political parties in particular have taken advantage of this practice under these circumstances (Gellner & Adhikari, 2020: 187). Moreover, *bhāgbaṇḍā* affects the bureaucracy and results in high-level positions in government and constitutional bodies, including the judiciary, appointed along party channels (Cottle & Thapa, 2017: 1126; Nepali Times, 2017).

In the higher education sector, *bhāgbaṇḍā* takes the form of divvying up, among the most powerful political parties and those sharing power at the time, the major positions of VC, Rector, and Registrar of all the universities. In fact, one former TU Dean told me that all positions in the university system (including Campus Chief, Assistant Campus Chief, committees within the universities, the Senate, the Executive Committee, academic committees, Deans, and more) are appointed through the *bhāgbaṇḍā* system (interview, March 2017). Likewise, a former senior TU administrator described it in the following way:

> The political parties group together and say, ‘ok let’s run the university, you will appoint the Vice Chancellor, I will appoint Rector, and she will appoint the Registrar, and she will appoint the Dean of the Education, he will appoint the Dean of Engineering,’ and like that. We call it in Nepali *bhāgbaṇḍā*, divide the positions, *bhāgbaṇḍā*. (Interview, April 2016)

Another TU administrator told me that securing a high-level position does not require good academic qualifications, unlike skills needed to generate income and resources. Those who get the high-level positions are close to the political parties, especially the ruling political party, which is the process of *bhāgbaṇḍā* (interview, March 2017). One former TU Dean I spoke with argued that the *bhāgbaṇḍā* system works well if competent and qualified people are selected, but that this unfortunately does not happen as often as it should. He said that political leaders often select the worst academics for these positions because not only are the good ones busy concentrating on producing research and not chasing the political parties, but that is exactly what the worse, unqualified ones are doing – they are too busy following the political leaders around to do good academic work but then they are rewarded with high-level positions. If the more competent academics are selected then *bhāgbaṇḍā* is not necessarily a bad thing (interview with former Dean of TU, March 2017). In a newspaper interview, one former VC of TU shared a similar view. He said,

> The problem with the appointments is that political loyalty is carrying far more weight than capability. This has meant that the best minds have been sidelined at TU, such that eventually they have to leave. The truth is that the really capable academic leaders don't go running after posts. At TU, capable Deans and Heads of Departments and the VC even should be dug out, convinced and appointed—the ones waiting outside your door with their hands together are certainly not worth these posts. This kind of appointing those that suck-up the most has become habitual at even the lower-end of positions in TU, and everywhere else. … Unionism is high among teachers, bureaucrats and students, and these have developed in such a nasty way that they don't allow space for meritocracy to function. … If they can't stop political appointments, at least they can appoint capable people. (The Kathmandu Post, 2012)

One former senior TU administrator I spoke with was adamant that politicisation and arrangements like *bhāgbaṇḍā* has "killed the university," and went on to say that unless this issue is addressed then,

> forget about the World Bank project. They cannot improve the university. And the World Bank is too shy to address this problem. In fact, there was a World Bank Vice President who was here from New Zealand, I think. I asked her the same thing: 'there's so much of politicisation in the university and you have put in such huge amount of money, aren't you making any noises about it?' But the answer didn't come very clearly. If I were putting money in the university and something is going wrong there, I mean, I should say 'No. If you are going to do this, I am going to hold my money. I'm not going to give it.' But the

> [World] Bank wouldn't do that because they have the urge to lend money. (Interview, April 2016)

One Ministry of Education official further explained these issues to me in the following way. He said that VCs are generally very well connected to political parties, thus ideology is their main marker of engagement. In the higher education system, power sharing arrangements become the main strategy for this. He opined that *bhāgbaṇḍā* was not good for Nepal's higher education system overall but was hopeful that 'maturity' in the sector would come soon, causing political influences to become less effective over time (perhaps implying once the reforms have been successfully implemented). He explained that maintaining power in higher education institutions was all about having the visible presence for ideology from the political party to which the VC belongs, which conversely helps to contain the spread of influence of other political party ideology. Other positions, such as Campus Chief, can also spread and secure influence of political party ideology, leading to benefits such as mobilisation of students for political purposes, votes, and longer-term cadre population growth and maintenance. He went on to say that ideological appointments are about making sure that other political parties do not have a say, adding that it used to be all about the higher positions within highly urbanised areas like Kathmandu but now even at the local level that influence is being sought after, which results in the spreading of political party influence nation-wide (interview with education ministry official, November 2016). Granting affiliation to colleges is another way that political parties can expand their influence and reach in new locations through their hold on affiliation-granting universities, which could help to explain the rapid growth of private affiliated colleges.

One former Dean of TU said that political leaders push for the establishment of new universities, especially in their hometown constituent areas as per their political party manifestos, as a vote bank technique in rural areas, and is an example of political leaders 'doing politics' (interview, March 2017).[67] He argued that individuals 'doing politics' on campus are not always strictly representative of the political party with whom they identify, that it is not necessarily the voice of the political party itself that these people are espousing. These people, he said, are pursuing a personal agenda, which adds to the root of resistance to reforms. For example, in the present context, campus staff can more easily secure a job for their family members (wife, son, daughter) at the university or colleges they are at, or they can secure

[67] The same has been noted in other sectors in Nepal (e.g. water), where ministers will often "initiate new development projects in their home region" which then act as a "means to gain and ensure electoral support for political parties" (Suhardiman et al., 2021: 583). This is patronage politics.

money for their political organisation. However, if autonomy is implemented then it will be harder for this kind of activity to continue because more people will be involved in management and decision-making processes, which weakens the decision-making powers of staff and administration in the current structure (interview with former Dean of TU, March 2017). In this way, one former World Bank education specialist said that resisting autonomy reforms is simply people "clinging to political clout rather than anything else" (interview, November 2016). He argued that overall opposition to institutional autonomy is relatively insignificant, but its uptake has also not been overly successful largely because TU management is politicised. He argued that the protests and resistances against autonomy are misplaced and superficial because ultimately it stems back to elite capture and rent seeking behaviour of those who inhabit public institutions. He further argued that such people do not fully understand the benefits of autonomy: "If you really want to revolt, you need to know what it is you're revolting against, otherwise your protest remains superficial" (interview, November 2016).

Critics have argued that high-level university positions (such as Pro-Chancellor or VC) should be held by socially accepted and reputable members of society who have academic merit and integrity as well as the acumen for the all-round development on the university (Correspondent, 2012; Wagle, 2008). This is often said of the founding VC of the Kathmandu University (KU), Suresh Raj Sharma, who is largely viewed as having an excellent reputation across the board (including with all political parties and with society at large) and deemed entirely capable to advance the development of the university. Sharma served six terms (four years each term) at KU unopposed by any major political parties (interview with KU staff, November 2016). Sharma was seen as neutral, non-partisan, and non-political, giving KU credibility and trustworthiness (interview with education ministry official, November 2016) and shielding the institution from undue influence and politicisation (interview with KU staff, November 2016). As one KU staff member pointed out, KU likes its teachers to be apolitical, so the students do not have to question their character (interview, November 2016). However, after Suresh Raj Sharma's resignation in 2012 from the position of VC of KU, the institution Sharma had spent the past two and a half decades building up became increasingly embroiled in politicisation, controversy, and *bhāgbaṇḍā* (Nepali Times, 2017). For example, under new leadership, KU reportedly allowed political interference in a medical entrance exam on its Dhulikhel campus in 2016 (Dahal, 2016b; Dixit, 2016; Gautam, 2016b; Neupane & Sapkota, 2016), which has tainted the institution's reputation (interview with education ministry official, November 2016).

Terms and phrases such as *bhāgbaṇḍā* and 'doing politics', demonstrate how actors in Nepal's higher education sector use locally derived understandings to vernacularise donor reform elements and pursue their interests in the process. Like the argument presented in the previous sub-section regarding political parties and student unions, maintaining political power and ideological hold over public institutions demonstrates how the flow of ideoscapes are vernacularised within local contexts. The next section looks at how local actors specifically understand institutional autonomy reforms to be synonymous with privatisation, or at least a very large part of efforts to privatise the broader higher education system in Nepal and thus weaken opportunities for such political and ideological hold on public, state-led institutions. What can be seen is that resistance to autonomy and privatisation efforts remain present and persistent, as explored in the next section.

Resistance to autonomy from TU faculty, staff, and students

There was substantial resistance to the overall concept of institutional autonomy, particularly during the SHEP. While some stakeholders in the HEP perceived decentralisation to be a 'ploy' for privatisation (World Bank, 2002b: 5), institutional autonomy in the SHEP was also seen as a gateway to privatisation. As one UGC representative told me,

> During SHEP it was started by teachers and then followed by students, and I presume it was party line thinking as well, that autonomy should not be given to campuses. Autonomy, they created some kind of confusion … that autonomy means privatisation … Earlier the resistances were very explicit. When we visited campuses, these student unions and the teachers, they would even threaten us. ... And many campus chiefs and the progressive teachers, individual teachers who tried to work on this area, they were threatened. Not only threatened, they were even manhandled in some cases. … Regarding autonomy, there was direct opposition, saying that it is a kind of pretext for privatisation. (Interview, May 2016).

The World Bank claimed that resistance to autonomy was partly because the concept itself was not well developed or explained at the beginning of the SHEP (World Bank, 2014d: 7). This is the same thing the World Bank had said about the introduction of the regional cluster idea, that there was a "lack of clarity about the concept and its implications" (World Bank, 2002b: 7). This was a continuing idea mentioned by the World Bank representative I spoke to who told me that "yes, [resistance to autonomy is] still present because the communication strategy is not that strong" (interview, June 2016). At the same time, however, the World Bank had previously claimed that "the single most important achievement of SHEP support to autonomy has been the erasure of the state of suspicion projected by some interest groups among students, faculty and their political units that autonomy was an indirect move towards privatization" (World Bank, 2014d: 31-32). This does not appear to be entirely accurate though, considering that this sentiment still exists. For example, the Chairman of the Maoist-affiliated student union told me that his union was against autonomy and believed it to be a form of privatisation, and in fact they were supportive of establishing more state-supported constituent colleges (interview, December 2016). This same sentiment was echoed by the CPN-UML-affiliated student union President who stated that their union does not support privatisation and believed that central government should have authority when it comes to education (interview, July 2016).

In its SHEP completion report, the World Bank said that resistance to autonomy came mostly from staff of the institutions under consideration for autonomy, and that because the TU Autonomy Rules were relatively new at the time (adopted in 2006, only one year before the SHEP began) then more effort was needed to settle this resistance (World Bank, 2014d: 7). According to TU authorities, part of the reason the UGC failed to oversee more constituent campuses to become autonomous during the SHEP was largely due to doubt and suspicion among TU professors and employees about the Autonomy Rules, thinking that institutional autonomy would mean complete cessation of government support and funding, resulting in lack of cooperation and support for the policy and associated activities (My Republica, 2010).

One former Dean of TU who had participated in writing the Autonomy Rules for TU recalled some of this difficulty in trying to convince staff and faculty of the merits of autonomy. He said the efforts to write the rules included round table discussions with a wide range of stakeholders to minimise confrontations, including with political party members, staff, students, and management. It was at these discussions that he, alongside other draft writers, tried to convince all stakeholders that autonomy would mean more community participation and greater administrative freedom. He recalled that staff, teachers, and management were hearing "from outside" that autonomy is privatisation and so it should not be implemented, to which he would say, "look at the [Autonomy Rules]! Where is the process of privatisation written?!" (interview, March 2017). He said that Autonomy Rules drafters would call the Campus Chief of colleges that were doubting autonomy and discuss these concerns with them. Once convinced themselves, these Campus Chiefs would then return to their colleges and try to convince others of the same. He recalled that the process was never to approach "the masses" straight away, as this should be the last step only (hinting back to the 'melting of attitudes' idea when addressing concerns of, e.g. student unions, in individual or smaller group settings). Instead, Autonomy Rules drafters decided to meet in several groups and stages, and then approach the masses after agreeance or understanding was sought at the earlier stages (interview with former TU Dean, March 2017).

Constituent campus faculty and administrative staff are worried that their benefits will disappear[68] if institutional autonomy reforms go ahead (ADB, 2015; Timsina, 2016). Such concerns drive resistance to reforms. In discussing these concerns, one TU senior administrator said to me that faculty and staff resistance to institutional autonomy is more about them having to generate their own income and implement their own programs. Faculty and staff are concerned that if autonomy goes ahead then there will be no guarantee for their services and no job security, in which case they see that autonomy may not be sustainable (interview, March 2017). The ADB noted that opponents of autonomy were "concerned that autonomy would mean higher student fees to keep the campuses self-sustaining, as is the case with private campuses" (ADB, 2015: 59). This is one of the biggest points of resistance from TU staff. The TU administrator I spoke with said that under the existing structure, the government guarantees staff salaries. Therefore, as he put it, "it doesn't matter if you sleep or work, your salary is guaranteed," there is security in that (interview, March 2017). Speaking to this issue, one UGC representative I spoke with argued that politicisation of TU's constituent campuses was proving to be a very difficult obstacle to reform, driven in part by resistances from staff who do not want to see changes to the status quo, which could result in reduced access to guaranteed state resources:

> It's very hard to penetrate into constituent colleges because they are highly politicised and the management is not so strong because the teachers get salary whether, whatever their condition, whatever they are doing, and there's nothing the university authorities can do against these faculty members. So we thought it will take a longer and more deeper strategy to reform these colleges, constituent colleges. (Interview, May 2016)

Relatedly, one former TU senior administrator was critical of the relationship between political parties and their associated teachers' and students' unions, which contributes to this view of politicisation and lack of zest for reform (interview, May 2016).

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[68] Interestingly, higher education reform in Japan revealed the possibility of such an outcome through incorporation of national universities. Since the policy was first introduced in 2003, public higher education institutions were transformed into independent organizations, relinquishing the government of budget control and university staff no longer being counted as civil servants (Konyuba, 2018). The change was in line with the policy of public sector privatisation of the Koizumi Administration and with global NPM trends for reform.

There is also the issue of the Provident Fund (for retirement) with the fear being that if TU campuses opted for autonomy, then staff will have to generate their own funds for this as it would also not be guaranteed (interview with TU senior administrator, March 2017). Another area of concern was that the hiring, firing, and transfer of faculty and staff would become easier after autonomy.[69] Faculty unions were concerned that their overall influence would be compromised and that there was a danger of direct control falling to the Campus Management Committees of newly autonomous campuses (ADB, 2015: 59).

One donor representative I spoke with saw those university authorities and employees who resisted reform as unwilling to work hard. He said to me that "in autonomy you need to work very hard … if you manage better, you will get more [note the neoliberal/NPM principle here] ... If you do not perform then you will go down, and funding will also, little funding will come" (interview, June 2016). Such an opinion could be reflective of changes in World Bank funding modalities for education reforms that now link disbursements with achievement of results rather than on inputs (evident, for example, in the switch from a grant for the SHEP to a loan for the HERP[70]), which puts more emphasis on performance measurement (consistent with NPM).

According to one representative of the Tribhuvan University Teachers' Association (TUTA), the move toward autonomy is a move toward privatisation, which he thought will ultimately create financial problems for TU. This represents a vernacularised version of autonomy reforms because the position that 'autonomy equals privatisation' is in line with this set of actors' concerns, fears, and interests. This interviewee told me that TUTA members felt they were inadequately consulted about what autonomy exactly constituted and argued that all stakeholders should agree to it before it goes ahead to implementation, otherwise it looks like the government is moving away from its responsibility and giving TU to the World Bank (interview, November 2016). One former senior TU administrator also talked about preparation and prior consultation as being crucial aspects for successful implementation of reforms. He argued that autonomy is the right reform direction, "but you must prepare the people, and then you can get them on board. Not this World Bank-style where they hire engineers to do education projects. World Bank does education like building a bridge, treating it like a technical engineering project" (interview, March 2017).

[69] As happened with the introduction of greater powers to School Management Committees for basic education in the 2001 Seventh Amendment to the 1971 Education Act.

[70] Evident in terminology such as results-based funding, performance-based funding, or program-for-results (e.g. World Bank, 2017d, 2021b).

According to one former World Bank education expert, people protest autonomy reforms because they think it means privatisation, but he argues that the root of the resistance is that people do not want things to change. He gave the example that the government is reluctant to increase fees to higher education because as soon as fees are increased then everyone shouts ‘privatisation!’ He says that people think that fee increases equate to privatisation, which is incorrect because the true meaning of privatisation, he argues, has to do with moving public institutions completely over to the private sector, adding that the Autonomy Rules are not this, they are not about selling or giving public colleges over to the private sector (interview, November 2016). This kind of explanation forms part of the global policy discourse that is being vernacularised though. That is, fee increases (cost-recovery) and institutional autonomy do not necessarily equal traditional privatisation, but when other actors vernacularise it, they draw a firm link between these things. That is, the intentions and interests of different actors change as these global ideoscapes, which include neoliberal policy preferences, meet local realities.

Based on the literature on higher education reforms and neoliberal policy preferences more broadly (outlined in chapter one), privatisation is now understood in a variety of ways and there are a multitude of different mechanisms to achieve private sector participation and reduce state input and influence. As one interviewee said to me, autonomy reforms focused on making constituent colleges self-sustainable is an example of “gradually going towards the privatisation. If not in name, in the form, right. That’s the process” (interview, May 2016). With so many higher education arrangements now available – corporation, incorporation, institutional autonomy, PPPs – the lines between public and private are increasingly blurred (Collins et al., 2016; Lee, 2008; Shin, 2018). Each of these arrangements presents variations of privatisation as being on a scale or continuum rather than it being thought of as a static concept that only encompasses the traditional meaning of privatisation as the direct sale of public assets to the private sector. Moreover, the idea that autonomy does not lead to privatisation runs contrary to what was originally conceived for reform of TU campuses in Malla’s (1995) assessment of Nepal’s higher education system, that campuses should first be decentralised, then become autonomous, with then finally handed over to private sector ownership and management.

One Ministry of Education official I spoke with added that contributing to this sense of resistance was the perception of it being a foreign imposed agenda. He said that the vision of higher education reform was not seen the same by teachers’ unions, who were arguing that it represented the imposition of ‘non-Nepali’ foreign ideas. He added that teachers did not exactly say no to reform, but their commitment to it was very low (interview, November 2016).

Such low, but not absent, levels of commitment can be considered an everyday form of resistance. One TUTA representative said that most stakeholders have not accepted autonomy 'from their heart,' questioning the government's intentions along the way by raising the concern that the government ultimately plans to give TU over to the World Bank (interview, November 2016). One donor representative I spoke with also questioned the government's overall commitment because there seemed to be a lack of interest in reform (interview, June 2016).

