

Alleviating Human Trafficking in Nepal: Searching for a Multi -
Dimensional Approach to State and Society Cooperation.

By
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A Thesis Submitted to
Saint Mary's University, Halifax, Nova Scotia
in Partial Fulfillment of the Requirements for
the Degree of Masters of Arts in
International Development Studies

August, 2011. Halifax, Nova Scotia

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Date: August 25, 2011



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Your file *Votre référence*
ISBN: 978-0-494-80941-9
Our file *Notre référence*
ISBN: 978-0-494-80941-9

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Alleviating Human Trafficking in Nepal: Searching for a Multi - Dimensional Approach to State and Society Cooperation

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Abstract

In an era where “partners” for development is a common buzzword among the development community, levels of interaction and coordination between stakeholders are measurements for evaluating the collaboration efforts of development partners. Several challenges can arise, however, in the process of coordination, which can have an adverse effect on short and long term solutions to a development problem. This thesis will address state and society partnerships with specific reference to the case of Nepal, a South Asian country undergoing political transition. Our case study will examine and assess levels of coordination and interaction between the Nepali government and NGOs in alleviating the problem of human trafficking in Nepal, and we will offer a number of recommendations for improved coordination amongst partners for working towards common development goal.

August 25, 2011

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Chapter 1

Introduction

I. Contextualizing relations between development actors

There are various agents of development accountable for addressing social development issues, which include but are not limited to multilateral and bilateral institutions, state institutions, law enforcement, judiciary, the private sector, and non-state actors (international non-governmental organizations (INGOs) and non-governmental organizations (NGOs) for example). The dynamics that drive the working relationship between these actors can range from openness to uncertainty, hostility and conflict. In an era where “partners” for development is a common buzzword among the development community, levels of interaction and coordination between stakeholders are measurements for evaluating collaboration efforts. If actors, such as the state and civil society organizations for example, seek to approach a development problem collaboratively, there are several challenges that may arise throughout interactions and coordination efforts. Intervention can become uncoordinated; there may be a lack of coordination among actors; roles can be reversed. There may be overlapping responsibilities and jurisdictions, conflicting agendas, differing priorities, differing levels of commitment, or deliberate non-participation by an actor or group of actors. Moreover, there could be outside factors that are causing political or economic instability which involve the immediate attention of the state or civil society organizations. As a result, the

disconnect among actors can have an adverse effect on short and long term solutions to a development problem.

The confusion that can arise between the state and civil society organizations as they seek to address a common development goal is intriguing and has sparked an interest in this topic. The focus of state and society relations will be applied to the case study of Nepal, a South Asian country undergoing political transition. The case study will examine levels of coordination and interaction between government and NGOs (one arm of society) in alleviating human trafficking, a common development goal among actors in Nepal.

II. Contextualizing gender, development and human trafficking

The international community has universally declared that gender equality is an ultimate goal to be achieved by 2015, as set out in goal # 3 of the Millennium Development Goals (MDGs), to promote gender equality and empower women (United Nations, 2010). Women across the globe are discriminated against and although differing in severity, inequality can exist at all levels, irrespective of wealth, class, caste, religion or ethnic background. Aligned with the target of addressing levels of gender inequality, Nepal had declared 2010 as the Year Against Gender Discrimination which launched a National Campaign on Violence Against Women. This may have been a premature goal, however, as human trafficking is occurring at alarming rates internally (from rural to urban centres) and externally (from Nepal to other countries).

Gender inequality has given way to a type of vulnerability among girls and women as potential victims of human trafficking. Many of these girls and women, residing in developing countries, do not have access to resources such as credit or land. Moreover, there have been increased levels of women migrating across borders, resulting in almost half of the international migrant population constituting women. This is due in part, to the rates in which women are traveling independently for purposes of employment, leading women to a more vulnerable position of being trafficked. Furthermore, globalized labour markets have given way to increased levels of human trafficking. As tools for facilitation, more sophisticated methods of transportation, lowered costs of travel and increased technologies have made trafficking more possible in an era where globalization has reached most parts of the world (Scarpa, 2008: 12-13).

III. International Protocols

The United Nations Protocol on Trafficking in Persons (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, defines human trafficking as the:

(a) transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or

services, slavery or practices similar to slavery, servitude or the removal of organs; (United Nations, 2000: 2).

Since the mid-nineteenth century, human trafficking has been in existence, yet it was not until the beginning of the 21st century that the issue “exploded into the public consciousness” (Kempadoo, 2005: vii). At present, political leaders have labelled it as “one of the three evils that haunts the globe” (Kempadoo, 2005: vii). The United Nations Protocol on Trafficking in Persons (2000) which was signed by 80 countries, officially recognized every type of human trafficking, sex trafficking included, as a “modern form of slavery and forced labour that relies on coercion, fraud or abduction in order to flourish” (Hennink, 2004: 3). Human trafficking is a billion dollar global industry, generating anywhere from US \$9.5 billion to US \$32 billion per year (Human Security Centre, 2005: 86). Statistics pertaining to trafficking are not clear for many reasons, including the illegality of the activity; however rough estimates suggest that between 700,000 and 2 million women are trafficked across international borders annually. Domestic trafficking would bring the total much higher to 4 million persons per year (United Nations Population Fund, 2010).

IV. Human Trafficking in Nepal

Asia is a hotspot in trafficking for purposes of sexual exploitation and forced labour, with women being sold on the market for the purposes of prostitution. Nepal has been marked as an “origin” for women beginning the journey of being trafficked for the

purposes of sexual exploitation, whether it is internally from the villages to urban centres, sold to brothels in India or elsewhere abroad. Nepal marked 2010 as the year against gender discrimination (Republica, 2010) yet estimates indicate that there are still over 12,000 women and children each year who are being trafficked for sexual work beyond the border of Nepal (Tsutsumi, Izutsu, Poudyal, Kato, Marui, 2008: 1842).

There are several actors within Nepal working towards alleviating human trafficking, including government ministries, law enforcement, judiciary, bilateral/multilateral organizations, international non-governmental organizations (INGOs) and non-governmental organizations (NGOs), but the extent of the coordination, cooperation and interaction between government and NGOs in particular, is unknown. The state (the government of Nepal) on one end of the spectrum has policies and mandates put in place countering human trafficking, connections with policing forces and they have the ability to enact laws. It is also responsible for governing a country, juggling many ministries and agendas and is currently faced with political instability. On the other end of the spectrum, society (NGOs as one sector of society) are working on the ground, spear-heading awareness campaigns on human trafficking, operating short-term housing for potential victims and victims of human trafficking and rehabilitating victims. Many of the organizations are anti-trafficking specific, and devote all resources towards the cause. Whether or not government and NGOs are interacting and coordinating efforts is not entirely clear. Exploring the roles of state and society, the way in which the state makes decisions, the effects of society on the state, and the ways in which both actors interact

with one another in the literature review will help to understand the roles and relations of actors in Nepal, setting the tone for an analysis and case study.

V. Methodology for collecting data

Fieldwork was carried out in Kathmandu, Nepal from January to February 2011 in an effort to determine the overall research question of what is the level of state and non-state interaction in alleviating a multi-dimensional common development problem of human trafficking in Nepal. Employing a qualitative case study, interviews were conducted with government ministries, NGOs and a professional association. The unit of analysis used throughout the research was the interaction between government and NGOs and the level of analysis was government ministries and NGOs. Content analysis was used to analyze government documents pertaining to human trafficking acts and policies and NGO documents were analyzed to review mandates, programs and alleviation efforts. Content analysis was also used to review and interpret transcripts of interviews with government ministers and NGO representatives. Field research was approved by the Saint Mary's University Ethics board.

VI. Structure of thesis

Chapter 2 will outline an analytical framework on state and society-led development, civil society, an interactive state and society approach, and state and society actors in a human trafficking context. Chapter 3 will explore the social, cultural and political landscape of Nepal, followed by causes of trafficking and data pertaining to trafficking in Nepal. The chapter continues with a current context of trafficking in Nepal,

including government and civil society anti-trafficking initiatives and an outline of fieldwork. The chapter will conclude with a description of methodology and fieldwork data. Chapter 4 includes a discussion and analysis of government and civil society initiatives and priorities, an analysis of fieldwork and concludes with lessons for development. Chapter 5 concludes with recommendations and conclusions.

VII. Argument

Based on the data generated by my research, I will be arguing that a lack of coordination and cooperation between government ministries and NGOs is undermining overall efforts in alleviating human trafficking in Nepal. A reversal of roles, a lack of government commitment and a national context of political instability have combined to prevent effective connections between government and NGOs to cooperatively address the problem of human trafficking.

Chapter 2

Literature Review

This chapter will outline the roles of the state and its decision-making abilities, a distinction between state and society led approaches, the roles of NGOs and an examination of the interactive approach for state and society. The terms “state” and “government” may be used interchangeably, understanding that the government (those governing) are a part of the state. The term “society” or “civil society” will be used to refer to the arena in which NGOs operate. Those operating within society may be referred to as “NGOs” or “social actors.” The works of Jonathan Fox (1992), Joel Migdal (2001), Joel Migdal, Atul Kohli and Vivienne Shue (1994), and Merilee Grindle and John Thomas (1991) will be used as a framework outlining state and society approaches to development. It was upon this framework that an analysis was drawn, as it structured a relevant model on which the case of Nepal could be based.

I. State-led development

Definition

According to Migdal et al. (1994), most definitions of the state are similar in that the defining features of the term include an “institutional character (as an organization or set of organizations), function setting (rule-making), and an option to use coercion (monopoly of the legitimate use of physical force” - Migdal, Kohli and Shue, 1994: 11). The state consists of an assembly of political, social, economic and coercive institutions that employ sovereign authority in a specific territory. Determining the actions of states involves a distinction between factions of state power: autonomy and capacity of state actors. State autonomy is “independent goal formation” by state leaders while state capacity is the ability of state leaders to use the state to influence the actions of society. The variation is important to distinguish as it demonstrates how the state determines the use of power as well as why the state and autonomy cannot be combined when assessing

the capacities and limitations of the state. The separation of the two suggests that the state can possess autonomy and set goals according to this status while lacking the capacity for implementation. Conversely, the state may hold a certain degree of capacity institutionally but does not hold enough autonomous power to exercise set goals (Fox, 1992: 11-12).

Decision-making

The role of the state in decision and policy-making can be quite complex. The options to solve public challenges are typically quite varied, and are not necessarily dictated by “events, interest group pressures or external agencies.” Moreover, the options for “policy elites - those formally charged with making authoritative decisions in government” (Grindle and Thomas, 1991: 19) - are not entirely constructed by the interests of particular social classes, civil society, international actors, environment, history or culture. These may determine “outer boundaries of choice” but policy and decision-makers generally have negotiating room and the ability to influence the “content, timing and sequence of reform initiatives.” The space for negotiating and influence has been referred to as a “policy space” which is assembled based on the capability of a regime and political leadership to not only introduce and pursue a reform without it leading to turmoil but without forgoing the initiative all together as well. Overseeing these challenges is a great responsibility, but the option of not addressing the problem is available to decision-makers as well (Grindle and Thomas, 1991: 2, 7).

State-Centered Approach

A state-centered approach views state goals and institutional abilities as potential for policy change rather than limits to change. There is trepidation over how the institutional structures of the state encourage or restrain infiltration of groups in society. Most distinct is the focus on attitudes and organizations that frame the goals and abilities of state actors (Fox, 1992: 17).

The state-centered approach sees the unification of two separate theories, “Weberian” and “neo-Marxism”. The Weberian approach focuses on the organizational power and interests of the state. The state is viewed in highest regard as an organization of society competing in a world with other organizations. State interests are largely established through “international geopolitical and economic conflict” (Fox, 1992: 17). The state-centered approach also stems from neo-Marxism where the institutional actors and structures emerged as an important focus. Fox points to the works of Claus Offe (1974) who analyzed the role of the state as an instrument to process “inputs from social forces” and with careful selection on what inputs will be a part of the policy process. This predisposition stems from the way in which the state is composed, not inevitably because of the orientation of state actors or because the state has been penetrated by social forces. Offe points to the “institutional self-interest” of agents of the state, who ultimately decide policy outcomes (Fox, 1992: 17-18).

State actors

State actors are “groups of officials whose actions push or pull in the same political direction.” There are some state agencies that are considered actors due to their politically homogenous nature. State organizations can consist of a broad range of pluralistic actors, and challenges can ensue with controlling agency, setting goals and determining plans of implementation. State actors are prompted by institutional and ideological goals and more generally, most state actors who possess power have similar interests in advancing state rule as a pre-requisite for furthering agendas (Fox, 1992: 29, 30).

The effects of the state on social organizations

Forms of protest and revolt can affect state action; however it is typically indirect. In order for issues to remain on the public agenda and fundamentally impact the creation and implementation of policy, a type of mass organization is necessary in order for social actors to continue mobilization. The challenge for social organizations is that while attempting to shape the state, the state winds up shaping these organizations instead. As social movements interact with the state in either a defiant or negotiable manner, they are ultimately impacted by the interaction, through state responses shaping the effectiveness of strategic decision-making (Fox, 1992: 26, 27).

II. Society-Led Development

Social influence and society centered approach

There are a variety of ways in which societal influence can shape state action. Theories of influence describe state action as the consequence of direct penetration from the exterior of the state apparatus. In this context, the state possesses very little autonomy against social forces. One theory in particular - a “pluralist approach” – sees the state remain a neutral ground for quarrelling groups in society (Fox, 1992: 14). The state acts as an arbitrator amidst contending interests and reacts against pressures that arise from different groups in society. Public policy is seen as a result of conflict, bargaining, and the formation of coalitions amidst a great number of societal groups that have been formed in order to guard or advance similar interests within the group. A political society is comprised of sizeable societal groups that contend and unite over the advancement of similar policy goals. The state is a part of the political space where societal groups compete and bargain with one another over the content of policy, but ideas for policy are primarily produced by society and is arranged based on the manner in which groups are structured according to certain interests and available resources (Grindle and Thomas, 1991: 22-23).

“Influence theories” focus on the penetration or intervention of actors within the process of policy-making. While this does address one way in which intervention can have an effect on state action, it does not mean that state action is only possible when being penetrated by outside forces. The state possesses independent and group economic and political interests as well as its own outlook on how to approach obstacles that may be presented from within and outside of the state. In contrast, “constraint theory” focuses on the more general, external restrictions in which the state functions, despite how it may formally

be operating. A “structural Marxist” view would argue that the actions of the state are limited by the capitalist system itself, rather than class actor persuasion. Within these constraints, a level of state autonomy from social forces is probable and required if the state wishes to act independently of specific interests while defending the prevailing social order (Fox, 1992: 14, 15).