Conclusion

This chapter has presented the first case study where public sector actors, including political parties and their union groups, university authorities, administrative staff and faculty, have resisted reform efforts that seek to reduce state input and influence. This kind of activity is not necessarily new or unique in terms of higher education reforms in other parts of Asia. For example, Mok's (2010) study focusing on neoliberal reforms in higher education in Malaysia and Singapore revealed that although university governance reforms went ahead that were supposed to bring about more institutional autonomy, in reality very little actually changed. The Malaysian and Singaporean governments were reluctant to withdraw from higher education and essentially retained final control over everything, resulting in neoliberal reforms as a kind of 'window dressing,' reflecting a tension or 'clash' between state-led and neoliberal-led development approaches (Mok, 2010). A similar situation can be seen in my case study, whereby a very slow moving, foot dragging pace of reform has resulted in a commitment to neoliberal reforms on paper or above-the-surface ('window dressing'), but a resistance to its full application. TU public sector actors have vernacularised neoliberal-led higher education reforms through terms like privatisation, practices like *bhāgbaṇḍā*, and through notions of 'doing politics', as well as through union and political party hold over public institutions. I argue that this has resulted in a resistance to the institutional autonomy reform component and therefore an ongoing tension between state-led and neoliberal-led preferences for development. The actors discussed in this chapter have vernacularised policy in a way that makes sense of their concerns or to the pursuit of their interests, including understanding institutional autonomy as a form of privatisation and what this then means for access to state-guaranteed resources or positions of power and influence.

Similarly, urban water sector reforms have also promoted private sector participation and institutional autonomy to stimulate efficiency in the sector, for which the PPP model has been promoted as one of the best ways to achieve this. In the next chapter I argue that like the higher education case study, it is public sector actors who inhabit the utility under reform who are resistant to the full application of the reform components.

Chapter 6: Water Supply

Introduction

The policy reform discussed in this chapter focuses on institutional autonomy in which a public-private partnership (PPP) was established as the institutional arrangement for drinking water management and delivery in the Kathmandu Valley. The PPP is a tool of fiscal reform and therefore a key tool of neoliberal economic approaches, and is situated within a VfM paradigm for donors (World Bank, 2013). This arrangement was set up to manage the Melamchi Water Supply Project (MWSP), Nepal’s largest urban water supply infrastructure project to date, created to address the increasing drinking water supply and storage issues and improve overall access and quality of public water services in Kathmandu Valley. This chapter explains the forces, processes, and interests that have shaped the way the PPP model has been vernacularised in Nepal, situated in the political arena and thus making water service provision a political issue.

The institutional and legal reforms to create a PPP forged ahead with the support of donors (the ADB in particular) after failed attempts to secure a foreign private contractor for the MWSP and to incrementally privatise the existing state-owned enterprise (SOE) servicing the Kathmandu Valley, the Nepal Water Supply Corporation (NWSC), through institutional autonomy. These failings prompted the withdrawal of the World Bank from Nepal’s urban water sector, resulting in a territorial switch between the ADB and the World Bank, with the former moving from rural to urban and the latter moving from urban to rural.

At the time of the PPP reforms (2006-08), according to interviewees there was limited domestic capacity (public or private) to take on the role of the contractor for the MWSP, so a public company was created under a PPP model, with the government remaining a significant shareholder. Relevant ministry and Kathmandu Valley municipalities collectively owned an 80% share of the newly established PPP company the Kathmandu Upatyaka Khanepani Limited (KUKL, in English: Kathmandu Valley Drinking Water Limited). The reforms unbundled the NWSC by separating its Kathmandu Valley functions into three new entities and limited the responsibilities of the NWSC to areas outside of Kathmandu Valley. NWSC unions protested the unbundling and even developed their own counter proposal, which was largely ignored, while domestic and international environmental organisations and activists protested the reforms as privatisation.

Adoption of the PPP model was expected to improve functioning and management capacity of urban water supply by introducing private sector actors, assets, resources, and risk sharing.

Because PPPs are a mixture of both state and non-state resources, the idea is that they are designed to deliver services better than the state alone. PPPs can often be the preferable choice for many low- and middle-income countries because of the focus on universal access in such places (e.g. SDG agenda) and because they stand as one of the most realistic service delivery modes, rather than relying on existing state or private sector capacity alone. However, commercial business principles and private sector participation does not always counteract problems of historically poor public service provision. In such contexts, reform efforts "can become easily subverted by vested interests" or generate new conflicts (Marin, 2009: 10). Conversely, such problems will not necessarily be fixed by reverting back to full public provision either (Harris, 2003). In the case of Nepal, the situation appears to be replacement of one ailing monopoly provider with another. That is, the KUKL is arguably the NWSC in 'new clothing', retaining not only a lot of the same staff from the NWSC but also literally operating out of the same headquarters, despite a new coat of paint (Colopy, 2012: 167), and retaining significant government control. The KUKL has been plagued with management issues since inception, resulting in lack of reporting and monitoring, irregular annual general meetings, financial issues,[71] and tension with employee unions.

In this chapter, I argue that it is public sector actors who are resistant to the changes the reform put in place and who seek to maintain the control of the KUKL as more of a state-led entity, which can be conceived as a form of everyday subtle resistance by side-lining or diverting away from the intended reform direction. As the majority shareholder, the government remains heavily involved in the KUKL, arguably because it stands to gain significant political leverage on the issue of water supply, a prized resource in the country – aka 'blue gold' – which is "a potential source of enormous revenue for the state and wealth for the elite" (Shrestha, 2009: 38). Or as former Minister of Water Resources Dipak Gyawali put it, political parties and politicians like to be involved with water projects, particularly large infrastructural ones like the MWSP, "because they provide the opportunity for patronage dispensing, accumulation of party war chests and make for good iconic propaganda" (Gyawali, 2013: 194). These are some of the forces shaping the vernacularisation of the PPP model in Nepal.

The initial resistances to the reforms, and the ongoing issues and tensions that have plagued the KUKL since it was established, demonstrate actors pursuing their interests and the forces of vernacularisation that can end up yielding something unique and not necessarily intended –

[71] KUKL has been running at a loss. Despite some marginal improvements, revenue collection inefficiencies and dependency on government funds through loans remain as sustainability obstacles for the institution (ADB, 2013).

in this case a dysfunctional PPP. This is a type of outcome from vernacularised social policy. According to literature on PPPs and what makes them successful, three common characteristics are identified: (i) time to develop required capacity; (ii) a sense of trust and openness where partnerships are built on mutual opportunity rather than threat; and (iii) effective leaders who can build trust, maintain communication lines, manage conflicts well, and build and improve upon stakeholder relationships (House & Xun, 2017; Jamali, 2004; Kang et al., 2019). As this chapter will demonstrate, all three of these areas are still a work in progress, at best, for the KUKL operating under a PPP model. Moreover, this dysfunction is having a perverse effect as private and informal actors (water vendors) fill the service delivery gap and extract profits from poor people in the process. The MWSP has been delayed for so long that Kathmandu Valley residents are well attuned to private and informal alternatives, despite them being more expensive, of questionable quality, and largely unregulated, resulting in a de facto privatisation of urban water supply in the Valley.

To demonstrate this argument, the chapter first provides an overview of the urban drinking water situation in Kathmandu Valley, with a specific focus on the MWSP as the overall solution. Next, the chapter looks at the roles of the World Bank and the ADB in Kathmandu Valley's urban water supply sector so far before then outlining the reforms that took place, out of which the PPP model emerged and the KUKL was established. Some resistances from unions are described in this section. Next, the chapter discusses the role of informal water providers in the urban water landscape before concluding by wrapping up the experience of the PPP model in Kathmandu Valley's urban water supply so far, with a particular focus on KUKL management issues as a manifestation of resistance to reforms.

Kathmandu Valley's water crisis and the MWSP solution

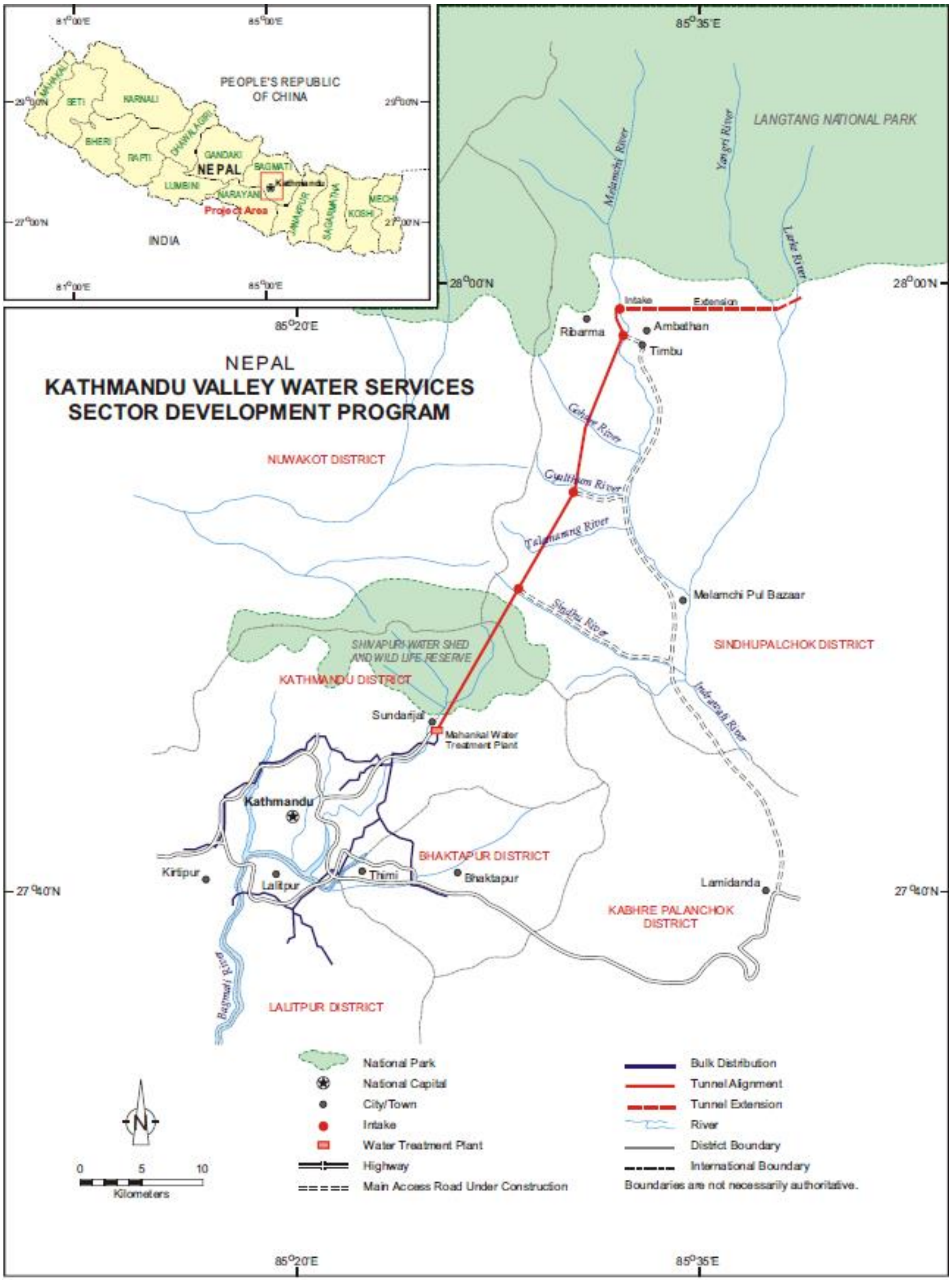
Nepal has one of the highest concentrations of water and hydro resources in the world due to its proximity to the Himalayan Mountains and its consequent extensive river system fed by snow melt. However, the country suffers from poor quality drinking water due to pollution and contamination issues, and poor water supply structures and management issues. This is particularly so for the higher density urban areas, the prime example being Kathmandu Valley, which has seen significant population growth over the past five decades. As a result of such growth, urban planning has not been able to keep up pace and therefore structures such as water pipes into homes and public common water facilities have been compromised, neglected, or fallen into disrepair. This is particularly so for common structures that are still relied on but for population numbers that were not envisioned when they were built, such as ancient traditional stone water taps and natural spouts. Many of these have now disappeared or are drying up due to falling groundwater levels and a preoccupation with piped systems, even though they account for approximately 10% of Valley population water usage, and are especially critical sources of water for low-income and vulnerable residents (Molden et al., 2016; Tripathi et al., 2018).

Kathmandu Valley faces chronic water shortages. Due to a lack of storage capacity, much of what is captured in the wet monsoon season cannot be stored to see out the dry winter season. Recent figures put the average daily demand for water in the Kathmandu Valley at around 430 million litres per day (MLD) but the KUKL (as the utility currently responsible for drinking water distribution in the Valley) is only able to supply around 103 MLD (KUKL, 2020: 10). Water that is collected does not necessarily reach consumers anyway due to poorly maintained infrastructure (e.g. leakage). As a result, people are forced to seek private solutions and alternative sources, such as private water vendors, traditional stone spouts, bottled water, or boring their own private wells (Adhikari et al., 2019; MoUD, 2017: 20; Shrestha, 2017). Despite relatively high access rates to piped water systems in Kathmandu Valley, only 17.9% are actually in good enough condition to function, the rest needing reparation, rehabilitation, or new construction (MoUD, 2017: 20).

To ameliorate Kathmandu Valley's water demand and supply problems, the government initiated the multi-donor supported Melamchi Water Supply Project (MWSP). The MWSP aims to pump fresh water from the Melamchi River in Sindhupalchok District into Kathmandu Valley through a 26km-long tunnel (see Figure 5). The first phase of the project is expected to add approximately 170 MLD to the current system[72] (Ojha et al., 2018). The water pumped through the tunnel will be collected in a treatment plant and storage facilities in Kathmandu Valley before being distributed to consumers with household connections through new and existing infrastructures.

[72] Phase two consists of connecting the neighbouring Yangri and Larke rivers to the system through another 12km tunnel. Once all three rivers are connected to the system, the total additional water flowing into Kathmandu Valley is expected to be around 510 MLD (Awale, 2017).

Figure 5: Map of MWSP



Source: ADB (2008a).

However, the MWSP has been slowed by operational, construction, and contractual issues that have hampered progress and extended the finishing line[73] (ADB, 2014b). Both the cost and the completion date have been revised several times. For a project that was conceived in the 1970s,

[73] For example, the civil war and the earthquake created delays, while contractual issues have been highlighted as problematic avenues for "collusion" and "corruption loopholes" between stakeholders (Gyawali, 2013; Khadka, 2004; WAFED, 2006).

received the official go ahead in 2000, and had an initial completion date of September 2006, the end seems far from sight. While some predict that the project will satisfy water demands by 2030 (Adhikari et al., 2019), others are concerned that it will still fall short because population density and water demands have increased in the decades since initial project feasibility and conception, meaning that this “one-stop solution” will not be enough (Ayadi et al., 2020). One former Ministry of Urban Development (MoUD) representative I spoke with believed that once Melamchi water comes then it would only meet approximately 50-60% of current demand (interview with former MoUD representative, February 2017). In the final stages of writing up my thesis, Melamchi water did finally arrive in the Kathmandu Valley in March 2021.[74] But during my fieldwork and for most of my writing up time, there was significant uncertainty and constantly shifting goal posts about when that would be the case.

Water experts have argued that the MWSP was put through as a ‘quick fix’ (Colopy, 2012: 161). While there may be some value of quick fixes to expedite a solution over other lengthier processes, one water sector NGO member I spoke to was critical of the MWSP being an ‘all-eggs-in-one-basket’ sealed deal that served the interest of donors and bureaucrats only and not the interests of the people of Kathmandu. He firmly believes that because water supply is such a sensitive issue, people were manipulated into thinking that it had to be Melamchi or nothing, that there was no other choice, and that donors did not want to back anything else (interview, December 2016). Gyawali and Dixit (2010) argue that large-scale infrastructure water projects in Nepal (including hydropower) are favoured by donors because they prefer to issue a smaller number of larger loans (more cost-effective), and by government officials because they can control a key resource and service. Such projects also provide rent-seeking opportunities for what Gyawali (2013, p.186) calls the “'iron triangle' nexus of hydrocrats, contractors and politicians”.

The water sector NGO member I spoke with lamented that unlike the World Bank Arun III hydropower project of the early 1990s, which avoided a similar fate,[75] the MWSP is the only

[74] However, flash flooding of the Melamchi river from monsoon rains in June 2021 blocked the tunnel, so Valley residents again had no Melamchi water. Authorities predicted that a full restoration of the system may not be complete util April 2022 (Satyal, 2021).

[75] The Arun III hydroelectricity project was touted as the best and least-cost project for energy supply for Nepal, consisting of a 120-km long road and dam construction for a hydropower plant, most of which would be managed by international contractors. One donor conditionality was that no other projects could be considered or implemented by the government. There was much protest from local and international NGOs calling for the project’s on the grounds that it was an expensive World Bank-typical “destructive megaproject” (Mahat, 2005: 247) that crowded out alternative investments. A Nepali Congress-led government in 1994 approved the project, and then a CPN-UML-led government in 1995 expressed serious reservations. After significant delays, debates, and protests, the World Bank eventually

option now. He argued that the PPP model is still a version of privatisation, expressing concerns that the entire MWSP along with the KUKL will be fully privatised once water reaches Kathmandu and the system is fully functional, which he added will be a "mega disaster", especially regarding the right to water for the urban poor. Such a scenario is indicative of what critics have called a 'Trojan Horse' effect of neoliberal policies (Miraftab, 2004). The above interviewee believes that by investing wholly in Melamchi, the government has divested away from opportunities for local water supply infrastructure, management, and systems, the latter of which he says would go much further towards what he termed a "'Nepalisation' of our own natural resources" (interview with water sector NGO member, December 2016). These are the kinds of factors that play into and enable the vernacularisation of donor and neoliberal-led policies.

In the next section I show how donor efforts to direct Kathmandu Valley's urban water provision to operate more on the private end of the service spectrum have been persistent since the 1970s. Yet these efforts have not always transpired according to donor plans. The result has been a slow institutional transformation of Kathmandu Valley's water utility and a territorial shift between the World Bank and the ADB, both of which became catalysts for the PPP model.

World Bank and ADB territorial shift

As two of the major donors in Nepal's urban water supply sector, the ADB and the World Bank have changed territorial focus over time. The ADB was initially involved in Nepal's rural water supply sector with a series of five projects from 1984 to 2010. Yet from the fifth project onward, the ADB started to enter urban areas with a series of urban and peri-urban Small Towns Water Supply and Sanitation Sector Projects. These projects concentrated on peripheral urban areas, seeing these as "the economic links between the rural areas and the country's urban economy" (ADB, 2000d: 11). By 2010 the ADB stopped funding its rural project stream and began to focus exclusively on urban projects, particularly as by that stage it had become the primary donor for the MWSP. Comparatively, the World Bank originally focused more on urban areas but has since changed focus to rural projects in recent years. I argue that the reason for this change largely revolves around a failure of the World Bank to privatise Kathmandu Valley's water utility.

withdrew the project in 1995. Campaigners took the cancellation of the Arun III project as a victory against the privatisation of water in Nepal (in hydropower).

The World Bank argued that the NWSC was performing badly and became chronically financially regressive in large part due to political interference and reliance on government subsidies. Through institutional autonomy (a gateway to privatisation), the World Bank insisted that the institution would be insulated from political interference, free from bureaucratic constraints, and therefore be able to operate more effectively and efficiently. This objective was threaded throughout four successive World Bank projects spanning across three decades (World Bank, 1974b, 1977, 1980c, 1991a). Insulating reforms, such as corporatisation and privatisation, have been typically pursued by donors such as the World Bank to free public utilities from politicisation (Herrera & Post, 2014). This same period as the four World Bank projects (1973-2000, from start to finish) unsurprisingly coincided with the country's transition from *Panchayat* state-controlled development to neoliberal-led development.

However, after poor results from the four projects (World Bank, 1986b, 1990a, 2000c), the World Bank seemingly lost patience with trying to bring about the desired institutional reform. For the World Bank, a large part of the reform was contingent upon raising water tariffs to increase financial self-reliance of the utility. But the Nepalese government was reluctant to do so – partly out of concern for potential public backlash for raising tariffs on an already poor or non-existent service, but also, according to commenters, because the utility was designed as a rent-seeking and patronage dispensing medium and so changing this structure would have stymied these opportunities (Dixit, 2007: para six). The final nail in the urban water coffin for the World Bank was the failure to privatise the management of the NWSC and secure a foreign private contractor for the MWSP. By June 2002, the World Bank withdrew its loan from the MWSP (US$80 million), cancelled its fourth urban water project, and exited Kathmandu Valley's urban water sector. There is not enough space in this thesis to revisit these events in detail, suffice to say that it is documented elsewhere (NGO Forum for Urban Water and Sanitation, 2005; World Bank, 2000c). Not long after it withdrew from the MWSP, the World Bank demonstrated a reorienting of its position on water sector privatisation (Bakker, 2013: 256), stating that it would, for the foreseeable future, support public ownership of water utilities (World Bank, 2005). Around the same time, the World Bank released its updated water policy in 2003 in which it signalled a shift away from the "dangerous trap of assuming that … all problems can be addressed through better management" because, in the World Bank's experience, "water resources management is intensely political" (World Bank, 2004c: 3).

After the World Bank's exit from the MWSP, the ADB repositioned itself as the primary donor for the MWSP and continued with a restructured contract to find a private management contractor for the NWSC. This process began in January 2004. Due to various delays and extensions on the closing date, only one company eventually submitted a bid and in 2006 that UK-based company Severn Trent Water International, was awarded the contract. This prompted significant controversy and protests in Nepal from local activists, international and domestic water NGOs, and political parties who were not happy to see a foreign private company take over water supply in the country (Domènech et al., 2013). A consortium of domestic rights-based and water sector NGOs even sought an interim order from the Supreme Court in 2006 to stop the signing of any contract that would see the NWSC taken over by a foreign private operator citing concerns that the ADB may eventually privatise the utility (Institute for Agriculture & Trade Policy, 2006). As with the higher education case study, concerns around privatisation feature as a driving force behind resistance to reforms.

With the entrance of the Maoists into mainstream politics in 2007 as part of the Interim Government following the end of the insurgency in 2006, they secured the ministry for drinking water. This ministry was headed by party member Hisila Yami, who was married to party and insurgency leader Baburam Bhattarai. Due to their agenda of nationalisation and anti-privatisation, and holding the relevant ministry, the Maoists were able to favourably negotiate the elimination of the ADB conditionality of handing over the management of NWSC to a private and foreign operator (Domènech et al., 2013). Conca argues that anti-privatization movements that support the state as the traditional provider of public water services, such as this one, may also be understood "as a defense of the status quo of monopolised state authority, public sector jobs, and subsidized water prices" (Conca, 2005: 247). Hisila Yami is credited with suggesting the PPP model as an alternative, which represents yet another seemingly ideological shift for the Maoists, one that can be seen as a strategic "attempt to convince the international community of their turn toward multiparty democracy and capitalism" (Rest, 2018: 1207). According to one ADB representative I spoke to, Hisila Yami killed the private operator issue, but the ADB agreed for a restructured loan under a management contract after that, "so we stayed" (interview, February 2017). ADB persisted with some form of private sector participation, which eventually saw the agreement for institutional and legal restructuring that would unbundle the NWSC within the Kathmandu Valley (ADB, 2008a). Those institutional reforms are discussed next.

Institutional reforms

The NWSC was eventually restructured in major reforms that began in 2006. The aim of the restructuring was to, again, bring about a greater level of institutional autonomy for Kathmandu Valley's public water utility, but this time through unbundling the monopolistic NWSC to create three new bodies for urban water supply. Much like the World Bank before it, the ADB deemed the NWSC to be a chronic, bloated, debt-ridden poor performer with constantly deteriorating service, constantly revolving managers mirroring federal government turnovers, low staff morale and skill level, and lacking the political will to approve tariff increases (ADB, 2000c: 4-5). Private participation was deemed necessary and remained a condition of ADB involvement in the MWSP (ADB, 2000c: 9). With a great deal of donor support, particularly from the ADB in the form of a US$15 million loan (ADB, 2003b), and in the hiring of lawyers at the time to make sure the reform went through (interview with ADB representative, February 2017), between 2006-2008 the NWSC was split from its duties within the Kathmandu Valley and handed over management responsibilities to three newly created entities – (1) one for asset ownership: the Kathmandu Valley Water Supply Management Board (KVWSMB), (2) one for operation and management of services: the Kathmandu Upatyaka Khanepani Limited (KUKL), and (3) one for tariff regulation: the Water Supply Tariff Fixation Commission (WSTFC) (see Table 2 for broader historical overview of utility institutional reforms and corresponding World Bank and ADB projects).

The KUKL is a privately-operated public company registered under the 2006 Companies Act and operates under a PPP modality. The KUKL has a 30-year operating license, issued by the KWVSMB in February 2008, and is the utility now solely responsible for Kathmandu Valley's public water supply, including managing water from Melamchi when it arrives. Project conditions of a foreign private contractor and associated performance-based management contract were waived once the KUKL under a PPP model had been created (ADB, 2008c: 4). After the failed attempt to secure a foreign private contractor to take over from NWSC within Kathmandu Valley, the ADB were satisfied with this reform outcome, particularly as it suited their objective of securing private sector participation for public water management (as set out in chapter one).

Table 2: Overview of institutional reforms for drinking water utility in Kathmandu Valley

Institution and year created	**Corresponding World Bank project and institutional objective**	**Corresponding ADB project and institutional objective**
Water Supply and Sewerage Board (WSSB) 1973	'Nepal Water Supply and Sewerage Project' (1974) – replace *Pani Goshwara Adda* with semi-autonomous entity the WSSB	
Water Supply and Sanitation Corporation (WSSC) 1984	Second and Third Water Supply and Sewerage Projects (1977 and 1980) – corporatise WSSB for more autonomy	

Nepal Water Supply Corporation (NWSC) 1990	'Third Water Supply and Sewerage Project' (1980) – name change from WSSC to NWSC and more autonomy 'Urban Water Supply and Sanitation Rehabilitation Project' (1991) - more autonomy, then private contractor 'Kathmandu Water Supply and Sanitation Project' (2001) – secure private contractor for NWSC for MWSP	MWSP (2000) – secure private operator for NWSC for the Melamchi project 'Kathmandu Valley Water Services Sector Development Program' (2003) – support unbundling of NWSC which will lead to creation of KUKL operating under a PPP
Kathmandu Upatyaka Khanepani Limited (KUKL) 2008		'Major Change in Scope and Implementation Arrangements. Nepal: Melamchi Water Supply Project and Kathmandu Valley Water Services Sector Development Program' (2008) – PPP support

Source: Author's own.

According to the ADB, these institutional reforms had "few parallels in South Asia" (ADB, 2014b: 3) and "were not easy to accomplish [in Nepal], given the political instability in recent years and fierce resistance from existing utility operators' unions" (ADB, 2008c: 6). Union resistance features as a key issue in this chapter. As an under researched set of actors in Nepal, trade unions are powerful and influential actors in the political arena, often exercising this power to stave off the influences of the private sector (Drucza, 2019). Some of the resistances to the reform, especially from the associated employees' unions, which can be put in the category of everyday resistance, is covered next.

Initial resistances to the reforms

There was considerable protest from the NWSC union members about the splitting of the NWSC inside the Kathmandu Valley in 2007. Under a Joint Struggling Committee, employees' union members developed their own institutional reform proposal (of which they gave me a copy) that would have seen the creation of only one more body (for tariff fixation), and which would have allowed the NWSC to remain inside Kathmandu Valley with most of its initial duties and responsibilities. To protest the reforms, some NWSC union members undertook nearly two months of strikes. Some were arrested because of significant interruptions to operations, including stopping running water to the relevant Minister's house and to the government central administrative complex Singha Durbar (interview with KUKL union members, January and February 2017). NWSC union members were protesting potential jobs loss under the new management and the PPP modality (Colopy, 2012: 167) and they were against any form of privatisation (Singh, 2007). Eventually the then-Prime Minister G.P. Koirala negotiated with the union members to stop the strike by promising their welfare and income would not be affected by the split. Negotiations at points of contestation or resistance is a key part of how actors pursue their interests at the development interface. It is therefore also a key part of how policies and reforms are vernacularised into local contexts. Negotiations were underway with the water ministry, headed by Nepali Congress member Gopal Man Shrestha at the time. But very shortly after, Hisila Yami (Maoist) took over that ministry, which facilitated the introduction of the PPP model (interview with KUKL union members, January and February 2017).

According to one ADB representative I spoke with, at the time of the unbundling, Nepal was unprepared for such a major reform. There were retrenchment and voluntary retirement packages offered to NWSC/KUKL staff at that time and a lot of good technical people were lost that way (interview, February 2017). This process was partly facilitated by an ADB loan in 2003 that included a component to 'right-size' the NWSC through voluntary retirement (ADB, 2003b). According to former Managing Director of KUKL, Rudra Gautam, at the time it was simply a case of cutting bloated staff (Colopy, 2012: 167). KUKL had inherited approximately 1,400 employees from the NWSC, all of which the trade unions fought to keep on board because many of them had been hired under patronage systems of the *Panchayat* era.[76] But hundreds of positions were eliminated through voluntary retirement (Colopy, 2012: 167). Colopy wrote, "[m]any management decisions used to be made because of pressure from unions affiliated with political parties. Rudra told me he was trying to change that" (Colopy, 2012: 167). This kind of thinking is in line with findings on privatisations in Nepal which show that new managers of privatised entities are often reluctant to carry on with staff (and union members) who were resistant to privatisation in the first place, and/or who are perceived to be ineffective workers in general (Manandhar & Bajracharya, 2000). Unions in Nepal tend to be much more active, and therefore stronger, in public enterprises than private ones because of issues such as politicisation and lax management in the former and issues like mass exodus of employees and union suppression in the latter (Manandhar & Bajracharya, 2000: 126). Unions in public enterprises (more broadly), are resisting neoliberalism on two fronts: one, if staff numbers are

[76] For example, a 1992 World Bank report noted that water utilities in places like Nepal were often used as "extensions of social security systems" and that senior managers were "often powerless to address over-staffing" (World Bank, 1992c: 39-40). In a 1993 report, the World Bank noted that the NWSC had "one staff member per 49 connections," compared to one per 400 or one per 1,000 connections in other countries (World Bank, 1993b: 9). Criticisms of "gross over-staffing" were raised upon completion of the World Bank's third urban water project, with one government official referring to the NWSC as an inefficient and corrupt institution that acted as a "depository of friends and relatives of high officials" (World Bank, 1990a: 8).

cut then the potential for union membership dwindles, and two, unions are largely antagonistic to capitalism anyway through their origins as workers' organisations. Neoliberal policies like PPPs or privatisation threaten union existence in the first place because they minimise collective bargaining power (Wainwright, 2012). These findings correspond with the introduction of the PPP model and in the splitting of the NWSC.

According to one former MoUD representative I spoke with, the splitting of the NWSC and the creation of the KUKL was akin to a hostile divorce, especially regarding the issues of employees, property, and assets (interview, February 2017). Although created as an entirely new entity, the KUKL inherited staff and union members, and many of the same ails, from the NWSC. As a result, it appeared that one monopoly institution had been replaced with another. This sentiment was expressed by one water ministry representative I spoke with who argued that the KUKL has its own monopoly and so now there is a need to break this to create more competition and stimulate the KUKL to perform better (interview, December 2016). This speaks to the vernacularisation of the PPP model in this context. Instead of a PPP model as envisioned by global donor policy, in the context of Nepal what has instead resulted is a kind of duplication of the original state-led enterprise. While the PPP model has been accepted and introduced on one level, it appears that those actors embedded in the utility have not fully embraced the original version of the PPP but have modified its application to suit stakeholder interests.

One result of this is an ongoing tension between state-led and neoliberal-led strategies for development because the PPP model introduced in this context has not been overly successful in 'marrying' the two. This tension was also captured in comments from one Department of Water Supply and Sewerage (DWSS) representative I spoke with, who talked about the need to embrace 'new' ways of managing water development. He said that many trade union members who were active and resistant at the time of the reforms were now starting to retire, and so union numbers and strength are diminishing in general. He opined that such union members are realising that some reforms must happen and that they must be responsible for service provision at the end of the day, not only to look after their own issues and interests. He argued that now all urban water sector stakeholders are "starting to realise that we cannot move forward the old way" (interview December 2016). This talk of the 'old' versus 'new' ways echoes that of the higher education sector, and of the New Public Management (NPM) branch of neoliberalism, in that the 'new' way is seen to be in the neoliberal-led reforms like institutional autonomy, decentralisation and privatisation, and the 'old' way is more aligned with the state-led strategies of the past that seek to maintain an inefficient status quo.

However, since embarking upon the ‘new’ way of the PPP, many are critical of the performance of the KUKL has so far, arguing that is has been no better than its predecessor in terms of delivering a reliable service and quality water. A 2016 joint government and donor institutional assessment claimed that the KVWSMB is relatively powerless to enforce consequences on KUKL for failing to pay licence and lease fees or failing to meet agreed conditions because there is no other provider to fill the gap (MoUD & JICA, 2016: viii). Recent research also indicates that many Kathmandu Valley residents see the government and the KUKL as corrupt and incompetent (Ching et al., 2019). Members of local water sector NGO the Water and Energy Users' Federation (WAFED) claim that the KUKL has so far not set a good example (interview, December 2016; Bhandari, 2011). They claim that, like the NWSC, the KUKL has not reduced issues of corruption and inefficiency and has not improved infrastructure or actual supply. Their concerns speak to the ways in which individuals and groups working within and connected to KUKL are seeking to protect their interests and engage in rent-seeking behaviour. As Ratan Bhandari (then-coordinator of WAFED) wrote in 2011,

> KUKL is meant to provide qualitative and quantitative water service at an affordable cost, but this has not happened to date. The quality, quantity, distribution, management and operating systems have in fact, further worsened. A major cause of its inefficiency is the internal controversies over appointments of and allowances for the bosses and salaries and benefits for the employees. Financial irregularities and corruption have become rampant. (Bhandari, 2011: para seven)

WAFED members initially protested the reforms, arguing against any form of water privatisation (domestic or foreign) because they believe this complicates access to water as a human right. WAFED members I spoke with believed that water should be free, or at the very least set at an affordable, reasonable price (interview December 2016). Members from another water sector civil society organisation, the Federation of Drinking Water and Sanitation Users Nepal (FEDWASUN), also did not totally agree with the PPP model because they argue it takes away from the real and more important issue of affordable tariffs (interview, November 2016). The affordability of water is a concern in the cross-over space between a cost-recovery project like the MWSP and universal access to achieve the SDGs. Recent research indicates ongoing tensions between the objectives of cost-recovery and the objectives of affordability regarding water provision for poor and low-income households, and that failure to address such tensions “will undermine commitments to universal access” (Mitlin & Walnycki, 2020: 260). But Post and Ray (2020) argue that the jury is still out on whether profit-oriented business models can actually support the achievement of global universal water access goals as a human right.

Affordability of drinking water

The right to water was only enshrined as a right in the 2015 Constitution, following the 2007 Interim Constitution, with the word water was not even mentioned in the 1990 Constitution. But this was not the case when the MWSP was initially conceived or even by the time it had started, which implies that there is a disconnect between how to ensure a constitutionally protected right with a project design that did not acknowledge that issue. So now, according to one water ministry official I spoke with, it has become more of a controversial issue (interview, December 2016). The MWSP is a full cost recovery project primarily based on revenues from tariffs as the way to increase financial sustainability and reduce government subsidies (ADB, 2000c: 8). This is in line with Nepal's 2002 Water Resources Strategy (HMGN, 2002) and its 2002-2027 National Water Plan (HMGN, 2005), both of which state that cost should eventually be recovered from users of drinking water services. The ADB has consistently promoted the need for cost-recovery in water projects, and that even where subsidies are included they should be phased out over time (ADB, 2003c). However, many are concerned about what full cost recovery means for universal access, especially for the poor. For example, FEDWASUN argues that the water supply sector should not be profit-oriented, rather it should be service oriented (interview, November 2016). However, the donor representatives and ministry officials I spoke with were confident that people are willing to pay for water (tariffs) and a quality service (interviews December 2016 and February 2017).

Studies confirm that consumers in Nepal are willing to pay for quality, affordable water services (Katuwal & Bohara, 2011), so long as the cost is "calculated fairly"[77] (Suwal et al., 2019), but that 'willingness to pay' was usually not enough to cover actual costs and that low consumer prices ultimately contribute to lack of investment in the sector (Whittington, 2006). According to one water sector expert I spoke with, willingness to pay is not necessarily synonymous with obligation to pay. He said, "a lot of people believe water is free. Yes, flowing water is free but then if you want that water to be available in your home, in your tap at certain quantity and quality, there is cost involved and you have to be able to pay to that service. Somebody has to pay. Who pays is a different question" (interview, April 2016). FEDWASUN members think that water should not necessarily be completely free, but certainly affordable and in line with people's incomes. They argue that paying something for water can create a sense of

[77] The authors noted that what was 'fair' varied between respondents, and also found that respondents seemed to be more concerned about water prices generally rather than whether a specific tariff formation would ensure affordable access for the poor (Suwal et al., 2019).

ownership,[78] but if someone cannot access because of payments then this is not right (interview, November 2016). Moreover, studies have shown that introducing private sector participation into SOEs (including through PPPs), does not always bring about "equitable distribution of project benefits" (Leigland, 2018: 118), for example if profits are prioritised over wider social benefits. In the meantime, private and informal water providers are filling the demand and service gap left by the absence of regular and quality piped public water. This results in a hybrid water system in Kathmandu Valley, in which the state may have a direct role in water service provision, but there is a low degree of state penetration (poor service), resulting in many non-state providers providing services alongside (Post et al., 2017).