Social actors

Surrounding the periphery of the state are social actors, “groups of people who identify common interests and share ideas about how to pursue them.” The term “social actors” allows for a more useful lens when analyzing internal dynamic of society. Social actors are a key part to distributive reform in society, as most reforms are a result of pressure from society and are implemented depending on societal response. In order to garner maximum effect on the state, social actors must act within a group. Collective action among social actors requires a “perception of shared interests or identities and the opportunity to act as a group.” This marking corresponds to the distinction between state autonomy and capacity. While social actors are independent from the state, it is possible that they do not possess the capability to engage in their goals or conversely, they may have a lesser degree of autonomy with power while engaging in particular interests (Fox, 1992: 23, 24). As social actors realize that a common identity has been formed and they desire the opportunity to participate in collective action, their bargaining power may increase. The potential for a social actor to interrupt or disrupt (withdraw “a resource on which others depend”) “political or economic stability” is considerable to its bargaining power (Fox, 1992: 25).

State vs. society centered approach

The distinction between state and society centered approaches lies with where ideas for change originate. Pro-reformists aligning with a society-centered approach to policy would focus on mobilizing the activities of interest groups or generating unions and coalitions of classes and interests in an attempt to sway government decision-making. A state-centered approach to policy, however, would see pro-reformists focusing on influencing the views of decision-makers about the aims and substance of policy and recognizing those government officials who would profit from new policies and garner their support (Grindle and Thomas, 1991: 20).

III. Civil society

The more finite term of civil society will be explored next, to help in understanding the different organs of society, definitions, roles and limitations of these groups in society.

Definition and overview

Civil society can be defined as “a set or system of self-organized intermediary groups that are relatively independent of both public authorities and private units of production, capable of deliberating about and taking collective actions in defence of their interests, do not seek to replace state agents and agree to act within pre-established rules of a ‘civil’ or legal nature” (Resnick, 1997: 99).

The level of civil society activity over the past decade has grown exponentially. With the help of globalization, an emphasis on good governance, telecommunications and economic amalgamation, civil society has evolved in terms of size, shape and ability to serve communities around the globe. One arm of civil society, non-governmental organizations, have had a broadened role that includes social service delivery and development program implementation (World Bank, 2010). It is this arm of civil society that the remainder of the thesis will focus on, as a group of intermediary organizations engaged in service delivery.

NGOs: Definition, Roles and Limitations

There is an array of definitions for NGOs in the development literature and within the development framework of international institutions. Some definitions are broader and others are narrower. More broadly defined, Hulme and Edwards define NGOs as “intermediary organizations engaged in funding or offering other forms of support to communities and other organizations that seek to promote development and grassroots organizations” (Hulme and Edwards, 1997: 21). A 1994 United Nations document also defined NGOs as a “non-profit entity whose members are citizens or associations of citizens of one or more countries and whose activities are determined by the collective will of its members in response to the needs of the members of one or more communities with which the NGO cooperates.” This type of definition could include nearly any type of group except for private businesses, terrorist or revolutionary groups, or political parties (Simmons, 1998: 83). A more vague definition allows space for interpretation, as the term “support” could encompass varying degrees of services for example.

A narrower definition of NGO is found within further World Bank literature, defining NGOs as “private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development” (Duke University Libraries, 2001). It is within this type of definition that the type of services that NGOs provide is specifically outlined. Generally, however, NGOs are self-governing (controls and manages own activities), non-profit in nature (may still generate a surplus), voluntary (some employees may be paid but there is some degree of voluntary participation within the organization) and institutionally separate from government (Canadian Council for International Cooperation, 1996).

Roles of NGOs

Desai and Potter (2002) put forth three roles that NGOs play in the international community, ranging from service delivery at the ground level to advocating for policies at the institutional level. This set of roles is not characteristic of every NGO operating in all countries, but rather a typical set of roles in which NGOs are engaged. First, NGOs deliver services to communities, as these organizations are considered flexible, innovative and key players in accessing the poor at the grassroots level. As service delivery agents, NGOs are providing services such as welfare, technical, legal and financial services. Much of this work is viewed as “filling in the gaps” of government that has only been able to partially deliver services to the community. Government often does not possess adequate financial resources to fund essential services nor do they

always possess the organizational expertise to be the most effective in service delivery. NGOs play an important role in providing those services to communities.

Secondly, NGOs have often been viewed as advocates for policy change, in order to address social injustices. NGOs aim at influencing societal attitudes, government policies and practices. NGOs act as a catalyst or play a “seeding role” by expounding the usefulness of an idea, exposing the idea, using persuasion techniques in an attempt to bring attention to the issue for government and budget officials and finally promoting and encouraging the implementation of the ideas on others.

Thirdly, NGOs play a role in “democratizing development,” and strengthening civil society. NGOs are important actors in mobilizing individuals or groups of people in society to take action, resulting in an abundance of voices pressuring government on issues of societal concern. Active and vocal members of society contribute to the growth and overall, a more vigorous, functional civil society (Desai and Potter, 2002: 526, 527).

The Canadian Council for International Cooperation has outlined an additional role for NGOs as acting as development educators. This role involves engaging and presenting educational activities to the public, ideally aimed at creating more awareness among the public and a dedication and commitment towards addressing global issues. These issues may be concerning poverty, violence, war, underdevelopment, environmental degradation, social and political injustice which includes human rights violations. There are NGOs that operate solely in a developmental educational capacity, but for other organizations development education is usually only a minor part of a much

bigger program, conducting a variety of activities (CCIC, 1996).

The limitations of NGOs

The extent in which NGOs can operate at a full capacity depends on certain factors, many of which are outside the control of the NGO. These factors limit, and at times, restrict the capability of NGOs to participate or implement certain projects and programs. Funding is of great concern for many NGOs, because they are non-profit in nature. The World Bank approximates that in the early 1970s, roughly 1.5% of total income for development NGOs came from donors and by the mid 1990s, this had increased to roughly 30% (Hulme and Edwards, 1997: 6-7). From 1970 to 1999, aid to NGOs had increased from U.S. \$3.6 billion to U.S. \$12.4 billion annually, equating to 21.6% of total development assistance from members of the Organizations for Economic Co-operation and Development (OECD - Bebbington, Hickey and Mitlin, 2008: 93).

NGOs also have been criticized for their imbalance of services. Despite the capacity and the strength of NGOs to act as (social) service delivery agents, it is done so in a limited capacity. NGOs are not designed or intended to serve the entire population nor are NGOs intended to serve populations on a long-term basis. The inability to reach all levels of society sparks the debate over whether reaching some parts of the population is better than reaching none, and whether or not access to services becomes a privilege for those who happen to reside in the targeted areas versus what should be a basic human right. As service providers, NGOs may lack coordination, compatibility and efficient mechanisms of delivery. The durability of government funding for these services may

also be put in jeopardy, depending on budgets and the relationship NGOs have with the state.

The nature of the relationship between the state and NGOs

One of the larger debates which can affect many of the activities that civil society organizations carry out is the relationship that NGOs have with the state. Some literature surrounding NGOs rests on the assumption that in order for NGOs to be effective, they must remain independent of state, because they all have different organizational priorities. NGOs are non-profit in nature and place much emphasis on building relationships within communities and civil society.

A second assumption that exists surrounding the independent nature of NGOs is that their autonomy is secured and cared for most effectively by the avoidance of connections with institutions linked to the state and market. NGOs may fear these institutions because if the relationship was to get too close, NGOs could become another “arm of the state,” losing all control over their “non-bureaucratic management style” and would become totally and utterly dependent on the state. The fear of the market translates to a fear of exploitation, where profit-making priorities would dominate initial NGO intentions of community building (Sanyal, 1997: 22).

Social and political climates conducive to fostering a relationship between the state and NGOs

The capacity in which NGOs can bring about change and influence government is also dependent on the social and political context of the given country. Clark (1992) outlines three different environments in which NGO activity can be classified (although

not exclusively to these environments). In a political environment led by the military or a dictator for example, NGOs are likely to oppose activities by the state within the country. The extent to which NGOs will collaborate with government is limited, particularly if opposition parties or trade unions are banned within the country, then NGOs may take on the role of the opposition.

In single-party states, the government tolerates NGOs only as long as the NGO facilitates its own programs. The government may not trust NGOs and its independent structures, or the government may become suspicious about the actions of NGOs. A one-party state may already have a development approach which caters to the poor, yet NGOs still aid in filling the gaps if government has become “divorced from the grassroots.” NGOs must tread carefully because if they become too critical or begin to act in opposition, they may be cut off by the government. At the same time, if NGOs become too silent, it may become absorbed by the state party.

Liberal democracies are more complex, in that NGOs play a mixed role in collaborating with governments on specific projects and programs while challenging and opposing government in other realms. Overall, however, the community of NGOs tends to be bigger and stronger where there is a stable government. A secure government is more likely to be open to the idea of experimenting with alternative operational methods put forward by NGOs. Poor or repressive regimes are more likely to control or constrain NGO opportunity (Clark, 1992: 153, 154).

Critiques of NGOs

It is also important to recognize certain criticisms surrounding NGOs, particularly the way in which they can be perceived as merely a vehicle for a neoliberalist agenda. NGOs have been referred to as “trojan horses for global neoliberalism” or instruments for donors to use in order to advance their own interests rather than the interests of the poor. A concern stemming from the 1990s, NGOs were viewed as “masks” with specific agendas to instil certain policies and institutional frameworks supported by particular international financial institutions (Veltmeyer, 2005: 3, 4).

IV. An alternative approach: State and Society

State and society centered approaches to development contain both capacities and limitations. The state centred approach favours independent movement, beginning with “interests and actions of the state as an organization, emphasizing institutional goals, personnel, and structures.” Society centred approaches tend to focus on the limitations of state action. A strong state is said to be somewhat protected from interest group pressures and understood to be more united. Weaker states are thought to have been infiltrated by social forces, becoming ruptured and conflicted (Fox, 1992: 11, 13).

Alternatively, Jonathan Fox offers a “third approach” supplemented by Joel Migdal, involving a mutual interaction among actors both inside and outside of the state, which will be used in framing a more interrelated, reciprocal approach to development (Fox, 1992: 11). An interactive approach for state-society relations will be outlined,

which uses the strengths of state and society centered approaches while concurrently making efforts to counterweigh their limitations. Fox argues that state action is the product of a mutual cause and effect relationship involving a balance of power in the state and changes in the balance of power in society. The units of analysis within this third approach are the actors themselves, and relations between them.

In a state and society approach, Migdal views the state as part of society, with many features that are similar to social organizations. Representatives of the state are members of society at large. The state can be classified as a “sprawling organization” in society, mutually present with informal and formal social organizations. A differentiating feature of the state is its desire to overpower the other organizations, setting and creating rules, regulations and laws. The role of the other social organizations can be pronounced, especially on the capabilities of the state. A stronger set of social organizations can sway the priorities of state officials and their capability to execute laws and implement policies. Due to this influence, states may “purposely weaken their own state agencies that could apply and enforce rules, and that the state may purposely strengthen those who apply and enforce rules in contradiction to those of the state” (Migdal, 2001: 63, 64).

State and society are often interlinked, as the “formation of the state has created and activated society. If society is the outermost limits with which people identify, then it is the state that initially determines those limits or social boundaries.” This does not necessarily mean, however, that the state fabricates or forms all groups that constitute society. Rather, interactions between state and society are “mutually transforming” and the results of the convergences and divergences of the state and society are concrete and

considerable, but results do not necessarily reflect embedded goals and motivations. The “clash of social forces,” is reconciled through challenges and allowances in the many areas of society. The social scientist has the challenge of determining how the complexities of society alter “society’s disposition of resources, the nature of its stratification...and the content of its collective identities” (Migdal, Kohli and Shue, 1994: 23).

It is uncommon that one social force can accomplish its goals without obtaining allies, crafting coalitions and agreeing to accommodations. Coalitions and accommodation specifically may serve to accelerate the capability of a social force to obtain and alter goals (Migdal, 2001: 108). Moreover, arenas for states and social forces to meet have been ones where “conflict and complicity, opposition and coalition, corruption and co-optation have resolved the shape of countrywide social and political changes.” The arenas have established not only whether domination is incorporated or disbanded but the shape of domination as well (Migdal, 2001: 125).

The relationship between the state and society can be deemed “mutually empowering” while other interactions are a battle over agency, for the utmost autonomy in decision-making and determining initiatives (Migdal, Kohli and Shue, 1994: 25-26). Challenges or ruptures between state and society can have varied outcomes, ranging from four different scenarios. The first scenario is total transformation, where state infiltration leads to “destruction, co-optation, or subjugation of local social forces and to the state’s domination.”

Second, is the state incorporating existing social forces, where the state inserts new social organizations, resources, symbols to assert a new method of domination. Alterations and accommodations are also made forcefully by the state as they acclimatize to certain patterns and social forces in society. The alterations may impact the overall ability of the state, in terms of allocating resources, affirm legitimacy and realize integrated domination.

Third, is existing social forces' incorporation of the state. The components of the state prompts acclimatization by domineering social forces but no radical changes are made among the patterns of domination. Some cases will see modifications in the patterns of domination where social forces separate from the state will take leadership.

Fourth, the state fails at infiltrating, through lack of engagement in the local arena. This results in almost no transformation of state on society and little transformative potential of society on the state (Migdal, 2001: 126-128).

Most relationships between state and society fall into the category of the two middle types where rather than complete and utter transformation or disengagement, state and social forces have been engaged in a mutually transforming challenge. While state leaders may wish to be represented as separate from society, the state is seen as yet another organization within society (Migdal, 2001: 126-128).

In a World Bank Social Development Note, William Reuben, Co-Coordinator of Participation and Civic Engagement Team, outlined a similar set of possible interactions

between government and civil society. Governments may assume one of the following strategies when interacting with civil society, most of which are listed below:

- *Laissez-faire approach*: A passive approach that refrains from strong engagement with civil society but may enable the organization of citizens in independent civil society organizations.
- *Combination of conflictive and harmonic relationships*: A strategic approach in which government seeks to create factions among civil society by establishing alliances with some groups while confronting others.
- *Repression of all manifestations of citizens' organized interest*: An approach usually adopted by autocratic governments.
- *Cooptation approach*: Governments seek to coopt some or all interests in an attempt to control civil society through relationships of dependency.
- *Patronage Approach*: Similar to the cooptation approach. However, this approach usually divides citizens' interests along clientelistic lines.
- *Proactive engagement*: Governments seek to mobilize all or the majority of organized interests in order to build political consensus. This approach may create a climate of strong citizen engagement in public debate and action, however it can surpass the boundaries of independent and critical mobilization (Reuben, 2003, p. 2-3).

The majority of the time, governments will utilize a combination of these approaches, “creating or limiting in different ways and degrees their interaction with organized expressions of citizenry” (Reuben, 2003: 2-3).