Private tankers filling the gap

The gap in provision of drinking water supply left by inadequate service from KUKL (and the NWSC before it) is being filled by various private water tanker businesses, resulting in a de facto privatisation of water services and infrastructure (Rest, 2018: 1202). Private water tankers and vendors play an important part of Kathmandu Valley's water sector system, albeit an informal part. From around 60-70 tankers in the 1990s who mostly sourced their water from natural outlets such as rivers and springs, the commercialisation of water supply through informal vendors has rapidly increased and today there are around 700 tankers supplying water in the Kathmandu Valley (Raina et al., 2019). The KVWSMB is responsible for the water market (including licencing, water quality, overseeing policy, and pricing) and commercial groundwater extraction in the Kathmandu Valley. This includes for the private water market. Yet the regulatory body's recognition of private water tanker operators and smaller vendors remains largely informal, and regulation and monitoring remain largely unenforced with most attention limited to the public KUKL tankers. Moreover, there is no formal government regulation on the price or quality of water provided by private tankers and vendors. Some private water tankers have united in associations to address pricing and quality issues, expand business opportunities, and unite against regulatory restrictions or potential insecurities to their operations (Raina et al., 2019; Shrestha & Shukla, 2014). According to the water sector expert I spoke with, these private water tankers may be "filling the gap" but many of them are also operating largely like cartels that can resist any attempts to monitor or regulate them (interview, April 2016). Absence of monitoring and enforcement contributes to fuelling malpractice in the industry (Ghimire & Neupane, 2016; Schwartzstein, 2020).

[78] Water User Groups that the FEDWASUN work with are one example. However, Butcher (2019) shows how variations of 'ownership' as expressed through such groups (e.g. as 'financial contribution'), can end up excluding those who cannot participate in these ways.

Prices charged by private tanker operators are typically based on the size of the tanker, the type of source of water, the distance from source to delivery point (Shrestha & Shukla, 2014: 263-264). Unit size also factors into pricing consideration, i.e. "vendors give a discount for those who purchase in larger quantities" (Raina et al., 2018: 11), but storage facilities are needed to buy in bulk, better positioning wealthier customers who can pay less for more (i.e. businesses, high-income households). Private tanker and vendor prices are higher than for publicly provided piped water (Shrestha & Shukla, 2014: 264). Higher prices disproportionally impact on the poor, who end up paying more for less because they lack storage facilities and spend more time and income obtaining water (Conan, 2004: 22; Raina et al., 2018).[79] This situation is what the ABD is referring to when it says that the "notion that the poor cannot pay for water is a myth. Invariably, the poor pay more for water on a unit basis than the more affluent, because they must procure water by the container rather than through a piped supply to their homes" (ADB, 2000c: 8), which forms part of the rationale for cost-recovery projects. Furthermore, private water tankers and vendors extract their water from underground tables, which remains unregulated, leaving underground water tables vulnerable to rapid depletion and destabilisation (Sada et al., 2013; Shrestha, 2017).

Private water tankers and vendors have played an important part in filling the gap left by low service public water utilities in Africa, Latin America, and Asia, including Nepal, and can therefore make important contributions to the achievement of global development goals (Opryszko et al., 2009; van Dijk, 2008). However, van Dijk cautions that the "role of the private sector can never be to take over the political responsibility of the government" (van Dijk, 2008: 287). This implies that while private and non-state providers can be a practical supplement for public services, they cannot be a substitute for the guarantee of constitutionally protected rights and are not obligated to ensure universal access. This is part of the tension between neoliberal-led and state-led strategies for development. For example, Molden et al. (2020) argue that for donors and the government, the realisation of water rights is currently through relying on a piped system, and therefore through those institutions, projects, and models that create and manage these networks – in this case, the KUKL, the MWSP, and the PPP. In the meantime, Ching (2018) argues that a paradox exists for water supply in the Kathmandu Valley in which the resilience born out of residents having to cope with the delays in the MWSP and therefore being accustomed to alternatives, feeds slow or inaction by the government because

[79] However, studies have noted that some private water vendors provide free water to some of their community areas to help stave off resentment and help legitimise the practice of making profit from a common resource (Raina et al., 2019: 59; Roth et al., 2019: S88).

low public outrage equals low payoffs for taking more urgent and immediate action. This dynamic ensures a space for the informal private water market to thrive. Yet slow or inaction by the government regarding public water supply is also fuelled by management and political issues to do with the KUKL, some of which I will demonstrate in the next section.

PPP: Public-Private Politics

One of the largest factors that is undermining the full realisation of the PPP model in the context of Kathmandu Valley is the management and politicisation of the KUKL. This issue had been developing over many years but was particularly topical during my fieldwork. Then-Chair of KUKL, Suresh Kumar Basnet, had been working with KUKL since its inception in 2008 and was the board representative for the Nepal Chamber of Commerce (NCC), which has a 9% share in the company. Basnet became the Chair of KUKL in 2014. During my fieldwork, the media reported much on Basnet and his alleged poor management as Chair of KUKL. Basnet was accused of running KUKL like his own private business and with an autocratic attitude, using his own political position to influence and delay board decisions, intervening in the process of selecting a general manager, and often resorting to nepotistic management tactics (Sharma, 2016). According to one interviewee, whenever Basnet was not happy with someone (e.g. staff or board member) then he simply worked to change or remove them (interview, February 2017). In 2016 the Nepali Times reported that Basnet had used his position to promise politicians and associates close to him that he would recruit their family members and party cadre into jobs advertised with KUKL (Rai, 2016). Nepali Times also reported that Basnet had appointed Rudra Gautam (a KUKL board member representing Lalitpur Sub Metropolitan City) as managing director who was accused of misusing KUKL resources for personal benefit, which he denied (Rai 2016). Rudra Gautam became managing director in 2009 but eventually resigned in April 2011 following nearly one month of agitation, and a padlock on his office, from employees' unions who accused him of poor and inequitable management and demanded he step down before the KUKL became a failed institution under his direction (Colopy, 2012: 169; Kantipur, 2011).

The ADB (who also has a representative on the KUKL board until the Melamchi loan is paid back, as per the funding agreement) expressed some dissatisfaction with Gautam and issues related to Basnet's management of KUKL. According to one interviewee, in the past, if the ADB is too vocal about an issue then they are accused of foreign interference or influence, but these days the ADB is being quite public about not being happy with Basnet's performance and KUKL more generally. This interviewee also argued that it is not good for any one person to be in the position of KUKL Chair for too long anyway and that ultimately KUKL will need to implement some changes if the ADB is to go ahead with the second phase of Melamchi, as it is planning. The NCC had promised that Basnet would step down at the next KUKL annual general meeting (AGM) to be held March 2017. So the ADB will give an ultimatum that if he does not pull out from KUKL then they will pull out (interview, February 2017).

According to one union member, Basnet's poor work performance affected the regular execution of the AGMs. At the time of my fieldwork and in the nine years of KUKL operation, only five AGMs had been held. Union members view this lack of AGM regularity as a weakness of the Chair as this should be organised by him each year (interview, February 2017). KUKL staff members, including members of the various KUKL unions, became increasingly unhappy with Basnet as KUKL Chair, citing his "ego problem" and a general lack of collegial and collaborative attitude in working closely with government or other KUKL partners (interview with KUKL union representative, February 2017).

According to one KUKL union member, the current general manager, Mahesh Bhattarai, was selected by the Board after the person first in line to assume the position was disqualified because he was found to not meet the necessary requirement of having served with the company for at least one year. It was Bhattarai who filed a case against this person for this reason, a case he won. With that person out of the running for the general manager position, Bhattarai took the post. Eight (out of nine) Board members accepted Bhattarai as the new general manager, except Basnet who had supported the first (now disqualified) candidate. According to one union member, after this Basnet was deliberately uncooperative. This included Basnet taking a six-month overseas trip, during which time Bhattarai had to manage everything in Basnet's absence. This union member added that Basnet even went to the Prime Minister (who at the time was Maoist leader P.K. Dahal, who was also the acting Minister of Water at the time) to try to get Bhattarai kicked out. That is why the unions were not happy, because they supported Bhattarai, they thought he was doing a good job for the KUKL. Some of the union members compared Bhattarai's one year of work against Basnet's nine years with the KUKL and decided that Bhattarai had been doing a very good job, including progression on implementation of computerised systems and with training staff (interview with KUKL union representative, February 2017). Even the ADB were happy with Bhattarai. They believe he "doesn't play politics" and is taking his time to improve the KUKL, including introducing health insurance for staff for the first time (interview with ADB representative, February 2017).

The KUKL held its Ninth Anniversary Program in February 2017. It was at this event that four out of the five KUKL unions[80] publicly called for Basnet to resign voluntarily or they may strike. This was following a no-confidence motion initially filed against Basnet by the KUKL board in 2015, and then some court appeals by Basnet in response. The only union not to participate in this call was the Dahal-led Maoist party-affiliated union (interview with KUKL union representative, February 2017). It was reported that Basnet and his dismissed general manager Gautam both enjoyed "high-level political protection" in that they are affiliated to P.K. Dahal's Maoist party (Rai, 2016). Therefore, it made sense why the Dahal-led Maoist-affiliated KUKL union was the only union to not participate in the call for Basnet's resignation (Sharma, 2017). According to one KUKL union member I spoke with, the NCC was keen to distance itself from Basnet following an apparent out-of-court settlement over some issues Basnet raised in court as he was trying to appeal the no-confidence motion (interview with KUKL union representative, February 2017). According to one interviewee, there was some kind of "gentlemen's agreement" between NCC and Basnet that would see him nominated for the KUKL board in exchange for separation from the NCC. This interviewee told me that the NCC was staying relatively quiet about Basnet and his issues as KUKL Chair because they did not want him back there either and that "this is an open secret" (interview, February 2017). Another interviewee accused Basnet of "bullying" and "obstructing the smooth operation" of NCC while he was there (interview, February 2017). Basnet finally stepped down from his position as KUKL Chair in March 2017, and a government official took his place.

Is the PPP model working?

An amendment to the KUKL charter was proposed, and backed by the Ministry of Water Supply, that would see board members nominating and electing the chair in efforts to avoid further management issues, like the kinds described above. Critics of this idea, however, are concerned that such a move would tip the balance too far in favour of the largest stakeholders, which are all government bodies, sidelining the private sector in the process and calling into question the entire justification of a PPP model in the first place (Sharma, 2016). In one newspaper article, the NCC President also questioned this proposal, and by extension the PPP model, by asking,

> If the government's real intention was to keep the company under its grip, what was the rationale behind converting the company into a public private partnership (PPP) entity in

[80] According to union representatives I spoke with, there are five politically affiliated KUKL unions: one each associated with CPN-UML, Nepali Congress, the Rastriya Prajatantra Party, the Dahal-led Maoists, and the Mohan Baidya-led Revolutionary Maoist faction. Of the approximate 1,200 current KUKL staff, about 600-700 are supporters of the Nepali Congress-affiliated union, making it the largest of all five unions (interview with KUKL union representative, February 2017).

> February 2008? … The government should realise that one of the purposes of PPP is to promote the private sector. But such an undemocratic move will erode the private sector's confidence in the entire philosophy of PPP trumpeted by the government. (Sharma, 2016)

However, one KUKL employees' union leader argued the opposite in light of the proposed amendments by stating that KUKL has been "taken hostage" by the private sector precisely because of a "faulty shareholding structure" which sees nearly half of all board seats (four out of nine) going to private sector stakeholders even though they collectively have only 15% share ownership (My Republica, 2017). A joint government and donor institutional assessment alluded to this tension between the private and public arms of the utility company. It stated that,

> KUKL is supposed to operate on a PPP model. But the way it has been established, it does not follow PPP model. The Board of KUKL is represented by all the shareholders and other important stakeholders such as ADB and NGOs involved in water sector. The Chairperson is elected from among the Board members for a year irrespective of percentage of shareholding of the organization the Board member represents. For example, Nepal Chamber of Commerce holds only 9% of the total share but its representative is the Chairperson of the Board at present. (MoUD & JICA, 2016: x)

A 2016 organisational and recruitment plan for the KUKL concluded that the company should urgently adopt corporate culture and New Public Management philosophy (i.e. accountability, autonomy, efficiency) in order to bring about improved results, including introducing outsourcing of certain activities and incentivised performance-based management systems (KUKL & JICA, 2016). This simultaneously involves increasing human resources (a projected need of 1,327, with only 60% of human resources covered at the moment) as well as right-sizing the utility (reducing the number of staff per connection) (KUKL & JICA, 2016).

As discussed in the beginning of this chapter, private sector involvement in Nepal's urban water supply sector was a condition of donor funds, particularly the World Bank and the ADB. When the foreign private management contractor could not be secured for the MWSP, then the compromise was a local private operator. According to one former MoUD representative, if private sector involvement improves the performance of SOEs, then some form of privatisation should be pursued, including a PPP model. He argued that SOEs, like the NWSC, become a burden to the government and that Nepal needs solutions that are commercially and economically viable (interview, February 2017). According to water ministry and department officials, at the time of preparing for the MWSP no such company existed in Nepal that had the capacity or the willingness to take on this role, hence why one was created (KUKL) under the

PPP modality promoted (interviews, December 2016). Government weaknesses and poor-quality public utilities with low-skilled staff are primary reasons why PPP models are adopted (Leigland, 2018: 128). As one DWSS representative I spoke with put it, in principle the government agreed that a government entity should only be in the role of the facilitator, i.e. that the government should only govern, and that this was the kind of agenda largely driven by the Banks (i.e. the ADB and the World Bank). He said that the government agreed to what the Banks wanted but, in reality they could not do it. The government could not withdraw from its role as service provider because there was no capacity to replace it, either within the community or private sectors. This interviewee went on to say that now the situation is different though, and there is a need to come in line with global common practices (again, hinting at this distinction between state-led versus neoliberal-led, and the infiltration of global discourses). But he added that due to the 30-year lease that KUKL has been given, nothing will change for a long time. KUKL will be in this position for a long time yet (interview, December 2016).

Neoliberalism promotes the use of PPPs, which is an arrangement that uses private capital to support public facilities and services. In this way PPPs represent a "risk-sharing relationship between the public and private sectors based upon a shared aspiration to bring about a desired public policy outcome" (Institute for Public Policy Research, 2002: 40, cited in Flinders, 2005: 216). Interviewees expressed that part of the lack of capacity of the KUKL to do its job is the PPP model itself and the apparent lack of shareholder willingness to provide further investments or take any risks, from both public and private sides, leaving KUKL to function mostly on service charges collected from customers (interview with KUKL senior administrator, December 2016). This concern was expressed by another KUKL senior administrator, who agreed that the PPP model was not really working as it ideally should because the private sector in Nepal was not yet "mature enough." He added that the PPP model was created but there was no risk assigned to the private sector, therefore there are no incentives to increase investments or takes risks. All the risk ultimately lays with the government, so the private sector does not really bother (interview, February 2017). Even a joint government and donor institutional assessment concluded that for KUKL, "the amount of share invested is not large enough to draw strong and serious attention from the shareholders," and that "the existing structure reveals that no private organization has held any equity in the organization" (MoUD & JICA, 2016: x). According to research on PPPs, more risk assigned to private partners is important because it creates incentives to improve services, such as "through competition for customers, or through effective regulatory frameworks" (Harris, 2003: 24). The KUKL arguably has none of these factors – no competition, ineffective regulation, and not enough risk assigned to the private sector stakeholders. Similarly, according to the ADB's perspective on the issue of risk sharing, "Poorly constructed PPPs with uneven risk allocations are more likely to fail" (ADB, 2009: 34). By this logic then, these factors partially explain the KUKL's poor performance so far.

One interviewee pointed out that staying heavily involved in the company gives the government significant political leverage on the issue of water supply, which it is unlikely to give up, especially on the back of one of the largest water projects in Nepal's modern history, the MWSP. This interviewee told me that "KUKL was not responsible to anyone after it was created as a company. The government doesn't want to lose water as a political platform, so it stays engaged" (interview, February 2017). This speaks to how actors have vernacularised water policy and institutional reform in the Kathmandu Valley. The result is that much more of the 'public' is retained in the current version of the PPP model in this context, which continues to demonstrate the ongoing tension between state-led and neoliberal-led strategies for development.

According to interviewees from the DWSS and the KUKL, the KUKL private sector shareholders are "not purely private" (interviews, December 2016). One interviewee said, "I would not even call the investors of KUKL 'investors.' They are one-time buyers only. They have not invested anything more since" (interview, December 2016). This interviewee added the KUKL shareholders that are supposed to represent private sector, the Federation of Nepalese Chambers of Commerce and Industry (FNCCI) and the Nepal Chamber of Commerce (NCC), are rather business sector lobby groups and therefore do not truly represent the private sector. Indeed, a joint government and donor institutional assessment agreed that these organisations, "in true sense, are not private organizations but rather a form of NGO" (MoUD & JICA, 2016: x). This could partially explain why there has been so little investment in the utility. This kind of scepticism between PPP partners further demonstrates this ongoing tension between state-led and neoliberal-led directions for leading public service delivery in Nepal, and relates to a conclusion from House and Xun (2017) about the success of PPPs in water supply in South Asia being reliant on cooperative relations. They write "private participants may contribute little to improving governance if the relationships between operators and agencies [i.e. partners] are adversarial" (House & Xun, 2017: 353).

Considering previous privatisation and commercialisation attempts for the utility, it makes sense that public sector actors would seek to maintain a strong hold over the KUKL, especially considering the assets still belong to the state. This is part of the vernacularisation process – if those implementing the PPP reform see the 'private' actors as not truly private, then the entity can just as well be considered public and therefore be state-led. Such distrust speaks to the management issues that have plagued the KUKL since inception. Research shows that better management of public utilities will improve services and investment because more people will be willing to pay for a better service, which will create a 'virtuous circle' conducive to further investments and risk taking (Marin, 2009). However, if distrust in management exists (and persists) then financiers (whoever they may be) "will be reluctant to provide money" (Marin, 2009: 127). The main benefit of private sector participation in a PPP may then be more about bringing operational efficiency rather than bringing private sector finance (Gassner et al., 2009; Marin, 2009). Leigland (2018) writes that reluctance to invest can also be a result of poor management of 'megaprojects' for which many PPPs are designed to manage, and that private sector participation will not automatically fix all the complexities and uncertainties that may arise from such projects. Leigland points to World Bank data to suggest that in many cases, "private finance is not the predominant source of investment funding" and that "this reality challenges some of the traditional definitions of PPPs, especially with regard to the role of the private partner" (Leigland, 2018: 128). Such a conclusion speaks to the vernacularisation of PPPS in such contexts, including for Nepal and as outlined in this chapter.

Conclusion

This chapter has outlined the journey of donor-supported attempts to bring Kathmandu Valley's water supply utility into the fold of the private sector through neoliberal policies – first through corporatisation, then a privatisation attempt, before finally landing on a PPP model guided by NPM philosophy. Such reform efforts aimed to improve the performance of the public utility responsible for urban water supply and free it from political influence and interference. Greater private sector input (through structure, management, and investment) was expected to improve motivation (i.e. through profit) and therefore efficiency. This, coupled with the full cost-recovery MWSP and the separation of regulatory and tariff authority to other entities, would have placed urban water supply more firmly in the hands of the market. However, the overall objective of improving the quality of water supply and service delivery in the Kathmandu Valley has not yet been realised. I argue that what has happened, based on the evidence I have presented in this chapter, is a resistance and reluctance from public sector stakeholders to see the monopoly utility go down that pathway. The government has retained significant hold and influence over the KUKL, as it did with the NWSC. This strategy has been partially enabled through union activity, including protesting reform and management issues. A joint government and donor institutional assessment concluded that the KUKL trade unions “seem more powerful than GM [general manager] and most decisions are influenced by them” (MoUD & JICA, 2016: x). Moreover, the expected improvements through inviting private sector actors have not necessarily materialised, with some of the most significant management issues and corruption allegations taking place under the leadership of the private sector board representatives; who, according to interviewees and other actor perspectives presented in this chapter, do not necessarily constitute true ‘private sector’ anyway and therefore cannot prompt the kind of commercialisation a donor-inspired PPP model envisions, and possibly so because they are looking after their own interests. As Marin (2009: 10) writes, private sector participation does “not always deliver and [private sector actors] have a tendency to seek renegotiations to their advantage.”

This chapter has shown how the forces of vernacularisation, including actors pursuing their interests and resisting reform components, can end up yielding a different outcome – in this case a dysfunctional PPP in which the ‘public’ (state-led) arm of the partnership is more emphasised than the ‘private’ (neoliberal-led). This speaks to the swinging back and forth between state-led and centralised or neoliberal-led and decentralised preferences for social policy reform. From a nationalised service in the *Panchayat* years under one monopoly institution, to variations of private sector participation throughout economic neoliberalisation, I argue that actors embedded within the water utility, including from government and trade unions (which are themselves affiliated to the major political parties), are resisting neoliberal reform components to keep the utility, and therefore public urban water supply, within the control of the state. A vernacularised version of a PPP is a manifestation of that aim.

A joint government and donor institutional assessment concluded that the KUKL does not actually follow a PPP model, that the institutional set-up was dysfunctional from beginning, and that it should operate under a public enterprise mode until the completion of the MWSP, at which point it can then be converted into a private entity (MoUD & JICA, 2016). This conclusion is consistent with the evidence presented in this chapter and with some of the perspectives of people I interviewed. In the meantime, private and informal actors filling the service provision gap means that poorer people may be paying more for basic water services or have no sustainable access to water. The PPP model in this case might be actively widening water inequality in Kathmandu Valley and is the partial outcome of a poor policy development process. Based on my analysis, it appears that the benefits of the PPP model seem very limited at this point and so its value in a post-conflict country context like Nepal requires further research. Post and Ray (2020) argue that in low-income countries, strategies like corporatisation and privatisation have not been able to make sufficient improvements. Instead, they argue that public utilities should be incentivised and supported to expand and improve while non-state informal providers should be brought more into the fold of formal regulation so that more people will be able to realise their right to water. This would acknowledge the usefulness of hybrid urban waterscapes, like that found in the Kathmandu Valley, alongside the potential of hybrid institutional arrangements, like PPPs (Leigland, 2018; Post & Ray, 2020).

While this chapter has demonstrated a tension between state-led and neoliberal-led reform directions within the same institution, the next chapter on medical education demonstrates this tension in the use of neoliberal-led policy directions for state-led development purposes. In exploring this tension, the next chapter reveals different aspects of resistance depending on the actors involved and their stance toward how the future development of medical education should proceed in Nepal.

Chapter 7: Medical Education

Introduction

This chapter focuses primarily on the training of doctors in Nepal through tertiary education, i.e. Bachelor of Medicine, Bachelor of Surgery (commonly and hereafter known as MBBS), by examining the case of a reform agenda driven over the last decade. The main reforms being advanced in this chapter is the decentralisation and regulation of medical education. A decentralised approach to medical and health professional education is in line with global recommendations for building much needed human resources for health and for achieving universal health coverage (Evans et al., 2016; WHO, 2010, 2016, 2017), and has been recommended for Nepal by the World Bank since the 1980s (World Bank, 1989b). Furthermore, it contributes to the global movement for social accountability in medical education[81] (Boelen & Heck, 1995; Pálsdóttir et al., 2017). Decentralisation is a staple of the neoliberal policy agenda, yet in this case study it is being employed to argue for greater state presence and public investment in medical education, coupled with efforts to decommercialise the sector by curbing profiteering. This points to the vernacularisation of neoliberal-led reform strategies such that the state still plays a central and significant role in service delivery and input, but through a neoliberal policy direction.

In Nepal, the focus on medical education reform grew out of concerns to improve the overall access, equity, and quality of medical education and associated health services (i.e teaching hospitals), raised through the protest method of *satyagraha* (non-violent resistance) undertaken by one doctor from Nepal's oldest and most well-reputed government-run medical education institution, the Institute of Medicine (IoM). Consequently, an entirely new health professional policy was created, and then debated in parliament. The new policy was buttressed by a government report outlining recommendations for the sector. Recommendations included establishing a government-run medical school in every province in Nepal, reducing the cap on fees and seats, increasing scholarship positions in all medical schools, and instituting a ten-year moratorium on opening any new medical schools (both public and private) in the Kathmandu Valley, where majority are located. These recommendations align with the health related SDG, universal coverage goals, and for building human resources for health (Evans et al., 2016; WHO, 2010).

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[81] I thank Emeritus Professor Colin MacDougall from Flinders University College of Public Health for raising this point.

In the first instance, resistance to the dominance of private medical education in Nepal led to the doctor's *satyagraha* campaign, which stimulated reforms that sought to put the state back in a central role in terms of regulation and service delivery. Then, in response to those state-led reforms, resistance came from the private sector because those with investments in private medical education schools in the Kathmandu Valley would be negatively affected by the new restrictions on their commercial practices. Private sector actors also noted a lack of incentive to establish and operate institutions in rural and remotes areas (e.g. higher start-up costs and lower rates of return). Yet at the same time, and like the basic and secondary education chapter, the moratorium will create a closed market monopoly for the remaining private medical schools, many of which are owned by or have investments of politicians and members of parliament who enjoy close relationships with government and political leaders. Restricting market access will, in this case, be rewarding for the remaining providers (Gellner & Adhikari, 2020: 199). Parliament was one of the arenas where interests were fought over and where the contents of the new policy and legislation were actively debated. Politicians and members of parliament who were known to have investments in private medical colleges had direct access to the legislative process to design the new policy, presenting a conflict of interest and highlighting how actors are using this arena to pursue their interests. The media is another significant arena in this case study because it is where much of the debate was published and communicated to the public, and because media reports constituted a prominent set of secondary sources for this case study.

After much debate and surrounded by controversy, the parliament passed the country's first ever National Health Professional Bill in early 2019. However, it was reportedly a watered-down version of the total sum of the agreements made between the government and the campaigning doctor, and the recommendations of the government report. The campaigning doctor, along with many lawmakers in the parliament, particularly from the opposition party who claimed they were not adequately consulted, were unsatisfied with its content (Sapkota, 2019; The Himalayan Times, 2019).

This chapter highlights instances of irregularities and politicisation in the medical education sector that collectively adversely impact upon the quality and access of health care in the country, both in terms of training health human resources and patients seeking treatment (i.e. through teaching hospitals). It also implicates a vast range of actors, including health sector representatives, high-level politicians, bureaucrats, and government authorities in the process (Gellner & Adhikari, 2020). In documenting some of the key issues arising in the sector and some responses from key actors, this chapter also highlights dialogical processes, including specific language used to either support or discredit the reform agenda and the *satyagrahi* (person undertaking *satyagraha*), and to determine the content of new laws to govern the sector.

Unlike the other case studies, this chapter does not feature the policy work of international donors because there are no specific and stand-alone health professional education reform projects being implemented in Nepal by donors. There have been marginal efforts to address medical education in Nepal as part of building health human resources in larger reform programs supported by donors over the past few decades.[82] This chapter can, however, be informed by looking at what donors – namely the World Bank and the ADB – are doing in other countries in terms of specific stand-alone health professional education projects (mentioned in introduction chapter). Some of those reform items relate to some of the main concerns in this case study: most notably, the quality of medical education institutions, licensing, and regulatory aspects, including the creation of policy and legislation to govern the sub-sector. What this chapter then demonstrates is this ongoing tension and swinging between state-led and neoliberal-led reform directions. That is, neoliberalisation in Nepal brought privatisation of medical education, which was resisted, and now more of a state-led approach has been adopted, which is also being resisted. It is at these points of disjuncture and contestation that the vernacularisation of policy happens because actors seek to alter the reform direction in a way that they see most suitable.

The chapter is structured as follows: first it outlines the training of doctors in Nepal, in both public and private streams. Then it looks at the reform agenda for this case study and the protest method of *satyagraha* (non-violent resistance) that triggered it, offering some insights as why this may be a useful method in the context of Nepal. Next, the chapter outlines the main recommendations of the high-level government commission report before highlighting some examples of irregularities and political issues regarding private medical education institutions. These examples show forms of resistance and vernacularisation of reform components, including an attempt by investors of one privately owned medical college to convert their institution into an autonomous body with status and privileges on par with a public university. The final section then looks at some of the responses from concerned stakeholders, including both toward the reform agenda in general and to the campaigning doctor in particular, in which

[82] For example, in the Nepal Health Sector Programme (first 2004-2009 and second 2010-2015), the Nepal Health Sector Strategy (2003 and 2015-2020), and the National Health Policy (2014).

the tensions and points of disjuncture between state-led or neoliberal-led directions for reform are pronounced.

Training doctors in Nepal: public and private streams

Doctors in Nepal are trained through either public or private institutions. On the public side, the government-run Institute of Medicine (IoM) is the oldest and most reputable facility. The IoM was established in 1972 as one of the technical institutes of Tribhuvan University (TU). The IoM began running the MBBS program in 1978[83] (Dixit, 2009: 8). The IoM is located at the Tribhuvan University Teaching Hospital (TUTH), which was set up in 1983 with help from the Japanese government. The TUTH is the site of teaching and research activities of the IoM and provides health services to the general population. Prior the establishment of the IoM, most of Nepal's doctors were trained abroad (mainly in India and Bangladesh, but also the Middle East and in Eastern Europe) (World Bank, 1989a: 77). IoM graduates were the only doctors trained domestically until the early-1990s, at which point the Nepal Medical Council (NMC) allowed for the establishment of another government-run medical school, the B.P. Koirala Institute of Health Sciences (BPKIHS, est. 1993) (Huntington et al., 2012). Since then, three more government-run medial academies[84] have been established that provide a range of medical, dental, and nursing courses: National Academy of Medical Sciences (NAMS, est. 2002), Patan Academy of Health Sciences (PAHS, est. 2009), and Karnali Academy of Health Sciences (KAHS, est. 2007 but started operating 2011). Each of the government-run medical academies have their own teaching hospitals and one constituent campus (NAMS now has two), but no private or community affiliated campuses (UGC, 2020). They obtain their funding through the Ministry of Health and Population and so are outside of the jurisdiction of the Ministry of Education. They can grant degrees but cannot provide affiliation to colleges, only TU (through the IoM) and Kathmandu University (KU) are authorised to provide affiliations for colleges to run MBBS programs, and those colleges must then be registered with the NMC to operate. Of all the institutions offering MBBS program, the vast majority are in the private sector.[85]

Since the allowance of private institutions from the 1990s onwards, private medical education colleges operating though affiliation have proliferated in Nepal, simultaneously prompting a preference for private sector education and practice (Huntington et al., 2012). This is reflected

[83] This was the same year as the international 1978 Alma Ata Declaration which identified primary health care and community participation as key to the attainment of global public health improvements.
[84] Government-run medical academies have the same status as universities.
[85] Of the total 26 institutions currently registered with the NMC (including the public medical academies), 18 are privately affiliated to run the MBBS program (10 with KU and 8 with TU). List available: <https://www.nmc.org.np/list-of-medical-and-dental-college>

at the global level, with research demonstrating a global trend towards proliferation and preference for private for-profit medical education (Duvivier et al., 2014; Rigby & Gururaja, 2017; Scheffer & Dal Poz, 2015; Shehnaz, 2011; Wong & Kadir, 2017). Research also shows, globally, a lack of placed and retained health staff, particularly doctors, as well as a lack of medical schools and training facilities in rural and remote areas (Grobler et al., 2009; Longombe, 2009; OECD, 2008b; WHO, 2006, 2010), which are issues also found in Nepal. For example, in 2016 only 56.6% of all public sanctioned general practitioner doctor posts in the country were filled (MoH, 2017: 7). While most doctors in Nepal work simultaneously in the public and private sectors, the majority of doctors demonstrate a preference to practice in the private sector where they can make additional income through their own private practices or hospitals (Butterworth et al., 2008: 203; MoHP, 2012: 24). A preference for private sector practice also perpetuates an urban bias, with the Kathmandu Valley having one doctor per 850 people while in rural areas there is approximately only one doctor per 150,000 people (Shankar, 2017: 1).

Many studies, including for Nepal, have suggested that selecting medical students from rural backgrounds, providing a range of incentives and supports (e.g. financial, career development opportunities), establishing medical schools in rural areas, and developing curriculum that is more focused on rural issues could help to place and retain motivated doctors in rural and underserved areas in low-income countries (Budhathoki et al., 2017; Butterworth et al., 2008; Grobler et al., 2009; Harris, Wales, et al., 2013; Hayes & Shakya, 2013; Henry et al., 2009; Huntington et al., 2012; Rai et al., 2001; Sapkota & Amatya, 2015; Shankar, 2010; Shankar & Thapa, 2012; Thistlethwaite et al., 2007; WHO, 2010; Zimmerman et al., 2012). The IoM initially did base student selection intake on those from a rural background and who already had some premedical experience (e.g. a community health worker), but it has since moved away from this selection criteria and now admits students based on an entrance exam and has shifted the curriculum to be more internationally standardized (Dixit & Sharma, 2002: 344-345; Huntington et al., 2012; Zimmerman et al., 2012: 2). These shifts reflect a global trend of gearing medical education towards export-oriented global health markets, consequently triggering growth of private medical education institutions in the process (Duvivier et al., 2014; Huntington et al., 2012; McPake et al., 2015; Walton-Roberts, 2015). In Nepal, 90% of Nepal's MBBS graduates come from private institutions (MoHP, 2010: 46).[86]

[86] Similarly, 89.9% of all Nepal's human resource for health come from private institutions (Harris, Wales, et al., 2013: 14).

Private affiliated medical colleges are largely unregulated in Nepal (MoHP, 2010: 46), which then raises questions of quality (Citrin et al., 2018). Quality concerns of private medical education institutions is an issue not unique to Nepal (Chaudhury & Hammer, 2004; Kumar, 2004; McPake et al., 2015; Shehnaz, 2011; World Bank, 2015a). Health sector experts in Nepal have expressed concerns about the lack of regulation that has accompanied such private sector growth, along with concerns about absorption, consumption, and utilisation of the doctors being produced from these institutions (Dixit & Sharma, 2002). Private medical colleges have also become lucrative sources of profit in Nepal and investors require the cooperation of several layers of high-level institutions and government bodies to establish and operate them. This includes institutions such as the IoM, universities for affiliations, the Ministry of Education, the NMC, and actors such as investors, regulators, and political parties. With billions of rupees worth of investments, some of which takes place prior affiliation is sought (i.e. acquisition of land), establishing a new private medical college can be very beneficial for those involved (Pandey, 2016).

A return on investment can be made relatively quickly too. In the private market, domestic Nepalese students pay anywhere between US$30,000–50,000 for an MBBS degree, while foreign students can pay up to US$60,000 (Citrin et al., 2018: 108; Huntington et al., 2012: 418; McPake et al., 2015: 13; Shankar & Thapa, 2010: 1049). Comparatively, the same degree in the public sector costs approximately US$2,400 (Huntington et al., 2012: 418; McPake et al., 2015: 13). While entry into the IoM requires the passing of a one-time exam, entry into private medical colleges depends on high test scores and secondary school marks, passing an interview, and an ability to pay (Dixit & Sharma, 2002: 344; Huntington et al., 2012: 418). There is increasing competition between private medical schools for students (Shankar & Thapa, 2010). This increases the push for more seats to be available for admissions, particularly for foreign students who pay more than domestic students (Pandey, 2016: para twenty). Full fee paying students also sustain an urban bias because not only are most medical education institutions in urban areas, and graduates tend to remain in urban areas to practice after graduation, but urban areas are also where most wealth is concentrated, allowing for more self-funded students and more fee paying private services to be supported in the first place (Harris, Wales, et al., 2013). Additionally, for many full-fee paying students, employment in the public sector afterwards (particularly in rural and remote areas) is insufficient to recover the cost of their investment (Shankar, 2011: 2). This in turn drives many students to immigrate overseas (e.g. United States) to recover the cost of their degree in total and in a much shorter time frame. This is further fueled by having only a small number of post-graduate seats available in Nepal for further studies and specialisation through a limited number of institutions (Huntington et al., 2012: 427), which feeds corruptive practices and unnecessarily higher fees to secure places (Lamichhane, 2010).

In a sector where the ability to pay also determines a place in a private medical school, reports indicate that "behind-the-scene 'donations' may also help to relax selection criteria or waive qualifying exams" (Citrin et al., 2018: 108; Sapkota, 2015). This problem was mentioned to me in some of my interviews, where ability to pay either under or even over the table should not take the place of merit-based admission (interview with Mathema Commission members, July 2016). In such an environment, Nepal's private medical education sector stands accused of being a "suspect doctor factory, churning out wealthy and well-connected doctors" (Citrin et al., 2018: 108). Admitting students based on affordability rather than merit also serves to ensure exclusivity and continuity of an unequal class and caste system of society. According to one former senior administrator of TU, this situation perpetuates classism. He lamented that "those who get the opportunity to be a doctor or an engineer are the persons from the creamy layer. They are the persons from the class, not the mass. Mass is down there" (interview, May 2016). Indeed, one study on the financial status of medical students at the IoM found that students from lower-income households and from ethnic minority backgrounds were underrepresented (Bhatt et al., 2007: 38).

Admitting students based on affordability rather than merit quickly becomes a doorway for corruption and malpractice in the sector. Concerns for the quality of private medical colleges leads to concerns about the quality of doctors they produce. For example, quality issues prompted 'Operation Quack,' launched in February 2016 as a formal investigation by the Central Investigation Bureau, in which dozens of doctors in Nepal were arrested and charged with possessing fake credentials (Gautam, 2016a). Additionally, recent pass numbers from the NMC licensing examinations of domestic Nepalese medical students showed a 35% clearance rate, indicating poor quality training from the medical education institutions, most of which are in the private sector (The Kathmandu Post, 2017a). This inevitably impacts on the health service delivery of the country.

Considering this context, it is perhaps unsurprising to see that some have taken issue with the pathway through which doctors in Nepal are accessing their qualifications and those who stand to benefit or be disadvantaged in the process. One such person, who is a medical doctor himself, has taken up this issue and embarked upon an agenda for reform of the medical education sector in Nepal. This is explored next.