Civil society organizations also have strategies in addressing the relationship with the state. The following four civic engagement strategies can be employed by civil society when interacting with government:

- *Confrontation strategy*: Civil society organizations view government as the main obstacle for achieving their objectives. This confrontation strategy usually gives way to social and political unrest and therefore to the narrowing of civic freedoms.
- *Parallel track strategy*: Civil society organizations decide not to engage with the government and instead establish a set of parallel services that they themselves deliver directly to their clients and constituencies. In these cases there is limited or in-existent engagement between CSOs (civil society organizations) and public institutions, and a competition for external resources and local influence usually characterizes the relationship between governments.
- *Selective collaboration*: A strategy that combines collaboration on specific fronts and a critical distance, or even confrontation, on others. This strategy usually leads to complex tensions within civil society and between CSOs and the government, though it also opens up dynamic spaces for negotiation and constructive engagement.

- *Full endorsement*: CSOs fully engage and endorse government objectives and policies. This situation characterizes the political and social climate in the aftermath of deep political and social crises and the emergence of national unit governments. These are usually situations of transition that, in time, shift to one of the previously mentioned strategies after a “grace period” or to conditions of enduring clientelist deals and patronage (Reuben, 2003: 3).

State and society interactive approaches

As state actors determine how to handle societal actors, their inclinations are determined in part by institutional environments. “Policy currents” is a term used to refer to “coalitions between state and social actors that develop strategies to deal with actual or potential challenges to political stability” (Fox: 1992: 36) and are considered to be political and ideological links that reach state and society and are not limited to national borders. Policy currents can also create “objective alliances” with other state and social actors, differing from an obvious coalition. An objective alliance includes groups that “act on the state in mutually reinforcing ways.” Through converging actions, the actors push the state towards a certain kind of reform, but they may not necessarily consider each other an ally. Moreover, it is possible that societal actors and state actors view one another as acting in opposition to one another, despite working towards similar policy objectives. On the short-term, groups will pressure one another however; each side has a

shared interest in the others' increased strength.

Collaboration

Collaboration as mentioned is one of the civic engagement strategies that can be used by civil society when interacting with government. This refers to collaboration over some issues and not others, or a “selective” collaboration as described above. NGOs for example, may wish to collaborate with government ministries on some matters over others and are more flexible on others. There has been a new concentration in the governance model of public service delivery with a focus on collaboration over competition among the public and private sectors. Collaboration can be defined as “the process by which organizations with a stake in a problem see a mutually determined solution [pursuing] objectives they could not achieve working alone” (Gazley and Brudney, 2007: 1188). Collaborations require voluntary, independent partisanship, where members preserve their decision-making abilities even though they have agreed to rules. Members have a revolutionary purpose or wish to enhance the capacity of a system by using shared resources. Within this definition, collaboration among local governments and non-profit organizations would not include contractual relationships, where power was not shared, amalgamation of formerly autonomous organizations, and commissions or committee that interact often but lack specific goals (Gazley and Brudney, 2007: 390-391).

Collaboration between parties is beneficial in that it addresses a shared issue more efficiently and it has a possible cost-saving and organizational learning opportunity. Additionally, within the non profit sector, collaboration can fabricate a greater sense of

community and ameliorate services and depending on the shape of an alliance between two parties, can endorse improved public accountability. This potential for greater accountability is achieved when government involves itself in a strategic alliance to obtain objectives and address certain expectations from the public (Gazley and Brudney, 2007: 392).

Taking into consideration the discussion above, the next section will explore state and society commitments to anti-trafficking initiatives on a global scale.

V. Government/Civil society: A human trafficking context

Many governments around the globe have agreed on a UN Protocol against trafficking in persons, which allows space for a working definition of human trafficking and a united foundation for criminalizing the trafficking of people, specifically women and children. There are 111 states that have ratified the Trafficking Protocol, pledging themselves to “incorporate its provisions in their domestic laws and to fully implement its measures” (United Nations Office on Drugs and Crime, 2007: 3). The protocol outlines measures in the prevention of trafficking, protecting victims and prosecuting criminals. The United Nations Global Initiative to Fight Human Trafficking includes some of the following goals:

- Improve law enforcement – strengthen information exchange between law enforcement agencies on international trafficking routes and traffickers’

profiles in order to dismantle criminal groups, leading to the conviction of traffickers

- Implement international commitments – ensure that international agreements are turned into national laws and practice by assisting countries in need and improving the monitoring of compliance
- Strengthen partnerships – build up regional and thematic networks involving civil society, inter-governmental organizations and the private sector.
- Create an informal contact group – to give like-minded member states ownership of the process and create long-term momentum (United Nations Office on Drugs and Crime, 2007: 4-5).

NGOs and the human trafficking agenda at the ground level

Scholars have aimed to unravel the relative absence of government, initiative and assistance for victims of human trafficking (Tzverkova, 2002: 60). In lieu of this presence, NGOs have assumed the role of dealing with the issue of human trafficking at local, national and international levels. This is being done across the globe, through methods of prevention, rescue and rehabilitation.

The landscape of NGO activity in the area of human trafficking was collected by the Change Anti-Trafficking Programme (ATP) through a U.K. based NGO CHANGE in 2001, which presented findings on the role NGOs play in working with the victims of human trafficking as well as some of the challenges they face along the way. NGOs are

in part, properly positioned to deal with human trafficking, as they are often viewed as the “conscience of government” (Tzverkova, 2002: 61), ambassadors of civil society and immediate replacements for government where needed. Moreover, by delivering social support services and having direct access to victims of trafficking (International La Strada Association, 2011), victims are more likely to trust NGOs over state-based organizations, as many of the women have arrived into a country illegally or have no documentation proving their identity. There are great fears among victims of trafficking of deportation, and any type of authority which may occur when dealing directly with state-based organizations. NGOs are more apt to have a gender sensitive environment and provide a greater realm of safety for victims. As a result, NGOs have taken the initiative to fight the issue of trafficking on all fronts - raising awareness, lobbying for change and offering services to victims. The types of support services offered include “social and psychological assistance, shelter provision, financial return and reintegration assistance, counselling, housing, vocational training, legal advice and documentation assistance” (Tzerkova, 2002: 61).

NGO limitations

There are, however, constraints and limits to what NGOs can do in addressing such an astronomical problem such as human trafficking. One of the more useful analyses on the role NGOs in combating human trafficking began with exploring the sustainability factor. Housing victims of trafficking for example can only be provided on the short term for many NGOs. Long term housing simply is not affordable for NGOs as there are not enough funds to support this. As a result, many women may be forced to leave

accommodation before they are emotionally and physically ready to reintegrate into society (Tzerkova, 2002: 62). Moreover, victims suffering from mental illness as a result of being trafficked require a particular kind of care, which may not necessarily be available or provided in some shelters (Tsutsumi, Izutsu et al, 2008: 1841)

The literature review above - having assessed the role of government, civil society and frameworks for interaction - sets the foundation for the case study to follow. The case study of Nepal and government/society interactive approaches in alleviating human trafficking in Nepal will be explored next.

Chapter 3

Fieldwork Data

The following chapter will explore the societal, cultural and political background of Nepal followed by an examination of the history, causal factors and extent of human trafficking in the country. This will lead into a description of methodology employed throughout fieldwork, an examination of government and civil society anti-trafficking initiatives in Nepal and the data collected while conducting field research in Nepal.

I. Background on Nepal: The Societal, Cultural and Political Landscape

Societal

Nepal is a South Asian, landlocked country in between China and India. With a population hovering above 29 million (World Bank, 2011), and 17.7% of the population living in urban centres (ADB, 2010), the country is growing into a popular tourist adventure destination, with ideal trekking in the Himalayas and a Shangri-La type atmosphere. The percentage of people living on less than \$1.25 per day is 55.1% (ADB, 2009) and Gross Domestic Product was US \$470 in 2010 (World Bank, 2010).

Gender based discrimination is a ubiquitous reality in Nepal's society today and can be considered a phenomenon that is institutionalized within the family, society and political arenas. It has been supported legally, and is connected to property ownership, ability to gain political power and social status. Women continue to be restricted to the domestic, private realm while men are identified with the public realm (United Nations Educational Scientific and Cultural Organizations, 2006: 51). Embedded in the culture of societies, deeply rooted beliefs can affect many realms of the lives of those living within

such societies (United Nations Educational Scientific and Cultural Organizations, 2006: 50).

Presently, many legal provisions in Nepal continue to discriminate against women. These discriminations are in the form of “rights in relation to nationality and citizenship, property, trafficking and sexual abuse, education, employment, health including reproductive rights, marriage and family and legal and court proceedings.” Nationality and citizenship, for example, as outlined in the constitution, grants citizenship rights through the male line only. Women are not able to transfer citizenship to their children or a spouse who is a foreign national. Moreover, women are identified by the names of their fathers or husbands rather than being named independently on any legal or court document. Such discriminatory, outdated laws have profound effects on women’s rights within their social, political and economic life (United Nations Educational Scientific and Cultural Organizations, 2006: 51-53).

Cultural

Estimates indicate that there is no average Nepali, with over 90 caste and ethnic nationalities residing within 150,000 square kilometres, using 71 different languages and dialects, and practicing Hinduism, Buddhism, Islam, Christianity among others (Thapa, 2005: 2). Hinduism is practiced by 80% of the population in Nepal, followed by Buddhism at 10.74%, Islam (4.19%), Kirant (3.59%) and Christianity (0.44%) correspondingly (UNESCO, 2006: 67). Within each caste lies a unique history, class divisions, hierarchies, patriarchies and relationship with state power (Thapa, 2005: 2).

Political and economic power in Nepal was united by intertwining it with the Hindu caste system. The Brahmans (priests) were positioned at the uppermost tier of the caste system, followed by the Kshatriya (kings and warriors), Vaishya (merchants) and the Sudra (labourers and peasants). At the bottom of the caste system are the “untouchables” or Dalits (UK Department for International Development, 2006: xvi). Caste-based discrimination is manifested through the identification of those who are “touchable” and those who are “untouchable.” The discriminatory practice, although stated as illegal in the New Civil Code of 1963, is a belief held by “touchable” non-Dalit castes that they, or their belongings, become polluted if touched by someone from a Dalit caste. The discrimination extends into the social sphere, where non-Dalits do not allow the “untouchables” into their home, and practice a “denial of entry, denial of services, denial of access to common resources, denial of kinship and/or social relationship, denial of participation, forced labour, dominance and social boycott” (United Nations Educational Scientific and Cultural Organizations, 2006: 18-19).

Political landscape

Prior to becoming a republic in 2008, Nepal had been ruled by the monarchy for much of its “modern history” (British Broadcasting Corporation, 2011). Throughout the Panchayat period in Nepal (1962-1990), the state tried to fabricate a cohesive nation. While under direct rule by a King, the Nepalese saw themselves less as subjects and more as citizens. A diverse set of languages, social groups and faiths, however, were considered a hindrance to the development of the country whereas forming a single, Nepali culture was

thought to be paramount to the building of a nation and preserving autonomy (UK Department for International Development, 2006: 6).

The Maoist insurgency sought to reject Nepal's constitutional monarchy and parliamentary system and waged a civil war in 1996 (Asia Development Bank, 2005: 8). The "people's war" began after the Nepalese government refused to abide by the demands of the Maoist Communist Party of Nepal (CPN) to eliminate the constitutional monarchy (Human Rights Watch World Report, 2003: 180). Maoists were demanding a people's republic and the creation of a constituent assembly to compose a new constitution (Toan Do and Iyer, 2007: 4) There were over 13,000 people killed (Toan Do and Iyer, 2007: 2) and the impacts of the war continues to reverberate in Nepal, as government struggles to determine how best to reintegrate former Maoist rebels.

Midway through the civil war, the royal family suffered a massive rupture in June 2001 when Crown Prince Dipendra allegedly killed King Birendra , Queen Aishwarya and seven other members of the royal family after an argument at the royal palace before turning the gun on himself (Thapa, 2005: 11, 15). This resulted in years of conspiracy theories and mass speculation on the chain of events leading up to the deaths. The brother of King Birendra, King Gyanendra, took over the reins as King (Toan Do and Iyer, 2007: 5).

King Gyandedra's rule came to an end in 2006 as Maoist rebels began talks with government on how best to end the civil war (British Broadcasting Corporation, 2011). That same year, Nepalis flooded the streets demanding that democracy be reinstated. The 19-day movement, also known as the Second People's Movement, resulted in the king being

dethroned and the coalition in power declared Nepal a secular state. Moreover, an interim constitution was formed and elections were held in 2008 to form a Constituent Assembly and undertake the new constitution. The Constituent Assembly eradicated the monarchy and pronounced Nepal a federal democratic republic (Hangen, 2010: 16).

One of the Constituent Assembly's tasks was to determine the reintegration process for the former Maoist rebels. The United Nations Mission in Nepal (UNMIN) was a political mission created by the United Nations Security Council in 2006 as requested by the Seven-Party Alliance Government and the Community Party of Nepal (Maoist). The mission was created to monitor the ceasefire agreements between the two parties and manage the arms and armed personnel of the Nepalese and Maoist armies. The parties were tasked with finalizing the reintegration and rehabilitation of thousands of former Maoist rebels, through either the Nepal Army, police or other areas. The Security Council decided to end the UNMIN mandate in September 2010, as the peace process had not made sufficient progress by the January 15, 2011 deadline (United Nations Security Council, 2011). The mandate disbanded and UNMIN departed Nepal. Maoist combatants are now under the Special Committee led by the Prime Minister and the duty of completing the mandate will depend on the government and the political parties. Two foreseeable challenges to the peace process will be the rehabilitation of the Maoist combatants and the completion of the constitution (Raj Acharya, 2011: 7).

Although Nepal has made a transition to democracy, much of the political order has been dominated by male Brahmins (Bahuns) and Kshatriyas (Thakuris and Chhetris)

stemming from the traditional and influential Hill Hindu group, originating from urban centres and well-educated Newars. The transition has not fulfilled the “promise of an inclusive polity,” and similar to other developments in Nepal, is in part due to the deeply rooted and entrenched caste and patriarchal norms within society. Consequently, politicians have not been able to represent the needs of all Nepalis (UK Department for International Development, 2006: 4).

Most recently, Nepal has struggled to maintain stability within the Prime Minister’s Office as diverging interests saw the last Prime Minister, Madhav Kumar Nepal, resign in June 2010. After 17 attempts, a new Prime Minister was eventually elected in February 2011. United-Marxist Leninist Chairman Jhala Nath Khanal was sworn in as Nepal’s 34th Prime Minister and was supported by the Maoist Party of Nepal (Dahal, 2011: 1). The current government, however, has been weakened and has faced much criticism for its inability to finalize the constitution by the May 28, 2011 deadline. As a result, there have been protests by pressure groups calling on the government to resign due to its inability to promulgate a new constitution. On May 28, 2011, the Constituent Assembly agreed to allow a three month extension on finalizing the constitution on the condition that the current Prime Minister would resign. Khanal resigned on August 14th and currently the political parties are attempting to form a consensus government while seeking another three to six month extension on the constitution.