Reform agenda

During my fieldwork in Kathmandu, the debates surrounding reforms in the medical education sector were in full swing. There was significant media coverage during this period about issues to do with the medical education sector, which were largely propelled by the actions of one man – Dr. Govinda K.C. (hereafter Dr. KC). Dr. KC began protesting and campaigning in 2010 about what he saw as irregularities and corruption in the medical education sector. At the time, Dr. KC was a senior orthopaedic surgeon and a professor of orthopaedics at the TUTH. By 2012 he called for major reforms to curb corruptive and collusive practices and the unregulated privatisation of medical education and called for overall improvements in access, quality, and equity for disadvantaged populations to participate in medical education and subsequently health care services in Nepal. Dr. KC's primary method of protest was fast-unto-death as part of a *satyagraha* campaign premised on non-violent civil disobedience, also known as passive resistance. *Satyagraha* is a Sanskrit word meaning firmness in pursuit of the truth (*satya* = truth and *agraha* = firmness). *Satyagraha* is a well-known term in Nepal and India as it is most widely associated with Mahatma Gandhi's method of non-violent resistance (Gandhi, 1951). This term is explored next.

Resistance method: *satyagraha*

In terms of applying *satyagraha* in the political sphere, it can take the form of civil disobedience and non-cooperation (which can include actions like strikes, boycotts, or refusal to pay taxes) against the government or regime and can be used to challenge the political status quo by confronting unjust laws and policies (Bondurant, 1965; Gandhi, 1951; Mayton, 2001). In this way, *satyagraha* can be considered more of an overt form of resistance as it directly seeks to challenge the state in an obvious and organised way. *Satyagraha* tries to resolve conflict through already established avenues and when this does not work then action is amped up through systematic group planning, campaigns, and public demonstrations. The premise of *satyagraha* is to try to change the mind and position of those you disagree with (your 'opponent') by placing yourself in a position of suffering in order to appeal to their better nature (Bondurant, 1965; Gandhi, 1951). Fasting-unto-death is a form of self-suffering and so can be included in a *satyagraha* campaign, but should only be used as a last resort, when absolutely all other options for redress have been exhausted and failed (Gandhi, 1951: 323, 314). This approach can be seen with the actions taken by Dr. KC, as the next section explains.

Following the principles of a *satyagraha* campaign, Dr. KC first began protesting what he saw as corruption in the medical education sector in March 2010. He, along with other students and staff at the TUTH, partook in a strike accusing then-IoM Dean of being involved in leaking the questions of a TU post-graduate medical studies entrance examination in exchange for a significant bribe (Pandey, 2016; Sharma, 2010; The Himalayan Times, 2010). The protesters, including Dr. KC, demanded that the Dean resign, the exam be cancelled, and an investigation be conducted into the matter, otherwise they would begin a collective fast-unto-death. The strike lasted nearly three weeks, during which time the TUTH was basically inaccessible to the public for general health services (The Kathmandu Post, 2016e). The government at the time eventually agreed to form a committee to investigate the incident. The committee's findings sufficiently implicated the Dean's office, but the Dean retained his position. This prompted more protests, including from Dr. KC, calling for the Dean's resignation and for the position of IoM Dean to be made on the basis of seniority rather than on political considerations (Pandey, 2016: para ten), indicating *bhāgbaṇḍā* for appointing key IoM positions. Two years after the issue was first protested and after several failed attempts to address the issue in different ways (including several months of sit-ins and boycotts, which follows the principles of a *satyagraha* movement), Dr. KC began his first solo fast-unto-death in July 2012 calling for major reforms in the sector (The Kathmandu Post, 2016e).

At the time of writing, Dr. KC had undertaken 19 fasts-unto-death (Table 3), indicating his commitment to this strategy. The frequency of the same method speaks to a 'politics of patience', i.e. a long-term political strategy built on cumulative victories (Appadurai, 2002). Moreover, one reason why a Nepali government may be influenced or persuaded by a *satyagraha* campaign, therefore making it a relevant choice for Dr. KC, is the historical influence and cultural significance of non-violent civil disobedience in the South Asian region as a way of fighting perceived injustices (popularised by Gandhi since around the time of Indian independence).

Prior to raising issues about the medical education sector Dr. KC was largely unknown, but media as an arena helped to increase awareness about him and his reform agenda. He became internationally renowned through his supporters' use of social media and online platforms to spread news about his campaign, including through Wikipedia, Facebook pages, Twitter hashtags, and multiple Change.org petitions. Through such media publications, supporters of Dr. KC have described him as a "crusader-doctor" (Neupane & Sapkota, 2016), an "anti-corruption crusader" (The Kathmandu Post, 2018b), "Nepal's Gandhian physician" (Dixit, 2016), someone that Nepal "cannot afford to lose" (Dahal, 2016a), an "icon of selflessness" and a "catalyst of change" whose devotion to the task of improving medical training and health care access has been “unmatched” (The Himalayan Times, 2018). Many editors of several major news outlets in Nepal publicly declared their support for Dr. KC in 2016 (My Republica, 2016a).

Table 3: Dr. KC's 19 rounds of fast-unto-death 2012-2020

Number	Dates	Year	Duration (days) and comments
1	July 5 – 8	2012	4
2	Aug 11 – 17	2012	6
3	Jan 11 – 24	2014	14
4	Feb 8 – 15	2014	8
5	Feb 20 – Mar 3	2015	12
6	Aug 24 – Sep 6	2015	14
7	Sep 19 – 29	2015	11
8*	July 10 – 25	2016	16
9*	Sep 26 – Oct 7	2016	12
10*	Nov 13 – Dec 4	2016	22
11	July 24 – Aug 15	2017	23 (postponed due to floods crisis in Nepal)
12	Sep 25 – Sep 27	2017	2 (postponed due to Dashain festival)
13	Oct 5 – Oct 18	2017	14
14	Jan 8 – Jan 14	2018	6
15	June 30 – July 26	2018	27 (in Jumla, Western region)
16	January 9 – Feb 1	2019	24 (in Ilam, Eastern region)
17	Nov 4 – 12	2019	9 (in Dadeldhura, Western region, suspended early)
18	June 2 – unknown	2020	- (in Darchula, Western region)
19	Sep 14 – Oct 10	2020	27 (in Jumla, Western region)

Sources: Various articles from listed news media sources in Table 1. *Undertaken while I was in Nepal during fieldwork.

Dr. KC supporters (at various times) have included public figures, politicians, political parties, celebrities, students, other health professionals, and civil society members. Kedar Bhakta Mathema, the leader of the Mathema Commission (discussed below), publicly pledged support to Dr. KC and legitimised his agenda through the Mathema Commission report. Gagan Thapa (Member of Parliament and Nepali Congress Party Central Working Committee member) actively supported Dr. KC and his agenda for reform, particularly when he was health minister (August 2016-May 2017), included lodging a proposal of public importance to the parliament demanding immediate attention to Dr. KC’s demands (Gautam & Rana, 2016; The Himalayan Times, 2016b). Many Nepalese celebrities (musicians, comedians, actors) publicly demonstrated their support for Dr. KC and his agenda at various points (My Republica, 2016b, 2018b; The Cinema Times, 2015; The Kathmandu Post, 2016f), while a 'Solidarity with Dr Govinda KC Alliance' group was also created, comprised of political identities, student unions, activists, and civil society. This Alliance became staunch supporters of Dr. KC and his agenda and filled the streets several times in demonstrations and rallies in Dr. KC's name. Dr. KC has also been supported by the Nepal Medical Association on various occasions (Adhikari, 2019; The Kathmandu Post, 2014b, 2018d), and by some of the resident doctors of the IoM's National Resident Doctors Association (The Himalayan Times, 2017), as well as the Government Doctors' Association of Nepal in the TUTH and the Kathmandu University Professors Association (The Himalayan Times, 2016c). With this scale of support, Dr. KC's *satyagraha* can be considered a highly visible, deliberate, and organised form of resistance to a global and dominant discourse.

The significance of the protest method *satyagraha* is important because it sets up one side of the resistance aspect in this chapter (the other side being the resistance to this resistance). The fasting doctor initially protested what he saw as corruption and unfettered privatisation in the medical education sector. In doing so, he used his agency to exercise resistance to a neoliberal-led development direction in more of an overt, counter-hegemony type of resistance. But also in a Foucauldian sense, by using how own body, agency, and subjectivity to enact multiple fast-unto-deaths (and therefore effectively putting himself in harm's way), the doctor's primary approach of hunger strikes can be considered as a counter-conduct, challenging neoliberal governmentality, as argued for the use of hunger strikes in other contexts (e.g. Conlon, 2013). Then because his protest was stimulating change in the sector proposing that the state have more influence and the private sector more restricted, then it was private sector actors who started to resist this change. These resistances played out through dialogical processes, exercised through arenas like the media and the parliament. This resistance dynamic, back and forth between neoliberal-led or state-led directions, also reveals a vernacularised dynamic in Dr. KC's own agenda items such that both directions are invoked to bring about change in the sector. For example, while his agenda can be considered anti-commercialisation and anti-privatisation, and therefore anti-neoliberal, he also called for policy decisions that typically come from the neoliberal policy suite – namely, decentralisation of medical education for greater state presence in service delivery, and greater institutional autonomy for the IoM to free it from political interference.

This resistance pattern reflects the continued swing and tensions between state-led or neoliberal-led reform directions, which Adams (1998) shows is not a new phenomenon in Nepal's health sector. Adams provides a rich ethnographic account of the ways in which doctors and other medical and health professionals, including bodies like the Nepal Medical

Association, have organised and participated in various strikes and movements in support of the democracy movement and to protest violations of human rights in the transition from the state-led *Panchayat* system to a neoliberalised democracy. Adams writes that by the early 1990s, many medical professionals, including doctors, became involved in politics and did so in the belief, and in line with their occupational mandate (e.g. Hippocratic Oath of doing no harm and alignment with the Alma Ata, the latter of which understood politics as a component of health), that, as scientists, they were obligated to tell the truth and that the truth was on their side. This positions Dr. KC's *satyagraha* well within this paradigm. Doctors in the late '80s and early '90s started rejecting notions of patronage and favouritism that had characterised the progression of their profession in the preceding decades and promoted strategies such as deregulation and privatisation to protect the profession from the kind of political interference that had marked the state-led *Panchayat* years (Adams, 1998: 77-81). This period also coincided with the introduction of the World Bank's SAPs and neoliberalisation of Nepal's economy, which also called for wider deregulation and private sector participation.

These shifts from state-led to neoliberal-led reform directions are still playing out, back and forth. Interestingly, it is now the very issues of privatisation and lack of regulation that have become the target of current medical education debates, and with it a shift back to more state-led approaches with greater state oversight and control being put forth as the solution. With this as the point of departure, the rest of this chapter now looks at the responses from the government, political parties, and those who have benefitted from the deregulated and privatised status quo so far (i.e. owners and investors of private medical colleges). The following section starts by looking at the formation of the high-level government commission that was tasked with reviewing and providing recommendations for medical (and health professional) education and training in Nepal. Although the sub-sector includes the training of other health workers (e.g. nurses, paramedics, midwives, dentists), I focus specifically on the training of doctors through MBBS.

Government response: the Mathema Commission

In November 2014, and after four fast-unto-deaths from Dr. KC, the Nepali Congress-led government set up a high-level task force to investigate all the issues that had been put into the spotlight by Dr. KC so far and to make recommendations for the sector. This task force was led by Professor Kedar Bhakta Mathema, a former VC of TU. Other members of the task force compromised healthcare and education specialists in the country. The task force colloquially became known as the 'Mathema Commission' and produced a report submitted to the government in June 2015. An English translation of the recommendations section of the Mathema Commission report was given to me by an interviewee. In the first part of this recommendations section, the importance of state-run medical education was emphasised on the basis that medical (and other health professional) education directly impacts on the life and death of the people of Nepal and therefore such a serious issue cannot be left unattended to the unmonitored free market. Or in the words of Mathema himself from a newspaper interview, “We feel that the state should be in the driving seat, not the private sector, when it comes to medical education since it has a direct connection with the health of the people” (Ghimire & Pandey, 2018: para sixteen).

Those involved in the Mathema Commission task force acknowledged that private medical education had contributed positively to an increase of doctors produced in Nepal and had helped to spread access and benefits of medical education throughout the country. But they were also concerned that these benefits have largely been felt only in urban areas, specifically Kathmandu Valley, where most medical education facilities are located. This has led to increased competition among private institutions (medical schools and teaching hospitals) in the Kathmandu Valley for both students and patients. They were also concerned that the privatisation of medical education has gone beyond the regulatory control of the government and that not enough attention has been paid to production and surplus versus placement, absorption, and retention of heath human resources (interview with Mathema Commission members, July 2016 and March 2017). As one Mathema Commission member put it, the careful planning, calculation, and forecasting of human resource needs “did not happen in Nepal, and that’s where we missed the boat. … it became largely out of control of the government. And right now, even if we want to put in some type of regulation in place, they [those with investments in private medical education] will foil it” (interview July 2016).

There were several important recommendations from the Mathema Commission report (Box 2), that reflect the demands of the fasting doctor. One was that the Dean of the IoM should be appointed based on seniority and merit. Dr. KC had been protesting the position being appointed based on political considerations (indicative of practices like *bhāgbaṇḍā*). Another key recommendation was that universities must stop granting affiliations to private or community medical colleges, especially when the colleges in question were ill-equipped, underprepared, and the affiliation was based largely on the return of financial benefits and kickbacks for those involved in the process. Another key recommendation was for an immediate ten-year moratorium on opening any new medical colleges (both public and private) in Kathmandu Valley, where the large bulk of the nation's medical colleges already existed.[87] Instead, the report recommended that every province in Nepal should have at least one government-run medical academy to better serve rural and disadvantaged areas and so that a wider range of people could access medical education and health services. Subsequently, a 'One State, One Medical College' program was announced in the 2016/17 budget (MoF, 2016: 23). These recommendations are in line with that of the global health human resource literature and the social accountability of medical education, mentioned earlier in the chapter.

Box 2: Mathema Commission report – some key recommendations regarding MBBS

- Form a new regulatory Commission for medical (and health professional) education;
- Create a Health Profession Education Policy;
- Selection of leadership to be based on professional expertise and seniority;[88]
- Cap fees: MBBS: NRs. 3.5 million (undergraduate), NRs. 4 million (masters). Fees can be collected and determined by individual institutions for foreign students, but intake of foreign students will be capped at 50% of total students;
- Cap seats: 100 for MBBS;
- 10-year moratorium on opening new medical colleges in Kathmandu Valley, including no issuance of Letters of Intent;
- Minimum one government-run medical college to be established in every province of Nepal.
- Limit the number of new affiliations given by one university (maximum 5 per university);
- Restrictions regarding geographical proximity of universities to new colleges proposed;
- Teaching hospitals must meet 300-bed minimum for medical college Letter of Intent and must be in operation for at least 3 years to qualify for affiliation;
- Affiliations can be revoked if colleges score less than 75% for two consecutive years for minimum of 50 seats;
- Common entrance examination for MBBS (both domestic and foreign students) to be conducted by new proposed Commission; 60% minimum pass rate required;
- 50% of total seats in public colleges shall be provided for full scholarships, based on merit list;
- Address conflict of interest issues by restricting participation of officials working in private institution being able to also work in related regulatory or public agencies;

[87] Similarly, the Malaysian government implemented a five-year moratorium (2011-2016) on the establishment of new medical schools in efforts to curb the projected over-production of doctors (Lim, 2008; Wong & Kadir, 2017).

[88] This would see movement away from a patrimonial system of bureaucratic recruitment, based on patronage and personal ties, and more toward meritocratic recruitment, which is more in line with a Weberian ideal type bureaucracy (Dasandi & Esteve, 2017; Grindle, 2012).

- Restructuring of the NMC to remove accreditation responsibilities;[89]

Source: Author's own compilation derived from English translation of Chapter 7: Recommendations of 2015 Mathema Commission report.

In an interview with The Kathmandu Post, Mathema himself said that the report fundamentally addresses two key areas of medical education – quality and access, because "everyone, regardless of their financial background and place of residence, should have access to medical education" (Ghimire & Pandey, 2018). These are core aspects of Dr. KC's campaign. This agenda significantly ruffled the feathers of those who were benefiting from the status quo, such as high-level politicians, university authorities, and private sector business groups and individuals with investments in private medical education. One Mathema Commission member I spoke with said that the recommendations of the report, particularly regarding the caps on fees and seats for MBBS, was designed to stave rampant profiteering in the sector. He added that private sector stakeholders are not happy with these kinds of changes (e.g. caps on fees and seats, and streamlined admission through a compulsory single-entry exam) because in the current context they can earn a lot of money, especially from foreign students who can be admitted regardless of qualifications, so long as they can pay (interview, March 2017).

Conversely, private sector stakeholders understood the reforms to be an attack on their business ventures and as an example of the government retaining control rather than providing stewardship and facilitation of free market operations (The Himalayan Times, 2015). Notably, these are both areas of concern that were raised by private sector stakeholders in the primary and secondary education chapter too. According to one private medical education stakeholder I spoke with, if one chooses to think about the public, private, or cooperative sector in either a negative or positive way, then it will be so, implying that Dr. KC is making an active choice to vilify the private sector. In an air of frustration, he argued that stakeholders are now forced to reduce seats in their medical colleges only because of a decision made between the government and Dr. KC. He told me that he even approached Anup Sharma, Chief Justice of the Human Rights Council, about the proposed reforms and asked, "is this justified?! If I fulfil all the requirements and still have my seats reduced, is this fair?!" This interviewee thought that the reforms were an example of the government "controlling" when they should rather be "monitoring" (interview with private medical college association member, February 2017). These sentiments align with a neoliberal-led approach for development, which stands in

[89] According to one Mathema Commission member I spoke with, the accreditation duty has become a source of conflict of interest for the NMC. He opined that separating this aspect and handing it over to the proposed Health Professional Education Commission will be necessary to avoid further politicisation and corruption (interview, July 2016).

contrast to the views of the Commission report that wishes to see a stronger regulatory and service delivery role for the state and less commercialisation of medical education in the country. Government control versus letting the market operate freely are the two main sides of the dialogue around the larger tension explored in this thesis. These points of view are expressed through dialogical processes of the actors in the sector and thus reveal points of disconnect, conflicting interests, and opportunities for acts of resistance or transgression.

The next section provides some examples of irregularities in private medical education that serve to indicate some of the reasons why Dr. KC kept fasting. It shows how actors are pursuing their interests by vernacularising or resisting new reform recommendations. Indeed, these examples came after the Mathema Commission report, making their incongruency more pronounced. Two main arenas feature in the next section. First is the media, because this is the platform through which many of these issues were brought to the public light, and second is the parliament where negotiation and contestation of interests that ultimately shaped outcomes for the sector took place. It shows how actors in the cross over space between being public sector actors (parliamentary members) and private sector actors (investors in private medical education) exemplifies a conflict of interest in the creation of legislation and demonstrates actors pursuing their interests. As such, and like previous case studies, it highlights how neoliberal-led and state-led preferences for development are again amalgamated when it comes to the pursuit of actor interests.

Private medical colleges circumventing reforms: some cases

Some private medical colleges have been found operating poorly or in an illegal or irregular manner, and often in conjunction with other influential actors, which is part of why Dr. KC would keep fasting. The examples described in this section point to some ways in which actors involved have attempted to alter, adapt, or circumnavigate the new state-led reform directions in ways that makes sense to them and their interests. As such, these examples indicate versions of policy vernacularisation as well as transgressive practices understood through certain actions and decisions taken to produce desired outcomes.