The 1990 constitution identified Nepal as an inclusive state. The document described Nepal as “multi-ethnic, multi-lingual and democratic” and all citizens were described as

“equal irrespective of religion, race, gender, caste, tribe or ideology.” Communities maintained the right to protect and promote language and culture, educate children in native languages and practice their own beliefs. There were discrepancies within this document as Nepal is proclaimed to be a Hindu Kingdom, women are refused the right to forward citizenship on to their children and preserve “traditional practices,” which leaves much space for continual discrimination against gender and caste (UK Department for International Development, 2006: 7).

The May 28, 2011 deadline to promulgate the new constitution – and now the August 31, 2011 deadline - in Nepal brings much speculation, particularly over whether or not Nepal will adopt federalism into its constitution. Given the diverse ethnic and cultural identities in Nepal, it is an agenda that is desired by many. Federalism, while decentralizing power, is also an instrument of inclusion assuring “ethnic proportional representation” with the renaming of certain provinces according to the most common ethnic and regional groups. Only one of the three major political parties (the Maoists) fully supports the adoption of federalism while the United Marxist-Leninist Party (UML) and the Nepali Congress (NC) have shown less support. While both parties have come to terms with federal restructuring, this has only been done so for negotiating purposes only (International Crisis Group, 2011). Moving away from the option of becoming a federal state is not likely an option, as both the United Marxist-Leninist Party (UML) and the Nepali Congress (NC) have been faced with the challenge of preserving leaders from minority backgrounds. Regional and ethnic groups, who are already doubtful of the commitment among major party members, have threatened protests and an aggressive resistance if the change does come into effect. There are those

among the most influential caste groups, however, that are opposed to the change, particularly Brahmins and Chhetris who fear ethnic quotas would have negative impacts on their power in society (International Crisis Group, 2011).

The legitimacy of the new document carries is doubtful as well, as Nepal has had a history of promulgating constitutions every decade (one in 1947, 1959, 1963, 1981, 1999 and 2008). Nepal has also been characterized as “politically immature” and ripe with an “anti-democratic political culture” based on loyalties. Much of the party membership is fabricated through “personal loyalties” to leaders of parties. Thus, the political environment has been weakened and may not be a suitable setting for building a constitution (Raj Acharya, 2011: 7). Delaying the constitutional process even further or stalling the decision on federalism may be appealing to some, particularly those who are most resistant to change. Should this occur, however, Nepal could face heightened levels of revolt in the near future (International Crisis Group, 2011).

II. Causal factors of human trafficking in Nepal

History of Trafficking in Nepal

Trafficking in girls and women has been associated with Nepal’s feudal and patriarchal social structure. Forms of trafficking have changed, however, according to the socio-political setting in Nepal. Anecdotal data indicates trafficking in Nepal for the purposes of sexual exploitation was present before the Rana regime (1847-1951), as young girls from the Kathmandu Valley were recruited to Kathmandu Palaces. Used as housemaids, concubines, singers and dancers, these women were referred to as “nanis,” “rakhauti” and

“ketishaya.” The price of these women was dependent on physical features and once the girls arrived at the Rana Palace as a “nani” they became the private property of the buyer (National Human Rights Commission of Nepal, 2008: 5). As democracy rested on the fringes of Nepal in 1951, the Rana regime disbanded which resulted in some families leaving for India bringing their housemaids with them for sexual purposes. As the housemaids could no longer be employed for a period of time, many left or were sold into India urban centre brothels by the Ranas. Some of these women opened brothels and began recruiting girls from Nepal (National Human Rights Commission of Nepal, 2008: 6).

From 1960 to 1989, trafficking in women increased throughout the Panchayat period due to the continual feudalistic and patriarchal values, the de-valuing of the status of women and limited implementation of trafficking laws (National Human Rights Commission of Nepal, 2008: 7). Trafficking patterns began to shift, as women were transported across the border more gradually from rural areas and sold to India in the commercial sex industry. Moreover, from the 1980s to the 1990s, rural to urban migration was on the rise in Nepal and as carpet and leather industries expanded, girls and boys were being transported to urban centres to work. The conditions of employment were often exploitative and dangerous (Upadhyay, 2011: 6).

The Maoist-led People’s War between 1996 and 2006 brought large-scale displacement and many more girls and women became more susceptible to trafficking. This led to further trafficking into India and beyond, particularly the Gulf states (Upadhyay, 2011: 6). In 2002, the number of internally displaced persons was approximately 100,000 to

150,000 people and by 2005, the number had increased to approximately 180,000 to 231,000 people. Due to the armed conflict, trafficking was on the rise for those most vulnerable females leaving home in search of security and a better quality of life. This was occurring either from the urban centres or throughout the migration process (National Human Rights Commission of Nepal, 2008: 8). Table 1 below illustrates the changing dynamics of human trafficking between time periods, provided by the National Human Rights Commission of Nepal.

Table 1: Changing forms and types of trafficking vis-à-vis politico-economic situation

Period	Socio-economic Context	Survivors of Trafficking	Forms of trafficking or exploitation	Types of trafficking
During Rana Regime (1846-1950)	Feudal social Structure	Girls and women	Servitude, slavery and sexual exploitation	Internal
Post Rana period and Panchayat Regime (1960-1990)	Multi-party but feudal social structure	Girls and women who were servitude of Rana families	Sexual exploitation	Cross-border (India)
	Party-less political system, but feudal social structure	Girls and women from the surrounding hills of the Kathmandu valley	Sexual exploitation Circus performance	Cross-border (India)
Late 1980s-mid-1990s	Growth of carpet industry and other industries Increase in rural-urban migration	Girls and women	Labor and sexual Exploitation	Internal
		Boys	Labor exploitation	Internal & cross border (India)
		Girls and women	Sexual exploitation	Cross-border (India)
Mid-1990s - 2006	Internal armed conflict, displacement	Children Adolescent girls and Women	Labor and sexual Exploitation Sexual exploitation	Internal (dance, bars, beauty parlors) Cross-border

				(India and beyond)
2000>	Foreign labor Migration	Girls, women and Men	Labor and sexual exploitation	Cross-border (Middle East and other developed countries)

Source: National Human Rights Commission of Nepal, 2008: 6

Types of trafficking

The type of trafficking occurring in Nepal can be characterized in two different ways and are determined by the means of recruitment. John Frederick developed a distinction between the two types of trafficking. “Hard” or “coercive” trafficking involves children or women being “unwillingly and unknowingly abducted, drugged, duped or otherwise dragged to the brothels” whereas “soft” or “family-based” trafficking is when families send their relatives to earn a wage. This may arise as a method of supplying an income to the family household or in some cases or manage debt (Frederick, 1998: 3).

Conditions in Nepal that give rise to trafficking

According to Scarpa, The U.N. Secretary General in the 2002 Report on Traffic in Women and Girls stated that “the growth in trafficking reflects not just an increase in ‘push’ factors from countries of origin but also the strong ‘pull’ of unmet labour demands, particularly in the informal sector. There is a clear need to address those demand factors in countries of destination” (Scarpa, 2008: 12). These ‘push’ and ‘pull’ factors are connected to the economic law of supply and demand. Push factors include poverty, low levels of education and employment, lack of resources and opportunities in

countries of origin (Scarpa, 2008: 12-13). ‘Pull’ factors include employment and other economic opportunities.

There are several factors that lead to the trafficking of women in Nepal. Poverty and high levels of unemployment are the breeding grounds for vulnerable populations of women. The high levels of poverty and lack of employment opportunities allow traffickers to offer not only employment abroad but at higher wages and appealing work conditions. Such offers are attractive to individuals and families who may not have access to economic opportunities in rural areas. In addition to employment offers, women are lured by traffickers posing as potential husbands with the promise of marriage and better life in another country. Young women are often sold by family members (soft trafficking), whether it is by fathers, mothers or aunts, to potential suitors who promise to provide a better quality of life to these daughters (Deane, 2010: 495).

Many women in Nepal are forced to migrate in order to find economic opportunities and a higher standard of living for the family. While migration does not always equate to trafficking, it certainly heightens the vulnerability of women and children to be trafficked into several different types of exploitative employment, including sex work. As the movement of goods and people increases, so does the rate of people as it becomes less complicated to transport people across international borders (Deane, 2010: 498). Foreign labour employment is one of the main sources of income for Nepali people, supplying approximately 18-22% of Gross Domestic Product (GDP) to the country. As per the Foreign Employment Act 2064 of 2007, workers must depart from the international airport in Kathmandu. Over one million Nepalese are working abroad,

and another million are working abroad via India, yet some foreign labour migration has given way to trafficking, unsafe and exploitative working conditions. The primary sources for foreign labour migration are the Gulf States, East and South East Asia, Europe and Australia and North America. Aside from India, the Gulf region has become the main region for Nepali labour migrants (64% of total labour migrants) followed by 29% in the South East Asia Region (National Human Rights Commission of Nepal, 2008: xix, xx). Moreover, Nepal's economy is fuelled in part by high rates of remittances, equating to over U.S. \$1.5 billion annually (National Human Rights Commission of Nepal, 2008: 31).

Levels of gender discrimination, as outlined above, are also high in Nepal, set within a patriarchal society where women are often found in subordinate positions in reference to educational, economic and political opportunities as well as a lack of independence of personal decision-making. The low social and economic status of a woman in Nepal is directly linked to the trafficking of women (Deane, 2010: 495).

Geographically speaking, another condition leading to high rates of trafficking between Nepal and India, is the open border Nepal shares with India. The 1,740 mile-long open border between the two countries allows free movement between the two countries back and forth, with no way of tracking foreign employment through arrivals and departures like the international airport. The open border agreement created to foster trade and transit but has since facilitated a transport route for traffickers (Deane, 2010: 496).

III. Data on human trafficking in Nepal

The exact figures on the rates of human trafficking for the purposes of sexual exploitation in Nepal are difficult to retrieve in large part due to the illegal, clandestine nature of the activity. Trafficking cases are also kept a secret within communities due to the stigma attached to prostitution (National Human Rights Commission of Nepal, 2008: 12). In a 2001 report, the International Labour Organization estimated that roughly 12,000 Nepali children under 18 had been trafficked to India. A 2009 study conducted by an INGO, Terre des Hommes, estimated that 13,000 girls had been found working in cabin and dance restaurants had been trafficked and sexually exploited (Asia Foundation, 2010: 1). Another study amalgamated NGO statistics, estimated that up to 15,000 Nepali girls and women are trafficked to India each year, while 7,500 are trafficked domestically each year for commercial sexual exploitation (Himalayan, 2010).

There is more accurate data, however, on who is most vulnerable to trafficking. They are the women among the lowest caste of Nepal. While there are certainly women from upper castes being trafficked, the majority of victims are the “untouchables” with the least education and least economic and social resources. The National Human Rights Commission of Nepal provides a useful distinction of trafficking survivors by caste/ethnic group in the table below.

Table 2.7 Percent distribution of trafficking survivors by caste/ethnic groups in different survey reports.

Caste/ethnic groups of Victims	CWIN Balika (1994)	RA ILO/IPEC 2001	Print-Media reports 1994-2001, IIDS
Brahman/Chhetri	19.3	23.5	15.0
Janajati	53.4	45.9	22.4

Dalit	22.8	18.8	13.4
Madhesi communities	4.5	11.8	6.5
Caste/ethnic groups not stated	-	-	42.7
Total number	100.0 (88)	100.0 (85)	100.0 (321)

Source: National Human Rights Commission of Nepal: 18.

As demonstrated in the table, those most trafficked are among the Janjati and Dalit, considered among the lowest caste (National Human Rights Commission of Nepal, 2008: 18).

IV. Current Context: Government and civil society anti-trafficking initiatives

The following section will briefly outline the initiatives pertaining to trafficking alleviation efforts by the government ministries and NGOs that were interviewed.

Government initiatives

The Government of Nepal has adopted certain laws and acts pertaining to human trafficking. The interim 2007 constitution available in Nepali and English translation on the United Nations website, sets out a few prohibitions related to discrimination against gender, human rights and right against exploitation. Article 29 states that:

- (1) Every person shall have the right against exploitation.
- (3) No person shall be subjected to human trafficking, slavery or bonded labour.
- (4) No person shall be subject to forced labour (United Nations Development Programme Nepal, 2007: 76).

Furthermore, Article 13 Rights to Equality states that:

(1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws.

(2) There shall be no discrimination against any citizen in the application of general laws on grounds of religion, race, gender, caste, tribe, origin, language or ideological conviction (United Nations Development Programme Nepal, 2007: 64).

Finally, Article 20 on Rights of Women stipulates that:

(1) No woman shall be discriminated against in any way on the basis of gender

(3) No physical, mental or any other form of violence shall be inflicted to any woman, and such an act shall be punishable by law (United Nations Development Programme Nepal, 2007: 70).

One of the most pertinent human trafficking documents is the 2007 Human Trafficking and Transportation (Control) Act 2064 used in Nepal which was adopted by the government, outlining a legal framework to combat trafficking in persons.

Specifically, the Act mandates “police protection and assistance to victims and witnesses of trafficking, and offering incentives to encourage victims and witnesses to testify against traffickers” (Asia Foundation, 2010: 1). The Act outlines the defining terms of trafficking and provides a framework for many of the government responsibilities in addressing human trafficking, some of which include:

12. Act related to rescue: Nepal government shall manage for the rescue of any Nepali citizen sold in the foreign land.

13. Rehabilitation Center: (1) Nepal government shall establish necessary rehabilitations centers for physical and mental treatment , social rehabilitation and family reconciliation of the victim.

(2) Any organization can obtain permission as prescribed to establish and run rehabilitation center to address the objectives under Sub-section (1). Nepal government shall make regular and effective monitoring of that organization and rehabilitation center established by it.

(3) Nepal government may provide economic support as well as other assistance, as prescribed, to the center run under Sub-section (2).

(4) Center shall manage for the social rehabilitation and family reconciliation of the person stationed at the Center.

14. Rehabilitation Fund: (1) Nepal government shall establish a rehabilitation fund for operation of the rehabilitation center established under Sub-section (1) of Section 13.

(2) The fund established under the Sub-section (1) shall receive contributions as follows:

- (a) Funding received from Government of Nepal,
- (b) Funding received from national and international organizations, and individuals (Human Trafficking and Transportation (Control) Act 2064, 2007: 5-6).

The Act outlines the terms of punishment for committing an act of trafficking and compensation to the victim which includes:

15. Punishment: (1) Any person who commits an offence as prescribed under Section 3 shall be punished as follows:

- (a) Twenty years imprisonment and a fine of Two Hundred Thousand Rupees for selling or buying a human being,
- (b) Ten years to Five years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for forcing into prostitution, with or without financial benefit,
- (1) Ten years to Fifteen years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for taking a person out of the country.

Fifteen years to Twenty years imprisonment and a fine of One Hundred Thousand Rupees to Two Hundred Thousand

Rupees for taking a child out of the country (Human Trafficking and Transportation (Control) Act 2064, 2007: 6-7).

17. Compensation: (1) A court shall issue order to provide compensation to the victim which shall not be less than half of the fine levied as punishment to the offender (Human Trafficking and Transportation (Control) Act 2064, 2007: 6-7).

The Act also allows space for the government to create a “National Committee and necessary District Committees as prescribed to coordinate the activities of government bodies and non-governmental organizations working to rehabilitate victims and control the offence” (Human Trafficking and Transportation (Control) Act 2064, 2007: 10-11).

A second important document the country has adopted is The National Plan of Action against Trafficking in Children which was created in 1998 and later revised in 2001 to The National Plan of Action against Trafficking in Children and Women for Sexual and Labour Exploitation. The Plan recognizes the need for “clear government policies, commitment of the state machinery and an effective plan of action” as being of utmost importance in terms of eliminating trafficking in children and women (Government of Nepal Ministry of Women, Children and Social Welfare, 2001: 13).

The South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2000) is a convention to encourage cooperation between member States in order to effectively

address the elements of prevention, prohibition and alleviation of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and to prevent the involvement of children and women in international prostitution networks, specifically where countries of the SAARC region are the countries of origin, transit and destination (South Asian Association for Regional Cooperation, 2000: 2). Additionally, the convention strives to eradicate trafficking in its entirety and include punishment for those who “manage, maintain, provide or finance any facility used in trafficking.” State parties are expected to allow one another “broad mutual legal assistance in investigation, inquiries, trials or other proceedings” in relation to trafficking. Supplementary terms of the convention recognize trafficking as an extraditable offense, uphold victim confidentiality and rehabilitation services for victims (United Nations Development Fund for Women, 2002: 11).

Ministry of Women, Children and Social Welfare (MoWCSW)

The MoWCSW holds the human trafficking legislation in Nepal. The ministry was created in 1995 and is the primary ministry for “policy, planning, programming of overall development and coordination of all activities related to women, children and social welfare” (Government of Nepal, 2011). The Ministry developed 13 areas of focus for the national policy on trafficking, some of which include removing laws that discriminate against women, alleviating poverty and providing job opportunities to women in high-risk areas and the creation of rehabilitation homes alongside NGOs. Within this ministry is the Social Welfare Council, an independent body administered by

a separate Social Welfare Act regulating and monitoring NGO activity with much focus on trafficking in women and children for the purposes of sexual exploitation. The Ministry has created a National Level Coordination Committee and has created a District Level Task Force that is present in 26 trafficking districts where victims are most prone to being trafficked. The Ministry is in the process of updating Nepal's National Plan on Trafficking in Children and Women for Sexual and Labour Exploitation, which should be completed in the summer of 2011 (Government of Nepal Ministry of Women, Children and Social Welfare, 2011).

Ministry of Labour and Transport Management

The Ministry of Labour and Transport Management is responsible for foreign employment, labour, and transportation, and outlines a long term vision of ending unemployment and alleviating child labour (Government of Nepal Ministry of Labour and Transport Management, 2011). The 2007 Foreign Employment Act stipulates that by law, citizens must be 18 years of age to work abroad and that all departures for foreign employment must be done through the international airport.

7. Prohibition on sending minor for employment:

Any minor who has not completed eighteen years of age shall not be sent for foreign employment (Government of Nepal Ministry of Labour and Transport Management, 2007: 3)

2. Native airport to be used:

(1) While sending workers for foreign employment, the licensee shall so send them that they use native airport. (Government of Nepal Ministry of Labour and Transport Management, 2007: 8).

Civil Society initiatives (NGOs, Professional Association)

The following section will briefly describe the initiatives of the NGOs and professional association that were interviewed.

Four NGOs and one professional association were interviewed for the purposes of this research. The NGOs ranged in size and scope but all were involved in anti-trafficking work. The professional association that was interviewed was not involved in anti-trafficking work directly but provided a contextual background and a general overview of the political and cultural setting of Nepal.

NGOS

Maiti Nepal

Maiti Nepal was formed in 1993 with a special concentration in “preventing trafficking for forced prostitution, rescuing flesh trade victims and rehabilitation them.” Services provided to victims of human trafficking include non-formal education in areas such as health, laws, reading and writing. Income-generation skills are also provided as well at shelters for those women that require such assistance. Maiti Nepal engages in preventive programming, including educational awareness, advocacy campaigns in communities,

women's empowerment and safe migration networks. The organization operates three prevention homes with four to six month long residential trainings targeted at a maximum of 25 girls for one program. The organization also provides transit homes in border areas and coordinates interaction between government, social workers and NGOs. The NGO also rehabilitates victims of trafficking, through the provision of medical services and counselling, aiding victims with prosecution options and reintegration survivors back into the community (Maiti Nepal, 2008a). The organization is one of the biggest anti-trafficking NGOs operating in Kathmandu. The founder of the organization, Anuradha Koirala, was awarded the CNN Hero of the Year Award in 2010. As a result, the organization was awarded a \$100,000 grant to put towards organizational activity. In June 2011, CNN aired a documentary on "Nepal's Stolen Children" as part of the CNN Freedom Project on Ending Modern-Day Slavery. The documentary showcases the sex-trafficking trade in Nepal and follows Maiti Nepal's alleviation efforts around the country headed by Koirala. The exposure is likely to give Maiti Nepal a heightened presence in the national and international anti-trafficking arena of civil society organizations.

Forum for Women Law, and Development (FWLD)

The FWLD is a NGO created in 1995 for the "protection, promotion and enjoyment of women's human rights." In combating discrimination, the Forum "uses law as an instrument to ensure women's, children's and minority's rights." One of the most recent (and perhaps largest in its scope) civil society led anti-trafficking project was adopted in September 2010. The Asia Foundation (an INGO) was given a U.S. \$6.8 million grant by USAID to conduct a Combating Trafficking in Persons Program (CTIP).

The five year program will be implemented by the Asia Foundation and 11 local partners, one of which includes the FWLD. The program will concentrate on preventing trafficking, protecting victims and prosecuting traffickers in six trafficking districts in Nepal. The program intends to “strengthen coordination, collaboration, and technical skills across a diverse group of government and civil society stakeholders.” One of the overall intended results is an increased level of coordination capacity between the Ministry of Women, Children and Social Welfare (MWCSW) and the National Committee on Controlling Human Trafficking (NCCHT) – the government body authorized to coordinate anti-trafficking efforts in Nepal), “to be an effective policy and resource advocate on Trafficking in Persons within the Government of Nepal.” Partners were selected in part based on their relationships with government and other civil society organizations in the focus areas and flexibility amidst the changing socio-political status of the country (Asia Foundation, 2010: 1).

The overall Coordination Strategy created by this program includes coordination of anti-trafficking efforts and the mobilization of key stakeholders. Coordination efforts can be improved through developing the capacity of the NCCHT as the primary government body leading anti-trafficking initiatives led by the Ministry of Women, Children and Social Welfare. Despite administrative and structural constraints, the body could coordinate national anti-trafficking initiatives and conduct policy advocacy for improved implementation of the law and ameliorated support for trafficking victims. This can be achieved through the Asia Foundation’s intention of meeting with the Ministry of Women, Children and Social Welfare bi-monthly in the form of workshops. Developing

the capacity of the NCCHT is desired in order for the body to ideally adopt government-led anti-trafficking initiatives in the future for a more sustainable program (Asia Foundation, 2010: 3).

Mobilizing key stake-holders is necessary in order to establish the links and increase flow of information between government and civil society organizations. Conducting workshops with government officials and civil society organizations in six districts will, among other efforts, encourage the networking and coordination component (Asia Foundation, 2010: 3).

Shakti Samuha

Shakti Samuha is an anti-trafficking organization that was established in 1996 by trafficking victims with an emphasis on certifying the human rights of trafficking survivors and offering moral, economic, legal and medical support to victims. The organization conducts awareness campaigns primarily aimed at girls; advocates for policy reform, operates shelter homes, offers skill development and builds relationships with police and judiciary (Shakti Samuha, 2009: 1).

Serve Nepal

Serve Nepal is a Christian-based NGO in Kathmandu that is funded by the Servants Anonymous (SA) Foundation, a Canadian-based INGO. The long term objective of the organization is that “no person be enslaved by, or trapped in the sex trade” (Servants Anonymous, 2009a). The SA model for development is based on two tiers. The first tier

includes awareness-raising on sexual exploitation (risks and prevention), informal education in high-risk areas (life skills), income-generation options for women (providing start-up costs, training and continual assistance), border monitoring, in-house recovery (developing life skills and train for employment in the handicraft field while receiving an income). Tier two consists of intermediary housing and further skill development to aid in the reintegration process (Servants Anonymous, 2009b).

Professional Association

The Canadian Bar Association (CBA) is collaborating with the Nepal Bar Association (NBA) on a joint venture to increase the NBA's participation in the constitution-making process. The desired outcomes of the project are a "more informed, deliberative and inclusive constitution making process; a more inclusive and effective constitution with specific provisions relating to fundamental rights, including equality rights, and the administration of justice under a federal structure of government; and, an NBA that is increasingly knowledgeable and capable of supporting the new constitution" (Canadian Bar Association, 2011).

V. Fieldwork and methodology

Fieldwork was carried out in Kathmandu, Nepal from January to February 2011 in an effort to determine the overall research question on the level of state and non-state interaction in alleviating a multi-dimensional development problem of human trafficking in Nepal. The unit of analysis used throughout the research was the interaction between government and NGOs and the level of analysis was government ministries and civil

society (NGOs and a professional association). In order to address the overall research question, operational questions were posed to ascertain the following issues related to the overall research question: the roles of government and NGOs in human trafficking alleviation efforts, the type of relationship that exists between government and NGOs, alleviation coordination strategies and overall challenges to the improvement of the relationship between government and NGOs and alleviation efforts.

The following methods were employed in order to extract information pertaining to the key issues that would ultimately answer the overall research question.

Case study

Field research involved conducting a qualitative case study which allowed the systematic exploration and investigation into the extent in which government and NGOs were coordinating efforts to alleviate human trafficking. An advantage to using a case study is the ability to unravel the nature of a more complex phenomenon. Due to the sheer nature of a relationship and the intricate elements and dynamics that are part of and shape a relationship, conducting a case study allowed for gauging the complexity that would surround a relationship between government and civil society. This is due to the intricate factors that fabricate such a relationship, which can be completely dependent on the political, social and economic climate of a country. Even more multifaceted is the coordination level of actors between government and NGOs, where the dynamics of allies or adversaries could vary drastically. Ingredients within the relationship could range from hostility, avoidance, tolerance, reception, openness and alliance. Overall, the

case study depicted several elements within the relationship between government and NGOs (Berg, 2009: 318).

Interviews

Group and individual interviews were conducted with two government ministries, four NGOs and one professional association. All interviews were conducted in English, however in some instances there was Nepali translation among staff. One recently retired senior bureaucrat was interviewed from The Ministry of Women, Children and Social Welfare and two senior bureaucrats were interviewed from The Ministry of Labour and Transport Management. One staff member from the NGO Forum for Women, Law and Development was interviewed, two staff members from the NGO Serve Nepal were interviewed, three staff members from the NGO Shakti Samuha were interviewed and one staff member from the NGO Maiti Nepal was interviewed. One staff member from a professional association, The Nepal Bar Association was interviewed.

Standardized, open-ended interviews were used for government ministries and NGOs, where the wording and sequence of questions for participants was pre-determined. This meant that all participants were asked nearly the same set of questions in the same order, excluding the professional association who was asked a separate set of questions for context purposes. The flexible part of this style of interview was that questions were phrased in an open-ended fashion so that respondents could give as short or as long of an answer as they wished. Due to the fact that participants were answering the same questions as others, the ability to compare responses increased. This style of

interview also allowed for review, synthesis and the ability to analyze data in an organized manner (Mikkelsen, 2005: 171-172).

Due to the rigidity and configured nature of the structured and standardized group and individual interviews, however, alternative forms of interviews were required. To allow room for flexibility, semi-structured interviews were incorporated into the research, which while structured, allowed questions to be re-ordered during the interview and adjustments to the level of language (Berg, 2009: 105). Similarly to the aforementioned, the semi-standardized interview fit between the standardized and the unstandardized interview techniques. While questions remained predetermined, the respondents had the liberty to digress and perhaps reveal more that reaches beyond the scope of what was intended to uncover (Berg, 2009: 107). This brought new areas of information into the scope of research or, at minimum, provided points to consider while analyzing findings of the empirical material.

Content Analysis

Content analysis can be defined as “a careful, detailed, systematic examination and interpretation of a particular body of material in an effort to identify patterns, themes, biases and meanings” (Berg, 2009: 338). Usually, this is done through a variety of human communications including written documents, videotapes and audiotapes. For the purposes of this research, content analysis was used to analyze documentary evidence pertaining to human trafficking acts and policies and civil society documents on mandates, programs and alleviation efforts. Content analysis was also used to review and interpret transcripts of interviews with government ministers and civil society

representatives.

Ethical Considerations

This research abided by the principles of the Canadian Tri-Council Policy Statement of: the respect for human dignity; the respect for free and informed consent; respect for vulnerable persons; the respect for privacy and confidentiality; respect for justice and inclusiveness; minimizing harm and maximizing benefit.

Informed consent was mandatory in order for participants to take part in the study (see appendix). All participants were informed in this document that there was no obligation to participate and that they were free to withdraw from the interview at any point in time.

It is anticipated that the benefits outweighed the risks associated with this research, particularly among civil society organizations that are working in Nepal in part to create awareness on the issue of trafficking. Field research was only approved by the Saint Mary's University Research Ethics Board after a full review by the Board. The review proved to be one of the biggest challenges in the methodological process. The review involved a meeting between the researcher, the supervisor and 12 board members to determine whether the benefits outweighed the risks associated with research. The research and supervisor had to describe how risks would be mitigated, with a thorough description of how data collected from interviews would be collected and stored. While there were no interviews conducted with victims of human trafficking, there was some concern from board members that sensitive information could be revealed in interviews

that could place participants and the researcher at risk. As a result, it was agreed that no identifiable information of participants would be published in the research and that no interviews with participants who were directly involved in alleviation efforts would be tape recorded (government and NGO representatives). These stipulations placed limitations on the research, as interviews had to be recorded in a notebook instead which affected the quantity of information that could be recorded at any given time.

VI. Fieldwork Data

Government

Two government ministries were interviewed to determine the government component of the overall research question. They will be assessed on an individual basis rather than in a group, due to the varied content within each interview and the different type of work conducted within each ministry.

Ministry of Women, Children and Social Welfare (MofWCSW)

What is the role of government in addressing the current level of human trafficking in Nepal?