For example, in July 2017 during Dr KC's eleventh fast-unto-death, Kathmandu National Medical College was given TU affiliation to run MBBS, as per a Supreme Court verdict from 2014. But this decision was revoked in September 2017 after a damaging report came out that exposed the college's failure to comply with operation criteria, including lack of facilities and human resources, particularly its teaching hospital. The college was reportedly linked to a CPN-UML mayoral candidate (The Kathmandu Post, 2017d).

After the Mathema Commission report and Dr. KC's fifth fast-unto-death in early 2015, the government agreed to cap fees and gradually reduce the number of seats in medical colleges to be capped at 100 for MBBS students over the next three years. However, the owners of Janaki Medical College (JMC) found themselves in significant trouble with the IoM for not having the correct infrastructure and facilities and for ignoring directives to not admit any more students. JMC owners earlier had support in 2014 from an interim order issued by Chief Justice Gopal Prasad Parajuli of the Patan Appellate Court at that time, which reportedly instructed the NMC not to cut JMC's MBBS seats (Setopati, 2018). Chief Justice Parajuli has reportedly used his position to bypass the recommendations of the NMC and give favourable rulings to private medical colleges (Setopati, 2018).

As part of the corrupt practices, JMC's teaching hospital was found hiring fake patients and staff for inspection times because they lacked sufficient ones themselves (Gautam, 2015c). The practice of using fake staff and patients is known as *khāde baba* and *lāde baba*, respectively, and is used by several medical colleges, not just JMC. In Nepal, the term *khāde baba* is "popular in medical fraternity for the presence of certain faculty in medical colleges only during the time of inspection to convince the authority of their compliance to rules" (Gautam, 2015e: para seven). This may be in the form of hired professors from India or creating fake student attendance sheets or can even extend to fake or non-existent services and infrastructure (Gautam, 2015d, 2017a). According to Nepali speakers, *khāde/lāde baba* means a hired imposter to stand or lay around, respectively. In the words of one senior TU administrator:

> During inspection times often what happens is *khāde baba* where people are brought in only for the day of the inspection to look like the college has enough staff. Then what also happens is *lāde baba* where they bring in people off the street to essentially act as patients to make it look like the hospitals are full, to lay in bed for the day. Once the inspection is over then all these people disappear.[90] (Interview, March 2017)

According to one Mathema Commission member, many private medical colleges do not have good teaching hospitals attached to them, nor do they have a desired number of patients with which to teach students. He says the hospitals might be making money but there are too few patients and too many students and that outside of Kathmandu Valley there is a shortage of medical education teachers. This interviewee expressed concern about the quality of such institutions and that a lack government investment in health profession education has led to dominance of private schools in the market, compromising quality (interview, March 2017). By

[90] This same issue was found in private medical colleges in India (Kumar, 2004).

engaging in practices like *khāde baba* and *lāde baba*, many colleges with inadequate staff and infrastructure end up passing inspections from the NMC when they probably should not have, and thus they continue to produce poorly trained doctors which can end up putting people's lives at risk.

Another case is that of the Manmohan Memorial Institute of Health Sciences (MMIHS). The MMIHS was founded in 2007 and is owned and run by the private, for-profit cooperative the Nepal Health Care Co-operative Limited (NEHCO), formed one year prior in 2006. As Dr. KC's fasts-unto-death were becoming more frequent and as some changes were starting to be implemented, private medical college investors started to respond in more creative ways and used the parliament as the arena to do this. For example, Dr. KC's eighth fast-unto-death was prompted in July 2016 after a new bill was submitted to parliament in December 2015. The 'Manmohan Adhikari Academy of Health Sciences Act-2015' bill sought to convert an existing privately-owned and cooperatively managed medical college, the MMIHS, which had thus far failed to secure an affiliation from either KU or TU, into an autonomous academy with similar power and status to that of a university. If successful, the bill would allow the MMIHS to run its own MBBS program rather than needing affiliation to do so. Commenters pointed out that,

> this was an ingenious way to bypass the existing regulatory framework, as well as all the agreements that the government had made in the past. It was also an unusual bill, drafted with the concerns of one private institution – and essentially 2600 of its shareholders – in mind. MMIHS would no longer need to seek an affiliation from Tribhuvan University; it would to be able to gift one to itself. (Pandey, 2016: para forty-six)

Many of NEHCO's approximately 2,600 shareholders were members of the CPN-UML, which was the ruling party at the time the bill was introduced. Both the Chair and Vice-Chair of the cooperative are prominent CPN-UML party leaders and are among the 25 Members of Parliament who had shares in MMIHS (Pandey, 2016). This bill highlighted the problematic nature of the political and business nexus in Nepal, which is what Dr. KC refers to when we talks of the "medical mafia" as being one of the biggest threats to medical education and public health (Pandey, 2016).

Dr. KC and other prominent civil society figures called for the bill to be withdrawn, arguing that it would set a very bad precedent for the country (The Kathmandu Post, 2016a, 2016c). Former VC of the PAHS, Dr. Arjun Karki, was critical of the new bill for setting a "perfect example of regulators running their own businesses" (Gautam, 2015b: para four). Implicating the need to divert away from neoliberal policy preferences, in a newspaper interview Dr. Karki said,

> production of health human resources needs to be guided by the needs of the health sector and not by profit-making businessmen. … if we let profit-driven organisations become stand-alone institutions of higher learning in our country, where corruption is rampant and law enforcement mechanisms weak, there is a risk of losing the very spirit of academic excellence and integrity, ultimately endangering the health and well-being of the public at large. […] Moreover, the parliamentarians have been elected by the people with the expectations that they will see the bigger picture of the nation and will do things that will be in the best interest of the public at large. But if they misuse their position or privilege to promote their petty interests and cause serious damage to our educational system, the Nepali people will not remain silent. (Humagain & Gautam, 2016: paras three and seven)

One result of Dr. KC's eighth fast-unto-death, which lasted just over two weeks in July 2016, was that the CPN-UML-led government agreed to acquire the MMIHS and convert it into a public teaching facility and give compensation to those who had already invested in the infrastructure. A later proposal added that the institute could be joined with the NAMS (one of the government-run medical academies which includes Bir Hospital). Initially the investors of the MMIHS were adamantly opposed to this proposal as it would mean they would not get to run their college for profit or in the name of their late revered leader Manmohan Adhikari.[91] Another proposal offered that the NAMS could incorporate the name of Manmohan Adhikari to appease the latter issue, but there was still opposition. Some Mathema Commission members agreed with the acquisition proposal, but Dr. KC was only partially satisfied with this new proposal because the infrastructure of the partially built MMIHS was already inside Kathmandu Valley, whereas he had campaigned for a ten-year moratorium on opening any new medical education institutions inside Kathmandu Valley, including government-run ones. Plus, the bill and subsequent acquisition proposal was still an example of private business interests circumventing democratic procedures for self-gain in the form of profit (Gautam, 2016d, 2017b). To assess the credibility of the acquisition proposal, a committee was formed to investigate and make recommendations. The committee's findings concluded that the acquisition should not go ahead, particularly as there were no known laws that could guide such a process. The committee argued that it would open the door to future acquisitions of private entities into state ones, thus setting a bad precedent, and that state acquisition of private institutions does not conform to free market economic policy (Gautam, 2016c).

Only a few days in to Dr. KC's ninth fast-unto-death, the government, this time under Maoist leader P.K. Dahal, withdrew the MMIHS bill from parliament late September 2016 (The

[91] Manmohan Adhikari was Prime Minister of Nepal (1994-1995) and a CPN-UML party leader.

Kathmandu Post, 2016d). Despite eventually successfully obtaining affiliation from TU to run other programs (e.g. nursing, public health, and pharmacy), at the time of writing the MMIHS had yet to receive affiliation to run MBBS courses because of the ongoing pressure from Dr KC's protests.

Due to the persistence and frequency of Dr. KC's use of fast-unto-death, many governments over several years have made several agreements with him in attempts to address his reform demands, many of which have since been endorsed in the Mathema Commission report. This has meant that each of the three major political parties (CPN-UML, Maoists, Nepali Congress Party) and several political leaders have had to manage the potential for the doctor's death under their watch (My Republica, 2018a), presenting a moral imposition. To end each fast, an agreement would be signed between Dr. KC and whoever was in government at the time. However, Dr. KC would start a new fast-unto-death each time the government failed to implement all agreed items, or a deadline passed with no results, or agreements were overtly breached. Contravening the agreement to halt all new affiliations was a regular occurrence. For example, in February 2015 Nepali Congress Party leader and then-Prime Minister Sushil Koirala, as Chancellor of TU, directed the Ministry of Education to begin granting affiliation to all medical colleges that had already secured a Letter of Intent (Ghimire & Gautam, 2015). In doing so, Koirala directly contradicted his own instructions from only a few months before when he agreed to halt the granting of any new affiliations.

Likewise, in late 2014 KU granted affiliation to two new private medical colleges, Birat Medical College and Devdaha Medical College, after significant pressure from lobbying (Pandey, 2016). Devdaha Medical College is reportedly run by people who have influential political ties and the pressure to grant affiliations to these medical colleges was so strong that it is said to be a contributing reason why founder and VC of KU, Suresh Raj Sharma, resigned in 2014 (Neupane & Sapkota, 2016). Birat and Devdaha Medical Colleges dodged the label of affiliation though by instead securing permission to run MBBS program through KU's newly established 'extension' program that took the colleges under the wing of the Kathmandu University School of Medical Sciences (essentially as constituent colleges) rather than providing explicit affiliation (Gautam & Ghimire, 2014).

Another example is the case of Jhapa-based B&C Medical College, Teaching Hospital and Research Centre. During Dr. KC's tenth fast-unto-death in late 2016, then-Prime Minister P.K. Dahal (leading an Maoist government in coalition with Nepali Congress Party and other smaller parties) was found to be involved in pushing for affiliation for B&C Medical College, which directly contravened past agreements (Gautam & Ghimire, 2016). The executive director of the B&C Medical College is "hospital tycoon" Durga Prasad Prasai, who is said to be highly influential to the newly formed Nepali Communist Party, which is jointly led by UML and Maoist leaders K.P. Oli and P.K. Dahal (Jayshi, 2018). This relationship was emphasised with the 'Red Rice' incident in 2018, where a photo went viral of Prasai hosting Oli and Dahal in his home for a dinner with special *marsi* variety red rice from remote Jumla (Nepali Times, 2018a). This dinner took place and served one of the most nutritious rice varieties in the country and from a very remote part of Nepal at the exact time that Dr. KC was in the middle of his fifteenth hunger strike in Jumla. According to commentators, the word *marsi* then became a synonym for 'sleazy' behaviour (Kumar, 2019b), prompting such cartoons in the media as the one below (Picture 7).

Picture 7: Mishra cartoon, July 2018

Doctor to P.K. Dahal and KP Oli: "The large intestine is clogged up with red rice. It will be hard to be responsible politicians." From Rabi Mishra in *Naya Patrika*, 21 July 2018.

Image and text source: Nepali Times (2018b).

It therefore comes as no surprise to hear reports of the Nepali Communist Party members being vocal in their attacks on Dr. KC's interference in the medical education sector because many of the party members have direct connections and investments in private sector medical education colleges (Jayshi, 2018).

Responses and criticisms to the reform agenda

Although Dr. KC's protest method and the medical education reform agenda were widely supported, they also engendered various criticisms and resistance responses. Some of these were evident in the examples in the section above regarding private medical colleges, but some is also evident in stakeholders from other areas too, including those within public sector institutions. Not everyone agreed and the perspective differed depended on the actors involved, their interests, or what aspects they took issue with. Based on my interview data, whilst not everyone who worked within public sector institutions agreed completely with the protest method and every agenda item, those who disagreed with these aspects tended to be more supportive of neoliberal-led development directions and the status quo.

Political parties and political leaders have supported Dr. KC at various times, but they did not necessarily address the fasting doctor's reform issues adequately when in power. For example, former Prime Minister and Maoist leader Baburam Bhattarai attended rallies in person and used social media and his new political party the Naya Shakti Party to convey his support for Dr. KC (Nepali Times, 2016; The Himalayan Times, 2016e). However, when he was Prime Minister and leader of the Maoist party during the first round of Dr. KC's fast-unto-death in 2012, he failed to address the doctor's demands at that time. Similarly, in 2018 and while in opposition, the Nepali Congress Party publicly pledged support for Dr. KC during his fifteenth fast-unto-death (Online Khabar, 2018). This included a visit to Dr. KC in hospital from the party President and former Prime Minister, Sher Bahadur Deuba, who said that his party "would always support him in his fight against corruption, social and the rights of the poor" (The Kathmandu Post, 2018a: para two). However, the Nepali Congress Party too failed to address many of the doctor's reform demands while they were in government several times. Indeed, one of Dr. KC's longest fast-unto-deaths took place under a Nepali Congress-led government (eleventh fast-unto-death in 2017). Therefore, some have criticised the Nepali Congress Party's timely joining of the pro-Dr. KC bandwagon as being fake and only for political benefits primarily because of being in opposition (Jayshi, 2018). This prompted media cartoons like the one below (Picture 8). Given the above context, it appears that political party leaders are more likely to pledge public support to Dr. KC and his agenda whilst in opposition, which would also help explain why many government agreements with the fasting doctor were broken or only partially fulfilled, because of agreements, interests, or negotiations with other stakeholders whilst in power.

Members of the Oli-led government publicly expressed discontent with the fasting doctor. Critics argue that this is because many of Oli's former (CPN-UML) and current (Nepali Communist Party) party members have significant investments in private hospitals and medical colleges and would stand to lose profits and further opportunities if Dr. KC's full agenda were to be implemented (Jayshi, 2018; The Kathmandu Post, 2018c).

Picture 8: Shrestha cartoon, July 2018

Placards: Fulfill Dr. KC's demands, I support Dr. KC, etc. Man: "I carry them because I am in the opposition. When I am in power my hands are not free to carry anything!" From Abin Shrestha in *Kantipur*, 23 July 2018

Image and text source: Nepali Times (2018b)

By his critics Dr. KC has been labelled as 'mad' (interview with private medical college association representative, February 2017). Former Health Minister, Nepali Communist Party (formerly CPN-UML) member and Member of Parliament Bansidhar Mishra, who is also the Vice-Chairperson of a health sector cooperative with substantial investment in private medical education (discussed later), called Dr. KC a lunatic and accused the media of "making the mad doctor a hero" (The Kathmandu Post, 2014c: para three). Even the nation's anticorruption agency, the Commission for the Investigation of Abuse of Authority (CIAA), questioned Dr. KC's sanity at one point, calling him "a mentally ill person" (Nepali Times, 2016: para four) after Dr. KC demanded the resignation of the then-Commissioner of the CIAA Lokman Singh Karki following corruption allegations.[92] After widespread criticism, however, the CIAA retracted its statement (Gautam, 2016b). This is how the hashtag #IamPagal came about in relation to support for Dr. KC. *Pāgal* means mad, insane, or stupid in Nepali language.

There were people in high-level positions who disagreed with and questioned the rationality of Dr. KC's method of fast-unto-death but agreed with the reform agenda. For example, one Mathema Commission member I spoke with said, "well, people like KC is fighting, so to speak. I mean we were working together for a long time in terms of fixing the anomalies within the health profession education, but I don't agree with the way the guy has taken up the issue –

[92] Karki (as CIAA Chief 2013-2016) was found to be involved in pressuring and "micromanaging" the health ministry, the IoM, and the NMC to increase the number of seats for students at medical colleges operated by his friends and relatives. He reportedly used the anti-graft body to interfere with KU's post-graduate medical science examinations in 2016, presumably to secure more favourable outcomes for his relative's and associate's medical schools (Gautam, 2016b; Gyawali, 2016; Neupane & Sapkota, 2016; Sapkota, 2015). Dr. KC called for action to be taken against Karki. An investigation was launched and Karki was eventually removed from his post of Chief of the CIAA in 2017 (The Kathmandu Post, 2017c).

the format, the place, strike in the hospital, I'm against it" (interview, July 2016). But others did not agree with some of the doctor's major agenda items, for example those that would see the balance tipped toward a more state-led approach. One former World Bank education specialist I spoke with argued that while no one would oppose the need for equality in health care, curtailing the gravity away from a strong private sector for medical education and health service (i.e. more than three quarters of all enrolments for medical education, private hospitals, and patients are in the private sector) was not a thoroughly thought-out conclusion. This interviewee also pointed out that stagnating private sector growth through a moratorium would produce an interim monopoly of remaining private medical colleges. He further opined that to do what is proposed in the Mathema Commission report, there would need to be massive investment from the government to address the increasing needs in the public system. As he saw it, people who can currently afford to pay go to the private sector, and so they are not clogging up the public sector. But if less private options are available then much of this cohort will naturally drift towards public services, which will ultimately put pressure on an under resourced public sector (interview, November 2016). This position indicates a preference for the status quo and for neoliberal policies.

Criticism was also coming from within the IoM in relation to the findings and recommendations of the Mathema Commission report. One IoM official I spoke with disagreed with three main findings: that the quality of medical education in Nepal was low, that it is expensive, and that there are too many institutions. He also questioned why the government had not taken aim at the growth of private hospitals and only targeted private medical colleges and their teaching hospitals (interview, May 2016). This IoM official agreed that the distribution of medical education institutions to the periphery was a valid argument, especially because it will contribute to the overall development of those regions. But the rest he disagreed with, including the creation of a whole new regulatory authority, which he saw as an ineffective burden on the state. He opined that what is required is a whole and honest commitment from the state, from the authorities, and at the personal and institutional level too – "this is what we need more, rather than setting up a commission" (interview, May 2016).

Private medical college interest groups have expressed dissatisfaction with the policy making process, arguing that were largely left out. According to one interviewee, not being included will result in a disconnect between policy and implementation, which will ultimately reduce the quality of medical education provision. He told me that it will mean that implementing actors may then be unable (or unwilling) to implement the reforms, which can end up becoming a loophole for corruption (interview with private medical college association representative, February 2017). One Mathema Commission member told me that while no representative of the private sector was selected to form part of the government task force, there were several rounds of discussions and opportunities for written reports conducted with private sector representatives before the task force was selected. He argued that in the end, it boils down to the private sector not being happy with the recommendations of the report because their opportunities for profit will be reduced. They will still make profit but not in this 'free-for-all' fashion that has been happening up until now (interview, March 2017).

Some private medical education actors protested the reform agenda items being demanded by Dr. KC. Those who were members of parliament and members of ruling and major political parties used their positions to influence legislative processes in the parliament, as described in earlier sections. Others, such as those involved in organised private sector interest groups like the Association of Private Medical and Dental Colleges of Nepal (APMDCN), took to the media and the streets to argue their points. Sometimes, to counter a pro-Dr. KC rally, the APMDCN enacted their own public marches calling for their interests to be prioritised (The Himalayan Times, 2016d). In 2015, the APMDCN lobbied the Minister for Education (at the time headed by the Nepali Congress Party) to stall progression of the Health Professional Education Policy, citing the financial collapse of their medical colleges as the reason why the policy should not go ahead. They warned of street marches if the policy was implemented (Gautam, 2015a), which they ended up doing in July 2016 (The Himalayan Times, 2016d), providing a direct and overt counter-resistance to Dr. KC's agenda.