The senior bureaucrat felt that the role of government should involve the formation of anti-trafficking policies, "taking the lead" on anti trafficking efforts, educating law enforcers on duties, implementing national instruments and forming bilateral agreements to increase bargaining position in the international arena. The

government representative affirmed that currently, the opposite is happening, where civil society is taking the lead on anti-trafficking efforts. The role of government should also include rescuing survivors. The government representative pointed to a lack of resources, knowledge and proper attitude among government as to explain why this role has not taken shape yet. The government needs to change their working style in accordance with victims and survivors, in order to maintain their human rights instead of "re-victimizing" them (Fieldbook 1, 2011: 38).

What is the role of civil society in addressing the current level of human trafficking in Nepal?

The ideal role of civil society is to comply with government procedures and act in a "supporting role" where the government can use NGOs as service providers, running rehabilitation homes, conducting legal aid and offering socio-counselling (Fieldbook 1, 2011: 38).

What are some of the current government initiatives in anti-trafficking work in Nepal?

The Ministry of Women, Children and Social Welfare is currently in the process of revising Nepal's National Action Plan on Trafficking. Founded in 1998, the document focused on women and children who were sexually exploited to India. In 2002, the document was revised in terms of coordination and monitoring and again in 2011, the document is in the process of revision as initiated by the former Joint Secretary of the Ministry of Women, Children and Social Welfare. The revisions are being done by a

team of stakeholders, including the Ministry of Women, Children and Social Welfare, Plan Nepal (INGO) and Sahavagi (NGO). It is expected that revisions will be completed by July or August, 2011. The 2011 review will include more of an in depth perspective on trafficking related to migrant workers and children and the increase in internal trafficking. The migration issue requires special attention as it is felt that it is not being dealt with properly. Migrant workers are traveling to Gulf countries without knowledge or documents. The new plan involves a focus on the micro issues over the macro ones, and how to keep people in communities to avoid urban migration. Additionally, the Ministry of Women, Children and Social Welfare is running eight rehabilitation homes in eight distinct districts (Fieldbook 1, 2011: 36).

How did your ministry see the relationship with civil society in general?

The relations that the ministry had with NGOs were characterized as "cordial and respectful." NGOs were seen to be very cooperative, with no confrontation. NGOs respected the rules and regulations of government, and NGOs in Nepal were "disciplined and vibrant."

How did your ministry (Ministry of Women, Children and Social Welfare) see the relationship with civil society with regards to human trafficking?

Civil society has been more active in anti-trafficking work in Nepal. Efforts were initiated by NGOs, and government is acting in a supportive role to NGOs instead of the other way around. The participant stated that "government needs to take the lead" on anti-

trafficking work in Nepal. NGOs were said to be helping immensely (Fieldbook 1, 2011: 39).

What types of channels of coordination exist between your ministry and civil society?

Participant spoke about two formal committees that drive the interaction between government and civil society in trafficking alleviation efforts in Nepal. The first committee, having existed for approximately three years and includes a 12 member task force, called "The National Committee on Anti-Trafficking" which is coordinated by the Ministry of Women, Children and Social Welfare. Other Ministries on the Committee include the Ministry of Home, the Ministry of Foreign Affairs, the office of the Attorney General and police representatives. There are five civil society representatives on the Committee as well, including Maiti Nepal, Alliance Against Trafficking in Women and Children in Nepal, (AATWIN), National Network Against Girls Trafficking (NNAGT), Women's Rehabilitation Centre (WOREC) and Shakti Samuha. The Committee meets fairly regularly, either bi-monthly or quarterly. The participant stated that he used to ensure meetings occurred regularly. There is also a second District Level Committee which includes a Chief District Officer, the Chief of Police, government officials, attorneys, officials from Women & Development, three NGOs and media (Fieldbook 1, 2011: 37).

What are the challenges that exist today in Nepal in alleviating rates of human trafficking at the government and civil society level?

The challenges include links that police and army have with the human trafficking trade and the lack of a proper governance system. Until government mechanisms are fixed, the problem will continue. The attitudes of police, government and law enforcement are governed by patriarchal values and norms, and as such, they are not treating victims properly. The participant felt that a change in attitude was required on the part of these actors. When asked if this change was possible, participant said that it takes time, but things are slowly changing.

The participant continued by stating that the level of commitment within government is lacking. It was also noted by participant that the government is only paying "lip service" to the issue and that a verbal commitment is not enough at this level. NGOs cannot sustain efforts and government needs to start taking a "firm lead" and put aside a "chunk of money" for the issue. The leading ministry working on human trafficking issues was considered "not strong," as they require more social workers, better and more training and overall more human resources.

The participant brought attention to the supply and demand side of human trafficking. Currently, the demand side is male-oriented and always will be. The supply is inexpensive, there are not enough risks and the costs are not high enough for those using the services. There needs to be more risk and cost involved, through prosecution and harsher punishments.

Finally, the government structure has not been expanded enough to the community level. Their outreach is limited, and there needs to be the creation of more offices for outreach so that the intervention can be present. Currently, government has limited access to

communities and there needs to be more education on migrant workers, which government can do alongside civil society (Fieldbook 1, 2011: 39-42).

How will Nepal's campaign for "2011 Year of Tourism" affect anti-trafficking initiatives?

Participant is "afraid" for the government campaign on tourism. It will increase internal trafficking rates specifically (Fieldbook 1, 2011: 39).

Ministry of Labour and Transport Management

How does your organization see the current relationship with government in regards to human trafficking in Nepal?

The Ministry works with the International Organization for Migration (IOM), the ILO (International Labour Organization) and UNWOMEN. One single ministry is not sufficient to manage all issues related to employment and migration, and stronger mechanisms are needed. Government policy tries to mainstream foreign employment issues to the grassroots level. The Ministry does have a strong partnership with NGOs and migrant resource centres in different districts handled by NGOs at the district level, providing logistic support and materials. All NGOs do training and provide information on strategies and policies (Fieldbook 1, 2011: 50).

What types of channels of coordination exist between your ministry and civil society?

The Ministry does have meetings with civil society but there is no type of schedule to meet with NGOs. The Ministry states that they do “frequently meet” NGOs, especially the “Safe Migration Network” which coordinates NGOs. Every workshop or policy matter with the ministry involves feedback from migration NGOs (Fieldbook 1, 2011: 50).

What are the challenges that exist today in Nepal in alleviating rates of human trafficking at the government and civil society level?

There are several challenges to address. There is poor governance and centralization of power in Kathmandu. There is no governance system at the local level. There is a three year plan to have five regional offices to increase contact with regional offices and this is a priority. Human resources need to be developed and money needs to be invested into governance.

Additionally, there is no rescue mechanism for domestic workers by law and women’s issues need to be addressed. Female migrant workers go abroad and are unskilled. These women need to become empowered through skill development (Fieldbook 1: 2011: 51-52).

Civil Society – NGOs and professional association

This collection of interviews provided insight into the on-the-ground perspectives of employees from four different non-governmental organizations working in the field of anti-trafficking work based out of Kathmandu (Forum for Women, Law and Development, Serve Nepal, Shakti Samuha and Maiti Nepal). Due to the fact that there was much consistency among these perspectives, they will be analyzed and reported as a group, rather than individually. More importantly, however, analyzing this data as a group serves to protect the identity of participants and does not use any identifiable information that could link

participants to their organizations. The professional association that was interviewed (The Nepal Bar Association) will remain separate from the NGO data due to the differing nature of interviews.

NGOS

What is the role for government in addressing the current level of human trafficking in Nepal?

Policy-making was the most common response given by NGOs, with a desire to see government fulfill their role by creating sound and effective anti-trafficking policies at the national level. Two NGOs felt that government should be taking on the role as educators, providing education to women and families on trafficking and the exploitation of women. Other NGOs mentioned the need for government to eradicate poverty, as one of the root causes to trafficking in Nepal and creating awareness (Fieldbook 1, 2011: 10, 24, 45).

What is the role of civil society in addressing the current level of human trafficking in Nepal?

Supporting government was the most common responsive given by NGOs, in terms of adding to government activity or adhering to policies and laws that government has created. Additionally, it was mentioned that civil society has a role in advocating for the right of victims of human trafficking and lobbying government for more funding or for changes in existing laws (Fieldbook 1, 2011: 10, 24, 45).

How does your organization see the current relationship with government in Nepal?

Initially, the most common adjective used by NGOs to describe the relationship they had with government was “cooperative.” The relationship was characterized as “open and positive, collaborative, encouraging, welcoming” and overall relations were classified as “good” or “very good.” One of the smaller NGOs expressed a closer relationship with local government over high level government.

After some discussion, one NGO admitted that the relationship with government was tumultuous in the beginning when survivors of human trafficking were operating the organization and had not yet gained the respect of government ministries. Another NGO mentioned that government instability has negatively affected the relationship because government has been focusing solely on government affairs, relying on civil society to take on a much bigger role in alleviation efforts. One NGO mentioned they “expect more” from government, particularly in terms of funding (Fieldbook 1, 2011: 10, 25, 28, 29, 45).

What types of channels of coordination exist between your organization and government?

One NGO revealed that it has an “affiliation” with the Ministry of Women, Children and Social Welfare as well as the Social Welfare Council. Participant described how the Social Welfare Council conducts site visits to organizations as part of the monitoring and evaluation of INGO and NGO activity to gauge organizational activity.

Channels of coordination between NGOs and government appeared to be somewhat present mainly in the form of meetings, as mentioned by two different NGOs. One NGO

does receive invitations to the district staff meetings of the Ministry of Women, Children and Social Welfare and may have their “Safe and Voluntary Repatriation of Nepali Trafficked Children” report included in the new National Plan of Action on Trafficking currently being drafted by the Ministry of Women, Children and Social Welfare. At the time of writing, the organization had been invited to a meeting to discuss these options. A second NGO mentioned that they meet with ministries “quite often” depending on the issue, but would not elaborate on these meetings. The same NGO is a member of the National Network Against Girl Trafficking (NNAGT), a “coalition of grassroots level community based organizations and NGOs working to combat girl trafficking and violence against women” (The Centre for Development and Population Activities, 2011).

Another NGO stated that prevention efforts are better coordinated, in terms of education and trafficking awareness programs, rallies, workshops and street dramas. It is easier to organize, less expensive and does not require a lot of action. These types of activities do not require a high level of coordination between government and civil society either (Fieldbook 1, 2011: 10, 24, 28, 29, 30, 45).

How important is an interaction or a partnership between government and civil society in addressing human trafficking in Nepal?

There was consensus among NGOs that partnership is important in alleviating human trafficking, because as one NGO stated, without government involvement it is “impossible” to address the issue. A partnership is important, as "stakeholders need to work hand-in-hand"

together on alleviation efforts. Partnership with government and other NGOs is key to alleviation efforts (Fieldbook 1, 2011: 11, 25, 46).

What are the challenges that exist today in Nepal in alleviating rates of human trafficking at the government and civil society level?

Many of the NGOs described systemic, root causes to trafficking as challenges. Corruption was among the most commonly cited challenge, listing government officials and police as being connected to the trafficking trade in some capacity. It was mentioned that it is difficult to catch those who are organizing the trafficking, as brokers and pimps are protected by high level government and police. It was stated that brokers issue threats to victims, which leads to many cases not being filed. Survivors do not seek justice due to confidentiality and lack of privacy and protection for themselves and their families.

Other challenges that were mentioned included gender discrimination and son preference, high rates of poverty, high rates of unemployment, urban appeal and a lack of education among victims and potential victims of human trafficking. Additionally, reintegrating victims back into society has proven to be a challenge for government as well as NGOs; women are generally rejected from their communities and have difficulty reintegrating into society. This is due to the “social stigma” that is attached to prostitution.

Another, more logistical challenge that surfaced was the open border crossing with India. One NGO cited that there is 1850km of open border to India from Nepal and while there are 26 official crossings into India, one of the larger NGOs is only monitoring ten of

these border crossings (which excludes illegal and unofficial border crossings). When asked if there are efforts in creating stricter border crossings to India, it was mentioned that the border is a “political issue” with border police and the “right to migrate” and “right to movement” takes precedence in a lot of these cases. Finally, one NGO cited a lack of funds and resource constraints as a challenge to alleviation efforts (Fieldbook 1, 2011: 11, 25, 29, 30, 31, 32, 33).

How will Nepal's campaign for “2011 Year of Tourism” affect anti-trafficking initiatives?

All NGOs were in consensus that the government thrust for a year of tourism would have an impact of rates of trafficking in Nepal, particularly internally. One NGO recognized the economic advantages of having an influx of tourists into the country while stating that of course there will be consequences and/or disadvantages to this initiative (Fieldbook 1, 2011: 25, 32, 46).

Professional Association

This interview was with a professional association conducting work in capacity building with Nepali lawyers. While the association does not work in the trafficking field, the interview served useful in providing a general oversight on the relationship with government (the Constituent Assembly) with whom they work with closely as well as a current assessment of the political landscape of Nepal today. The interview was captured nearly verbatim as it was a contextual interview.

How would you describe the general relationship between government and your professional association (part of civil society) in Nepal today? What are some of the strengths and weaknesses?

Members of the government (and professional association) institution are from the same caste and in Nepal this is realistically important. Personal relations are improved among those with similar backgrounds and world perceptions. A weakness of this, however, is that it is not very inclusive (among government and the top echelon of the professional association), and lacks the voice of minority groups which helps when relating with one another (Fieldbook 1, 2011: 53).

Describe the interaction between your association and the Constituent Assembly.

Many members within the Constituent Assembly are from the same profession and meet regularly which creates opportunities for the association with the elected officials. Politics are very important and they get in the way of good decisions at every level (Fieldbook 1, 2011: 53).

How would you say government views the interaction with your association? Is there any hostility? Is it welcoming, cooperative, coordinating?

It is welcoming and cooperative for the most part, but on a superficial level. Politics will hijack everything so it matters not whether you can find consensus between Constituent Assembly (CA) members and the profession (Fieldbook 1, 2011: 53).

Can you speak to any conflict of interest that may exist due to the fact that many politicians have their own NGOs?

Many professionals as well as CA members have NGOs. Everyone has their own interests, and they want their NGO whether it is focused on human rights or another matter, to be the one to gain the necessary resources. It is not very efficient and leads to conflict and a lack of cooperation (Fieldbook 1, 2011: 54).

What are some of the current challenges that would prevent this relationship from improving?

All Nepali politicians are preoccupied with forming a government and forming consensus with writing a constitution. Issues such as trafficking, human rights issues, economic, cultural and social rights issues are items that they cannot agree on in the constitution. It is unknown where a social issue such as trafficking will stand post-constitution or what will be in the constitution that is going to help law makers, lawyers, civil society and government to address the issue. The new constitution will outline many human rights issue that could undoubtedly impact trafficking and those who are most vulnerable to the trade (Fieldbook 1, 2011: 54).

As someone who works with lawyers in capacity building, how do you see the current justice system and the way it is developing? As a lack of prosecution is a big issue in trafficking, how do you see the current justice system and the future of the justice system?