One private medical college association member I spoke with was adamant that the government cannot make such big reform decisions based on such a "foolish idea" as a hunger strike. He was concerned that those who are working honestly will suffer based entirely upon the actions of one man, Dr. KC. He said that he and his association members agreed that there should be transparency of fees and merit-based admission, but do not agree to government control over fees. He opined that nothing is free in this world, that somebody has to pay, and that somebody will be either the user, government, or industry, but that ultimately no one wants to "pay from his own pocket." After all, he was "not open for charity," as he put it. He added that the APMDCN initially supported some of the reform agenda items, such as institutional autonomy for the IoM because they too agreed with wanting to reduce political interference in their operations (indicating practices like *bhāgbaṇḍā*) and that the highly centralised authority of TU was burdensome (e.g. regarding affiliation processes) (interview private medical college association representative, February 2017). In this respect, the association agreed that decentralisation and institutional autonomy were positive reform agenda items, so long as it does not restrict private sector operations. But this is part of what is happening in this case, neoliberal policies are being sought to increase state presence and influence. This created what this interviewee termed as a type of “conceptual confusion” found in Nepal in which the high-level political elite were the ones to introduce neoliberal polices in the first place but then half of the bureaucrats, intellectual class, and politicians are still calling for socialism, where everything is run by the state. Such ‘conceptual confusion’ indicates both vernacularisation of policy and an ongoing tension between state-led and neoliberal-led directions for development.

Conclusion

This chapter has documented how decentralisation and regulatory and policy avenues have been pursued to achieve greater state presence and public investment in medical and health professional education in Nepal. In doing so, I have identified two threads of resistance. One is Dr. KC’s *satyagraha* campaign, which can be considered a ‘homegrown’ form of resistance to counter and challenge the neoliberal policy preferences that initially paved the way for privatised medical education. The other thread of resistance is actors’ responses to the *satyagraha* campaign and the subsequent reform agenda, precisely because it has produced an altered neoliberal policy landscape in which a decentralised and regulatory approach to medical education is being driven by state-led forms of development. While this may look like a win for public sector actors championing to boost the public sector, it will have a simultaneous effect of creating a ten-year closed market for the remaining private sector colleges in Kathmandu Valley through a proposed moratorium. While the remaining private medical colleges will have to conform to new restrictions, such as capped fees for students and reduced seats, they will still be the only ones allowed to take fees in the closed market.

As a new policy and bill was drafted for the sector, one of the main arenas where these contestations and negotiations took place was through the parliament (both for the MMIHS bill and the national-level health professional education bill). But there were other significant areas, such as the TUTH (where most of Dr. KC’s fasts-unto-death took place), in the media (where much of the secondary sources for this chapter were found), and on the street (support rallies for Dr. KC and counter demonstrations from the private sector). These spaces are all public arenas and feature as primary sites for dialogical processes that have shaped medical education debates at various times. The examples covered in this chapter point to a vernacularisation of neoliberal-led reform strategies such that the state is repositioned as both the central regulator and primary service deliverer. Those who position themselves on either side of this debate (more state-led or more neoliberal-led) see the other as inadequate in being able to bring about the much-needed health human resource needs for the country, emphasizing this ongoing tension between which direction is seen as better suited to bring about the improved quality and access of health services, of which medical education plays a big part.

Chapter 8: Conclusion

This thesis has examined the political and social dynamics surrounding neoliberal social policy reform in Nepal by analysing four case studies from three social policy areas in education, health, and water supply. I have done this through applying Long's actor-oriented development interface analytical framework, with a special focus on the vernacularisation of global development discourses. Long's framework provides a useful lens to understand some of the social interactions that are going on in Nepal through which neoliberal policies are being supported, resisted, and constantly negotiated. In looking at instances of vernacularised social policy and points of resistance and disjuncture, my analysis reveals a recognition of the discursivity of public policy processes and their impact (whether good or bad) on services delivery. I argue that the vernacularisation of global value packages into the local Nepalese context through social sector actors is the point at which tensions emerge between state-led versus neoliberal-led reform directions. The four case studies presented in this thesis exemplify some of these tensions and what issues and actors are influential in that process. What my thesis shows is that social policy reform in Nepal has been far from linear and seamless. It has been characterised by significant difference in terms of the degree and direction of neoliberal change and the politics at work in each of the case study areas. This aspect is particularly poignant considering Nepal's history of state-led development prior liberalisation, most notably in the centralised *Panchayat* system (1960-1990). The four case studies presented in this thesis show a pattern in relation to neoliberal policy directions in which two case studies show a resistance to more neoliberal-led directions and two show a resistance to more state-led directions.

The case studies I have presented in this thesis demonstrate that reform elements oscillate on a spectrum between neoliberal policy preferences that favour decentralisation, institutional autonomy, deregulation, forms of privatisation, a reduction in public spending, downsizing, or unbundling on one end, and state-led policy preferences that favour centralisation, greater regulation, curb on commercialisation and privatisation, greater public input, and nationalised versions of services on the other end. Each reform strategy claims to improve both access and quality of social services, yet each also triggers various resistance responses from concerned stakeholders. In the basic and secondary education and medical education case studies (covering the education and health sectors), reforms were introduced that garnered more centralised government control and oversight, including increasing the role, input, and size of the state in service provision, and curbing commercialisation and privatisation within these sectors in the process. This engendered resistance from private sector actors who have been benefitting from the status quo (largely unregulated growth of private, for-profit services), many of whom are members of parliament and/or who enjoy close ties with political and government leaders. Conversely but in a similar fashion, in the other two case studies of higher education and water supply, reforms were introduced to garner greater institutional autonomy and private sector participation, and less government input and interference. This engendered greater resistance from actors embedded in public sector institutions who did not want to see a change in the status quo (public institutions as sites for state or political opportunities).

While this pattern may appear logical in most cases, I argue that for the context of Nepal this pattern reflects an overall tension between state vis-à-vis market, public vis-à-vis private, apolitical and technical vis-à-vis political, capitalism vis-à-vis socialism/communism. These are all relations with which neoliberalism in Nepal continues to grapple or seeks to adapt and reveals points of tension in which Nepal continues to both "embrace and reject global influences" (Bista et al., 2019: 6). Moreover, this pattern and points of tension might seem predictable at first, but the intensity with which Nepal has oscillated between more state-led and more neoliberal-led development in the past (e.g. triggering major protests and public demands for political change in the form of both violent conflict and non-violent civil disobedience) and the fact that these tensions are still present and ongoing today, indicate that for countries in the post-conflict or fragile state situations, like Nepal, this pattern can be more frequent, pronounced, and complex. As such, I argue that a swing too far in either a neoliberal-led or state-led direction for development in Nepal is potentially detrimental to the political, economic, and social stability of the country, and endangers citizens' access to quality public social services and the social policy developments that would bring about such access.

Each sector case study presented in this thesis displays a spectrum/swinging continuum back and forth between more institutionally autonomous control on one end (neoliberal) and centralised control on the other (state). Other studies have highlighted a similar phenomenon. For example in local government reform in Turkey (Akilli & Akilli, 2014), health reform in Laos (Phommasack et al., 2005), and in countries emerging from socialist or communist backgrounds, such as education reform in Nepal (Peshal, 2013) and in Mongolia (Steiner-Khamsi & Stolpe, 2004). In the case of China, Hawkins (2006) describes a combination of 'walking on three legs' for education reform – centralisation, decentralisation, and recentralisation. These types of reform can represent a situation in which "decentralization can be recentralization in disguise" (Kessy & McCourt, 2010: 690). In discussing this phenomenon with regards to higher education reforms in Malaysia and Singapore (as two traditionally strong state-led countries that are also embracing neoliberal reforms), Mok (2010) describes this tendency as a ‘yoyo’ effect, where the yoyo oscillates between decentralisation and recentralisation, and deregulation and reregulation. With specific reference to university governance in Singapore, Mok points out that maintaining centralised control while simultaneously adopting neoliberal reforms can be conceptualised as ‘regulated deregulation’ and ‘centralised decentralisation’ (Mok, 2010). In many cases, ‘decentralised centralism’ takes place in which central governments continue to exercise decision-making authority and retain control over strategic policy areas, as in the case of education reform (Karlsen, 2000; Khanal, 2010; Tan & Ng, 2007; World Bank, 2008a). In a similar vein, Chu and So (2010) argue that China’s relationship and experience with neoliberalism should be viewed as ‘state neoliberalism’ because there is a continuing oscillation between state-led and market-led development. As key to understanding China’s capitalist development, Chu and So argue that ‘state neoliberalism’ is an apt term because it captures both the “centrality of the state and the contradictions and tensions inherent in the neoliberal practices” (Chu & So, 2010: 47).

Timsina (2016) points out that within higher education reforms in Nepal, there were centralised and decentralised campuses simultaneously existing alongside each other, with programs, staff, administrators, students and teachers all operating in either the ‘good,’ ‘strong,’ ‘new,’ way (i.e. decentralisation, private, post-conflict ‘New Nepal’) or stuck in the ‘bad’ ‘weak’ ‘old’ way (i.e. centralisation, public, ‘Old Nepal’) (Timsina, 2016: 263). This involved a shift in strategies of *āphno mānche* (one’s own people, relatives) prevalent during *Panchayat* years (a period characterised by influential bureaucrats and centralisation) in contrast to the *hamro mānche* (our people) of the post-1990 period (a period characterised by influential politicians and decentralisation) (Timsina, 2016: 268). My findings also align with this view, but with the added perspective that in some cases actors are seeking to steer back around to a centralised and more powerful state bureaucracy, and that this is often done by influential political leaders who continue to make use of strategies like *āphno mānche* and *bhāgbaṇḍā*, including non-merit appointments. In such a context,

> Political parties and leaders are able to monopolize political power because most agencies and institutions (the media, trade unions, professional associations, human rights groups, and civic organizations), which in democracies are supposed to wield countervailing power or hold political forces accountable, are either under the influence of the political parties or are weak. (Lawoti, 2007a: 12)

Lawoti (2007a) argues that ‘overcentralisation’ has been a problem for Nepal’s governance structures, even throughout and despite the democratic changes of 1990 and the macro fiscal and social liberalisation and reform that followed. In particular, Lawoti highlights the period

1990-2002 being a period of extreme centralisation or 'overcentralisation' reflecting a "continuation of past approaches to governance" (Lawoti, 2007a: 6), i.e. state-led during the *Panchayat* era, as being the root cause of conflict and governance crises in Nepal. Riaz and Basu (2007: 2) agree that "the tendency toward the centralization of power" has been an issue and was a contributing factor to the civil war and to Nepal's categorisation as a fragile state.

Despite having various decentralisation efforts have been put in place since the 1960s (even during the *Panchayat* years and then with the Local Self-Governance Act of 1999), in reality local government bodies within Nepal have had "very little fiscal, administrative, and political power and had very few responsibilities for delivering service" (Lawoti, 2007a: 7). Moreover, the parliament is not as influential as the cabinet, which retains most of the final say over legislation. Lawoti (2007a: 10-11) goes on to say that a

> major source of top political leaders' power is their actual or potential control of the powerful executive. This power does not consist of the ability of parties and their leaders to formulate effective policies or reach different parts of the country with their agendas, but rather their monopoly over governmental and formal power and their ability not to be held accountable by citizens and civil society.

Considering the varying versions of the phenomenon of swinging back and forth between state-led or neoliberal-led reform directions outlined above, including for Nepal, Cammack (2017) argues that instead of viewing state-led or developmental states as being in opposition to neoliberal states or market-led development, rather they should be understood as existing within and in relation to each other. Cammack says that today, "*all* states are equally exposed and subject to the rules of the world market and therefore, whether willing or not, under constant pressure to develop the forces and social relations of production" (Cammack, 2017: 124, original emphasis). These findings align with and contextualise my own interpretations of the case studies presented in this thesis and can be captured through the conceptual framework of vernacularisation of dominant discourses.

The case studies explored in this thesis evolve around tensions and accommodations of an overarching idea – to improve public services – effecting an expanding or contraction of neoliberal reform directions as the balance oscillates between those seeking more state-led or neoliberal-led solutions. The process begins with globally dominant discourses (e.g. neoliberalism) or internationally agreed-upon frameworks (e.g. the SDGs) that are then transmitted through donors (e.g. the World Bank, the ADB) into countries where they are debated and translated into something that closely resembles the original form, an altered or hybrid version, or are rejected. This is the process of vernacularisation, which is the point at which tensions are exposed, triggering debate and negotiation, resulting in accommodations through policy dialogues. This was a similar approach taken by Steiner-Khamsi and Stolpe (2004) who argued that decentralised education policies in Mongolia have been "locally reinterpreted or 'Mongolized'" and that through such a process, the "cultural legacies from the socialist past have clashed with the expectations of international donors" (Steiner-Khamsi & Stolpe, 2004: 29). This type of finding is evident in some of the case studies I have presented in this thesis, for example in the dysfunctional PPP arrangement for the Kathmandu Valley's water utility or the slow pace of institutional autonomy reforms for TU constituent campuses. In both these cases, slow uptake of neoliberal policies can be interpreted as resistance to donor reforms, indicating that Nepalese actors can exercise power and agency when vernacularising global and dominant discourses and that state-led elements may be imbued or retained in the process.

Others, such as Timsina (2016), have pointed out that state actors are not powerless within Nepal's higher education structures and that forms of resistance to donor reforms continue to play out, such as continued high percentage of block grants to state higher education institutions each year (e.g. TU) despite committing to downsizing policies. Timsina concludes that "global neo-liberal policy discourse turned the educational institutions into a battleground to secure their [donor and local actors'] ideological interests" revealing a complex situation whereby reduction of public presence in higher education is not necessarily supported by local actors (Timsina, 2016: 349). This aligns with my findings and indicates the forces of vernacularisation, where a global policy package is contested and resisted as it encounters local actors and their interests, rather than implemented unchallenged in its originally conceived form.

Similarly, in focusing on Nepal's rural water supply sector Hänninen (2014) argues that Nepalese state actors are not powerless in relation to donor influences and powers by identifying manoeuvring strategies enacted by state actors that slowed reforms. This included types of inaction or avoidance, such as a 'wait and see' approach/attitude, or a state of knowing or not knowing what donors are looking for or trying to do in relation to vague or changing priorities, or non-implementation and foot-dragging, as well as constant processes of negotiation. This positioning ensured that Nepalese government actors were not passive recipients of development aid, despite rural water supply policy-making in Nepal being donor-centred, but rather that the "aid relationship between Nepal and its donors is characterised by a state of permanent negotiation" (Hänninen, 2014: 235). Hänninen argued that this permanent state of negotiation ensured continuation of donor funding because strategies that purported or enacted the effect of 'weak governance capacity' stimulated an almost automatic response of more donor involvement and investment in recipient country governance issues. Likewise, Timsina (2016) argues that terms such as state weakness or fragility are employed within a neoliberal discourse to justify donor reforms that seek to replace allegedly 'weak' state actors with non-state actors in service provision, enacted through policies like decentralisation and institutional autonomy. While this dynamic may perpetuate a mutually dependent relationship between Nepal and donors, another important point Hänninen (2014: 240) emphasises is that this "aid relationship is [still] inherently asymmetric." What this relationship dynamic and state of 'permanent negotiation' also gives rise to though, is opportunities for vernacularisation of social policies as they play out over time. It also offers space for resistance to categorisations like weak or fragile through only partially or slowly implementing donor reforms that have been designed with a fragility lens in mind.

Comparing all four case studies presented in this thesis, it appears that the government of Nepal maintains no clear position regarding state-led or neoliberal development philosophy. This manifests in, and is driven by, tensions between and within political parties (e.g. Ayadi, 2018), and between government and donors. Even Nepal's 2015 Constitution indicates a simultaneous preference for both by stating that it will pursue capitalism alongside socialism as its overarching development strategy:

> The economic objective of the State shall be to achieve a sustainable economic development, while achieving rapid economic growth, by way of maximum mobilization of the available means and resources through participation and development of public, private and cooperatives, and to develop a socialism-oriented independent and prosperous economy while making the national economy independent, self-reliant and progressive in order to build an exploitation free society by abolishing economic inequality through equitable distribution of the gains. (GoN, 2015: 28, Part 4, Section 50(3))

As mentioned earlier, critics argue that the wording in documents like the new Constitution are sufficiently vague such that "political actors [can] interpret clauses of those documents per their individual interests" (Timalsina, 2017: 70). This allows for vernacularisation of the Constitution itself, which can have a diverse range of outcomes when it comes to constitutionally protected rights like access to education, health, and water supply services. This can even include a hijacking of meaning to suit a specific context and set of actors, as Selim (2018) found with the transitional justice process in Nepal.

Some interviewees in Nepal I spoke with argued that the government was engaging in deliberate and calculated duplicitous actions, such as the promotion of nationalist collective rhetoric alongside the pursuit of individual private gain. Examples include the creation of a sub-category and closed monopoly market for private sector actors within an overarching centralised control and nationalised reform agenda (e.g. the basic and secondary education and medical education case studies in this thesis). Similar findings about education decentralisation in Mongolia point to the Mongolian government engaging in opportunistic 'double talk' to accommodate two sets of stakeholders – locals (Mongolians) and international actors (donors). The authors concluded that the Mongolian government was not a passive receiver of development assistance but rather actively and creatively engaging with two different audiences (Steiner-Khamsi & Stolpe, 2004). These views speak to Timsina's (2016) and Hänninen's (2014) findings discussed above and are implicated in the findings of my own research. They also exemplify vernacularisation, particularly regarding those who are doing the vernacularising as having a "double consciousness" between local and global worlds (Merry, 2006: 42).

The overall original contribution of my thesis is a recognition and explanation of the patterns of social policy development in Nepal, evidenced by the four case studies. I have explained the logic of these patterns by using Long's actor-oriented and development interface framework to outline the actors involved, including individuals, groups (e.g. political parties), and institutions (e.g. donors), and the pursuit of their interests. My contribution to the field of development studies more specifically is that in terms of access, quality, and equity of public services, local actors can be just as influential as global ones at driving agendas that seek to limit or extend the growth of neoliberal elements within social sector reform processes. The case studies show that in Nepal, overlap between public and private sector stakeholders within the same arena creates confusion and conflicts of interest, but also opportunities for vernacularisation. It also demonstrates that a continued 'swinging of the pendulum' (Peshal, 2013) or the 'yoyo-ing' of reform directions (Mok, 2010) stands as a potential obstacle to development progresses. In post-conflict states and those that may be categorised as fragile, like Nepal, these swings may be more dramatic, with greater effect on development programs. Multilateral donor strategies, like that of the World Bank and the ADB, consistently sit within a neoliberal framework, and therefore somewhat at odds with state-led development strategies and sources of control. As this thesis has demonstrated, a swing too far in either direction may end up undermining development progress, including the delivery of quality public services.

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