The justice system as it exists today is not strong. Corruption is present at all levels including police, judges and court clerks who are bribed. There needs to be a full scale

review and adjustment of the institutions and attitudes of the people within those institutions. From a societal point of view, women are not revered in society and they are not a priority to the people who are in power. Thus, the problems of women and children are not likely to get top priority in the near future, with respect to resources (Fieldbook 1, 2011: 54).

Within your work, do you feel confident in some of the lawyers you have interacted and worked with, and some of the training you have done with them? Do you feel confident that when the time comes to make the decisions in the new constitution, they will do what is necessary?

The participant agreed, but noted that it would only be done within the limitations of their societal upbringing, their morals and values and where they stand in the “pecking order.” “They are only as good as the society they live in” and we have seen in the past that lawyers have fought for freedom, but they are still quite constrained by their own value system. Those value systems will need to change and interviewee thinks it will change over time. However, the way in which women are viewed and where they fit within the societal structure is pervasive in society. It simply does not matter what you do for a living. It is one thing to learn about gender equality and it is another thing to believe it to your core and to have that lead everything you do (Fieldbook 1, 2011: 54).

We can see before us in this chapter the political and cultural background of Nepal, outlining a landscape of inequality across gender, castes and ethnicities. The history of trafficking, conditional factors, extent of human trafficking as well as government and civil

society initiatives portray a stark picture for women in Nepal as well as an imbalance of anti-trafficking initiatives between government ministries and civil society organizations. The empirical data presented above will help to guide the next chapter, as we proceed to review this data for an analytic meaning and discuss what this means for development in Nepal.

Chapter 4

Discussion and Analysis

This chapter will synthesize the findings presented in Chapter 3 in an effort to answer the major research question of this thesis. Throughout this chapter, the perspectives of participants will be amalgamated into common threads in an effort to answer operational questions as well as the overall research question posed. These themes include the roles of both government and civil society in alleviating human trafficking, the type of relationship between government and civil society, anti-trafficking coordination efforts between government and civil society and challenges to anti-trafficking efforts and the relationship itself. To conclude, the findings will be analyzed in relation to the theories of state and society centered approaches that were presented in the literature review.

I. Analysis of government initiatives and priorities

Many anti-trafficking plans and policies in Nepal have faced criticism, particularly over weak implementation. The Human Trafficking and Transportation (Control) Act 2064 has been poorly implemented since its creation and enforcement has been limited. There have been less than 100 cases filed under the Trafficking in Persons Act annually since 2007. Low rates of prosecution indicate that there has been a lack of understanding and coordination between law enforcement and judiciary regarding roles and responsibilities under the law (Asia Foundation, 2010: 1).

The 2001 National Plan of Action has been criticized over some of its provisions. UNIFEM published a report by the Forum for Women, Law and Development that points to the lack of government involvement in the rescue and reintegration component, with responsibility being delegated to NGOs and the rest of the community at large. Civil society organizations can only provide these services to a limited extent as capacity and resources are

limited. The government must take on a larger role, in terms of funding and allocation of resources in the rescue and reintegration process (United Nations Development Fund for Women, 2002: 23).

The Trafficking in Persons Report (2011) published by the U.S. Department of State categorizes Nepal as a Tier 2, a ranking the country has maintained since 2006. A Tier 2 status signifies that the government is not fully complying with the minimum standards for the elimination of trafficking but recognized the government for making “significant efforts to do so despite limited resources.” It should be noted that the U.S. Department of State Trafficking in Persons Report is used as a measurement for ranking as it is internationally recognized and utilized, linked to website of the United Nations and is considered the most progressive and globally comprehensive ranking system.

In 2010, the government modestly attempted to prosecute traffickers and allocate monetary resources to NGOs’ rehabilitation homes, however, “trafficking related complicity by government officials remained a serious problem” for Nepal (U.S. Department of State, 2010: 3). Traffickers are using connections with politicians, business and state officials, police, custom officials and border police to coordinate trafficking. The report stated that many of the “cabin restaurants,” dance bars and massage parlours in Kathmandu that assist in sex trafficking are allegedly co-owned by senior police and army officials. Regardless of these allegations, there were no investigations launched into the matter, nor were there any prosecutions or convictions of the government officials involved in the business of trafficking (U.S. Department of State, 2010: 4). The report made several recommendations

for Nepal, including increasing law enforcement, particularly against those government officials involved in the trade and increasing protective services for victims (U.S. Department of State, 2010: 3).

The latest report of 2011, the Government of Nepal does not wholly abide by the minimum standards for the eradication of human trafficking, however, the U.S. Department of State has recognized government improvements in the last reporting year (2010), despite limited resources. The government created a special unit for the Central Crime Investigative Bureau, designed to investigate trafficking with increased monetary support for protective services locally and abroad. Government did not document occasions of trafficking-related involvement by government officials, however, civil society does file incident reports. The 2011 report outlined more recommendations for Nepal, including heightening law enforcement with regards to all types of trafficking and government involvement in the trade. Victims should not be punished for collusion in prostitution, protective services need to be improved, work with officials in India to create a standard for the repatriation of Nepali trafficking and improve female migration routes in terms of a more legal and safe migration for women to the Gulf (U.S. Department of State, 2011: 270-271).

The Office of the Attorney General states that “174 offenders were convicted in 119 cases tried in court” under the Human Trafficking and Transportation Control Act (HTTCA), where “71 cases resulted in convictions and 47 cases resulted in acquittals” in the 2009-2010 fiscal year. This is in comparison to the “172 offenders convicted in 138 cases tried in court, with 82 cases resulting in convictions and 56 case acquittals in the previous fiscal year”. It is

unknown if all these cases were related to human trafficking, as the HTTCA also proscribes against other offenses such as human smuggling. Statistics by government did not mention punishment and did not distinguish between the types of trafficking (U.S. Department of State, 2011: 271). The 2010 report detailed that dance bars engaging in sex trafficking were co-owned by police and army officials may now be prohibited through recently adopted police and army rules, forbidding officials from operating businesses without permission which may have lessened the practice. This has yet to be corroborated by civil society organizations. For another year, there were no trafficking associated investigations, prosecutions or convictions of government representatives for involvement in trafficking during the reporting year (U.S. Department of State, 2011: 271).

The Ministry of Women, Children and Social Welfare reported that they satisfied the commitment from the 2010 Trafficking in Persons Report to open and contribute towards funding five NGO operated shelter homes for female victims of trafficking, domestic violence and sexual assault. In total, eight shelters were reportedly given funding from the government. The Ministry also reported to have satisfied the commitment to open 15 emergency shelter homes for victims of trafficking and abuse (U.S. Department of State, 2011: 271). The funding of these shelters, however, does contradict what NGOs shared during field research. The government reported that The National Human Trafficking Task Force met more times in the reporting year compared to previous years and the Foreign Employment Promotion Board aired more safe migration radio programs than the previous reporting year (U.S. Department of State, 2011: 272).

In the midst of the political uncertainty, the Government of Nepal has marked 2011 as “The Year of Tourism,” which has become a priority and quite a visible campaign across Kathmandu. Armed with the goal of welcoming one million tourists to the city in 2011, the campaign “aims to project Nepal as a safe tourist destination and a choice of premier holidayers.” Hopes of revitalizing the tourist industry after the decade long conflict are consolidated through investments by the private sector and record numbers of tourists visiting the country in 2010. If one million tourists visit Nepal in 2011, estimates show that tourism would contribute 4% of income to the Gross National Product (Prasain, 2011: a). While the government initiative will benefit the economy, civil society organizations as well as some government representatives are concerned over how the influx of tourists will impact internal trafficking rates specifically. With the increasing rates of tourism comes increasing demand for accommodation and entertainment, including dance bars that house many victims of trafficking (Prasain, 2011: a).

It was only upon arrival in Kathmandu that the extent of the tourism campaign became clear. Advertisements in newspapers, signage on the roads and in establishments were common occurrences and visible daily. After observing the magnitude of the campaign, it was decided that a question relating to the initiative should be incorporated into interviews, as it was such a large government priority and would undoubtedly affect trafficking rates. Despite the acknowledgement of the positive impact the initiative would have on the economy, there was consensus among all participants (including government officials and four NGO representatives) that the push for tourism would affect internal trafficking rates in particular. This is due to the speculation that an influx of tourists to the city and surrounding

areas would increase the demand for prostitution and levels of service needed in the dance bars and cabins in Kathmandu.

II. Analysis of civil society initiatives

All of the non-governmental organizations that were interviewed conduct anti-trafficking work in some capacity, whether it is in the area of prevention, protection, prosecution, rescue, rehabilitation or reintegration. Most organizations offer preventative programs, such as raising awareness on sexual exploitation in communities, advocating for policy reform and human rights and educating communities on the risks associated with human trafficking. Some of the larger NGOs have the capacity to offer protection services, such as transit homes and border-monitoring at stations located in high-risk areas on the border to India. Other NGOs aid women in prosecution efforts, assisting victims with legal services and options in seeking legal justice post-trafficking. Certain NGOs may also have the capacity to conduct raids or rescue operations in brothels or in dance cabins. Rehabilitation services, such as counselling and skill development, are also available to victims in the form of rehabilitations homes or as offered in the community. Finally, NGOs are helping victims with the process of reintegrating into society through skill development, offering loans for income generation activities and changing the stereotype of prostitution through preventative measures.

The scope and size of each NGO varied, ranging from small, Christian-based to one of the largest anti-trafficking organizations in Nepal. Some of the NGOs were naturally more

well-known and more operative than others, depending on funding, initiatives and size. The four NGOs from where members were interviewed appeared to all be deeply dedicated to the cause and there was resounding frustration with government officials for the persistent inaction.

One observation that was noted throughout field research, which will not be explored in any depth through this piece of research, is the lack of coordination among NGOs. Competition seemed high between the different NGOs in the community, as many were competing for resources and funding from INGOs and private donors. There were development practitioners present trying to coordinate the networks more cohesively, but many NGOs services seemed to be duplicated among organizations and there did not appear to be much communication among organizations regarding their similar initiatives. Some NGOs appeared to be hostile towards others, alleging certain organizations were inactive or questioning why some organizations were receiving grants over others. In sum, there is undoubtedly space for improved coordination among NGOs, to better maximize some of the services being offered for victims and potential victims of human trafficking.

The nature of NGOs, however, allow for absolute focus in one area (such as alleviating trafficking), whereas government ministries have multiple portfolios and do not exclusively focus on one issue. The Ministry of Women, Children and Social Welfare for example, focuses on children and women, a category of individuals that are often lumped together despite often possessing differing needs. The Ministry of Labour and Transport Management focus on labour and foreign employment, thus migration issues only constitutes

one faction of the Ministry's portfolio. Moreover, given the current political situation in Nepal, the government is under immense pressure to stabilize itself and finalize the peace process and the constitution. The creation of a new Ministry that focuses exclusively on human trafficking issues, or the amalgamation of trafficking portfolios into one Ministry, is an option that requires consideration.

III. Analysis of fieldwork

Roles of government and NGOs

The data suggests that both government and NGOs were fairly unanimous with how they viewed the role of government in trafficking alleviation efforts, largely seeing government responsible for policy-making and education. Equally unanimous were the views on the role of civil society (namely NGOs) in terms of taking on a support role to government activity, advocating for the rights of victims and lobbying government for change.

Despite the agreement on roles for government and civil society, it became clear that these roles were not being enforced, particularly at the government level. In fact, it appeared as though the roles have been reversed when it comes to anti-trafficking efforts, where the government is supporting civil society (NGOs) in their initiatives and activities, rather than how participants stated roles should be. The reversing of roles has most predominantly been caused by the political instability and the government level, where forming government, finalizing the peace process, reaching consensus and re-writing the constitution is currently

considered to be the utmost important. Moreover, there has been a lack of resources, knowledge and proper attitude among government which has prevented the ideal role for government to take shape. As a result, NGOs have taken on a much bigger role in trafficking alleviation efforts in lieu of government leadership.

In examining and comparing the roles of NGOs as set out in the literature review to the present situation in Nepal, it was evident from the data that NGOs have not only adopted an intended role but have gone beyond this role. NGOs in Nepal have moved beyond “filling in the gaps” of government and have instead acquired a much larger role in anti-trafficking initiatives. As service deliverers, advocates of policy change, enhancers of civil society, mobilizers of societal masses and development educators, NGOs are fulfilling their role in Nepal. This can be attested to the sheer number of NGOs working in the anti-trafficking field in Kathmandu alone, not to mention there are NGOs that may not be directly working in the trafficking arena but are addressing the root causes of trafficking such as levels of poverty and gender inequality. Moreover, the descriptions of the NGOs and initiatives in the empirical section served to demonstrate the type and scope of NGOs operating in Nepal. The literature revealed that many NGOs are more properly equipped to deal with victims than government, as survivors are more likely to trust these organizations. Many citizens are distrustful of the Nepal government given the political unrest and corruption within police, army and government officials.

As actors of development, however, and given the general structure and intended role of a NGO, there are concerns over NGOs taking on such a powerful role in alleviation efforts

specifically over their limitations as outlined in the literature review. Funding is limited and reliant on donors. NGO activity is generally short-term in nature and is not intended on being a long-term solution to any development issue. Service provision is dependent on the above, and is primarily provided in high risk areas, the majority located in the capital city. These services offered by NGOs are by no means reaching all trafficking victims or potential victims. It must also be recognized the internal dynamics and challenges within an organization that may prevent it from functioning at full capacity. Therefore, while NGOs are leading anti-trafficking initiatives in Nepal, the limitations of these types of organizations may prevent NGOs from impacting communities any more than intended.

Government and NGO relations

NGOs used a variety of terms to describe their relationship with government ministries and were for the majority, relatively positive. Terms such as “open,” “positive,” “collaborative,” “encouraging” and “welcoming” were used. Similar sentiments were echoed by government officials. All organizations began the interview with affirming their relationship in an optimistic manner, however, once the interview progressed, more details emerged surrounding the dependent nature of the relationship. In what can be termed as a “civil society led initiative,” it would appear that government has heavily relied on civil society organizations to take the lead role in alleviation efforts. Moreover, it appeared that the relationship had been negatively impacted due to the political instability and subsequently their inactions on anti-trafficking efforts. NGOs expressed frustration with government and expressed their need for more government funding and leadership.

For example, one NGO gave the example of how the government has created 15 shelter homes in high-risk, rural areas for trafficking survivors (six) and victims of domestic violence (nine). In reality, however, only three out of 15 are running because funding was never released by government due to the political instability. The deposit was not released in time and the government handed over the shelters to NGOs including the NGO being interviewed. Since then, NGOs were supposed to receive government funding to continue operating these homes, but the money never surfaced and the shelters continue to be handed over to other NGOs who may have more funding to continue operating these homes. These findings contradict the U.S. Department of State's Trafficking in Persons Report which stated that the government funded five NGO operated shelter homes for female victims of trafficking, domestic violence and sexual assault. Setting government intentions aside, there were reports from one NGO stating that funding only reached three out of the 15 shelter homes.

Recalling the section in the literature review on societal climates that are conducive for fostering state and society relations, it was stated that the capacity in which NGOs can bring about change and influence government is dependent on the social and political context of the given country. Despite political instability, NGOs seemed to be able to continue their work within the country with little interruption from government.

Channels of coordination and levels of interaction

Some NGOs have much closer contact and interaction with pertinent government ministries than others. The smaller NGOs (such as Serve Nepal) seemed to have much less

contact with relevant ministries than some of the larger, more well known NGOs that are funded or working with government agencies (such as USAID).

One government ministry mentioned two formal committees that are in place forcing an interaction between government ministries and civil society organizations. It appeared as though they met regularly enough (every two to four months) but the exact nature of these committees was not revealed, nor did any NGO at any point in time during interviews mention this type of committee to what they were privy. A second government ministry described vaguely their interactions with civil society organizations but would only say that there were no official meetings regularly scheduled to meet with NGOs aside from those within the Safe Migration Network (umbrella organization working with organizations on safe migration issues).

Two different NGOs stated that they met with the Ministry of Women, Children and Social Welfare and one received personal invitations to district committee meetings. A publication by the same NGO may be used by a ministry in new trafficking legislation. Overall, however, there was no indication that regular interaction was occurring. Moreover, a local journalist informally mentioned that meetings between NGOs and ministries are NGO initiated and those government officials that do attend are not in senior positions.

Another NGO stated that prevention efforts are better coordinated, in terms of education and trafficking awareness programs, rallies, workshops and street dramas. It is easier to organize, less expensive and does not require a lot of action. These types of activities, however, do not really require a high level of coordination either. It was pointed

out that while prevention efforts may be easier to organize and coordinate, it does not expose any traffickers or reveal their identities.

In sum, it seems as though there is a minimal, formal interaction taking place between government and civil society organizations in the form of meetings or committees. Government officials emphasized their interaction with NGOs the most but neither stakeholder emphasized in great detail what those meetings or committees entailed nor were they able to elaborate on any details surrounding these interactions.

An interaction between government and civil society will not automatically alleviate trafficking in Nepal. Interaction in its simplest sense may include interactions that undermine, not reinforce, reformist state and society actors. Currently there seems to be more progressive, reformist civil society organizations committed and involved in anti-trafficking initiatives than government. A positive interaction between pro-reform state bureaucrats and progressive civil society organizations is one way of contributing to alleviation efforts of trafficking in Nepal. Therefore, a greater extent of such a positive interaction is desirable in the case of Nepal. A positive interaction would consist of regular communications and habitual meetings between stakeholders, involving senior staff from both government ministries and non-governmental organizations.

Challenges: Immediate, Logistical and Root

Ultimately, one of the most complex analyses involves the determination of the major obstacles that are preventing an interaction between anti-trafficking stakeholders and that are

preventing human trafficking rates from decreasing in Nepal. These can be distinguished though immediate concerns, logistical concerns and deeply rooted structural concerns. Many of these more complex challenges are intertwined, related in some fashion or caused by another.

Immediate causes

Many causes can be classified as “immediate” or most pressing in anti-trafficking initiatives. Changes in the short term would include forming consensus among government (stabilizing government), government making firmer commitments to the cause and tightening and strengthening Ministry portfolios.

One government minister mentioned that the lack of a proper governance system is one of the biggest challenges in alleviating human trafficking and stated that until government becomes more stable, government mitigation efforts in particular will be hampered. This was a common sentiment among the majority of participant interviews. Although government has formed, unrest between political parties continue in the day to day politics and the future of the political environment seems to rest in part, with what the newly drafted constitution will resemble and how much consensus there is surrounding the document. Prime Minister Khanal’s resignation on August 14 brings new uncertainty to Nepal as parties struggle to form a consensus government.

The government sentiment was pronounced on the governance issue, as one government respondent was upfront with the minimal level of government commitment to

anti-trafficking work, which was acknowledged as nearly inexistent among government who are only “paying lip service” to the issue. Interviewee went on to say that a verbal commitment by government is simply not sufficient for the issue and the current rates of trafficking in Nepal. Government has to acquire a stronger role in alleviation efforts for there to be any progress in human trafficking rates.

Logistical challenges

Another, more logistical challenge that surfaced was the open border crossing with India. One NGO cited that there is 1850km of open border to India from Nepal and while there are 26 official crossings into India, one of the larger NGOs is only monitoring ten of these border crossings (which excludes illegal and unofficial border crossings). When asked if there are efforts in creating stricter border crossings to India, it was mentioned that the border is a “political issue” with border police and the “right to migrate” and “right to movement” takes precedence in a lot of these cases. The right to movement stems from a 1950 treaty that Nepal has with India, created for the purposes of free movement and trade across the border between countries. Article 7 of the treaty states:

The Government of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature (Human Rights Watch, 1995: 14-15).

Succeeding governments of Nepal have conveyed discontent over the treaty and both countries had the ability of to banish the treaty with a notice of one year. India, however, did not want to rid itself of its privileges and Nepal could not afford to damage its trade relationship with India (Human Rights Watch, 1995: 14-15). In 2008, the Maoists expressed interest in terminating the treaty with India but this was never executed (Times of India, 2008).

Finally, one NGO cited a lack of funds and resource constraints as a challenge to alleviation efforts. Many non-profit organizations worldwide, Nepal included, struggle with this issue as programs and services are completely dependent on outside funding. Many of the NGOs that were interviewed in this research project were all funded by outside organizations (NGOs, INGOs, bilateral organizations) and could likely face termination, especially the smaller organizations, should the priorities of donors shift or should the money dissolve.

Root causes

There was much consistency among the existing challenges that may prevent the relationship and alleviation efforts between government ministries and civil society from improving. The responses from government ministers were particularly honest, open and candid and appeared to be reflective of some of the core issues that are preventing stronger alleviation efforts. These challenges are much more embedded in society, and can only change over time. One government minister spoke about the corruption existing within police

and their potential links to the trade itself. There were no names or direct evidence of this gathered during research but several sources indicated that this was a problem that will continue, particularly affecting prosecution levels.

One government minister, and the only participant to do so, mentioned patriarchy as being an obstacle to anti-trafficking work in Nepal. Patriarchal norms and values remain a huge part of society in Nepal. The government minister mentioned that attitudes are governed by these patriarchal beliefs, among police, government and law enforcement. The interviewee stated that these attitudes need to change in order for alleviation efforts to improve and admitted that while change can be slow, attitudes were slowly starting to change in Nepal.

Many of the NGOs in a similar manner to government described the systemic, root causes to trafficking. Corruption was among the most commonly cited challenge by NGOs, listing government officials and police as being connected to the trafficking trade in some capacity. It was mentioned that it is difficult to catch those who are organizing the trafficking, as brokers and pimps are protected by high level government (members) and police.

Other challenges that were mentioned include many development concerns: gender discrimination and son preference, high rates of poverty, high rates of unemployment, urban appeal and a lack of education among victims and potential victims of human trafficking. Additionally, reintegrating victims back into society has proven to be a challenge for government as well as NGOs as women are generally rejected from their communities and

have difficulty reintegrating into society. This is due to the “social stigma” that is attached to prostitution.

Government and civil society organizations held much consensus among the challenges that were preventing the relationship from improving, preventing a stronger interaction between anti-trafficking stakeholders and from decreasing rates of human trafficking. Most immediately was the weak system of governance that both parties attested to as well as some of the more deeply embedded, structural societal inequalities in Nepal such as gender discrimination, patriarchal values and norms and high rates of poverty and unemployment.

IV. Analysis in relation to literature review

After reviewing what the data from the field indicated, it is important to revisit the concepts from the literature review on state and society centered approaches to development. Moving aside from an analysis of the data collected in the field, one concept presented in the literature review was the way in which the actions of state actors can “push” or “pull” in the same political direction. This would imply that state actors are fairly aligned in their ideologies and practices, or “politically homogenous” as stated. The “push” or “pull” that occurs in the Constituent Assembly of Nepal is especially strong, as diverging interests withheld the appointment of a Prime Minister for months. Competing ideologies between and among parties is particularly pronounced, leading to the current situation of instability. Part of having a set of pluralistic actors among government ministries role of are the challenges

that develop in consensus building and setting and meeting goals, which is a component and challenge for democracies around the world. The challenge for the government of Nepal, however, will be whether or not differing agendas prevent government from stabilizing or worse yet, usher the country into serious conflict.

There was also a distinction made over policy decisions being dictated by events, interests and group pressures or the views and relations amongst policy makers themselves. Public policy was in one manner, presented to be a product of conflict, bargaining and the creation of coalitions between societal groups. Keeping in mind that the state is only one part of the political space where societal groups compete and bargain with one another over substance of policy, it is important to recall that society is a major contributor to ideas for policy. The role of society was stated to be imperative parts to reform in society, considering most reforms are a result of pressure from society and are implemented depending on societal response.

In applying these approaches to the case of Nepal and human trafficking alleviation efforts, the country is heavily leaning on a society-led anti-trafficking campaign where society has been responsible for much of the alleviation efforts in light of an inactive government response. The data would suggest that society has nearly given up on a more firm and committed role for government and have taken it upon themselves to address the issue to the best of their ability without continually pressing for reform (or at least that was visible during research). The challenge with this is that society requires the institutional base of a state to combat trafficking in the country, in terms of funding, human and monetary

resources. Societal groups in Nepal – NGOs, INGOs and professional associations – have already coalesced in advocacy, awareness-raising, providing transit and rehabilitation homes, skill development and mental health counselling. Their mere presence indicates trafficking is a societal concern in Nepal yet this has not been recognized with enough legitimacy among government that human trafficking policy needs to be strongly and strictly implemented.

Moreover, interlocked with stronger policies comes a requirement for addressing the structural inequalities that have served as a breeding ground for trafficking to occur in the first place. Policy related to trafficking and associated root causes must reflect and prioritize the commitment to the cause on the ground and the active presence of society groups.

State and Society revisited

Within the literature review, it was stated that the state can be seen as part of society as it is rare that one social force can accomplish its goals without obtaining allies, crafting coalitions and agreeing on accommodations. The data suggested that government and civil society had not yet adopted a strong coalition to combat human trafficking and had not united to the greatest extent. When assessing Migdal's government and civil society levels of engagement, the case of Nepal sees engagement among state and society but only to a certain extent. The extent of this engagement appears to be at a level that civil society is willing to facilitate. The data suggested that while both government officials and NGOs desired a strong partnership, it has only surfaced through words and not actions.

If using the World Bank government/civil society strategy measurement, the case of

Nepal teeters on a “laissez-faire” approach, with government refraining from a strong engagement with civil society. Alternatively, when using the World Bank civil society-government strategy measurement, the case of Nepal fits into more than one category. Nepal balances between civil society viewing government as an obstacle in achieving certain efforts (such as funding) and will for anti-trafficking initiatives (“confrontation strategy”). This type of strategy is stated to lead to social and political unrest, which is not the case for Nepal as of yet. As mentioned above, however, this must not be ruled out as a possibility should the political unrest continue. The case of Nepal can also be characterized as a “parallel track strategy” where civil society organizations decide not to engage with the government and establish a set of parallel services instead. NGOs in Nepal seem to have started towards this strategy – carrying out services without or without government support – but have not yet completely divorced themselves from the government. Both of these strategies, however, see limited or inexistent engagement between civil society organizations and the public institutions. The strategy of “selective collaboration” can also apply to the case of Nepal, where collaboration exists in certain context as a best case scenario. Both government and NGOs have stated their desire to partner more strongly with one another, but this has yet to be translated into action. Selective collaboration between stakeholders has involved irregular meetings and inconsistent government funding and support. This type of strategy can lead to complex tensions between civil society organizations and government but it opens up dynamic spaces for negotiation and constructive engagement – a much needed engagement in Nepal.

In sum, while the case of Nepal can fit into more than one category, the country can most likely be aligned with the strategy of “laissez-faire” for government/civil society interaction where government does not fully engage with civil society organizations. Civil society/government interaction rests between three strategies in the World Bank model, “confrontation strategy” where NGOs view government as a barrier to achieving certain initiatives, leading to a “parallel track strategy” where NGOs choose to disengage from government and deliver services autonomously while still open to “selective collaboration” where fit. The government is largely dependent on NGOs to take the lead on anti-trafficking initiatives while NGOs are continuing to administer services despite the government only engaging periodically.

V. Lessons for development

The data presented above suggests that the contours of human trafficking in Nepal are changing. Present day Nepal sees human trafficking rates occurring internally, externally and through the most sophisticated trafficking techniques yet. Government implementation of trafficking related policies has been lacking and commitment to the issue among government does not appear to be present save for lip service. Given these findings, civil society organizations have been left with the responsibility of preventing trafficking, protecting potential victims of trafficking and aiding victims in prosecuting traffickers. Moreover, civil society organizations are rescuing victims, rehabilitating and reintegrating victims into society.

Several of the root causes of human trafficking as identified above – poverty, unemployment, gender discrimination, low rates of education - are ultimately indicators of development and tied to the Millennium Development Goals (MDGs) adopted by the United Nations. In an attempt to meet the basic needs of the world's poorest population, the goals were agreed on by the international community and the world's foremost development institutions (United Nations, 2010). MDGs such as decreasing rates of poverty and hunger, providing universal primary education and achieving gender equality are all development goals for the international community, including Nepal, to reach. A 2010 UNDP Nepal report estimates that Nepal will be able to achieve many of its targets. The report indicates that despite the ten year conflict and political instability, Nepal has seen progress. The number of people living below the national poverty line has decreased to 25%, gender equality has been reached in enrolment for primary education, mortality rates for children under the age of five has been reduced to 50 per 1000 live births and rates of maternal mortality has decreased to 229 per 100,000 live births. Progress is still needed on rates of hunger, realizing universal primary education and universal access to HIV/AIDS treatment (The United Nations Development Programme Nepal, 2011). The ability of Nepal to reach the varied MDGs, and to what extent, will certainly have positive or negative impacts on trafficking rates and alleviation efforts in the country.

Chapter 5

Conclusion and Recommendations

I. Conclusion

It was initially stated that there are challenges that may arise between agents of development when interacting and coordinating efforts in addressing a development issue. Intervention can become uncoordinated, there may be a lack of coordination among actors, there may be a reversal of roles or overlapping responsibilities and jurisdictions, conflicting agendas, differing priorities, differing levels of commitment, or deliberate non-participation by an actor or group of actors. It was also speculated that such a disconnect among actors could lead to an adverse effect on short and long term solutions to a development problem. Many of these challenges are a reality for Nepal today, in terms of state and society coordination in alleviating human trafficking. There is little substantial interaction among actors, roles have been reversed, priorities differ between (and within) government ministries and non-governmental organizations and there is a substantial difference in the level of commitment among actors.

The overall research question can now be revisited, on the level of state and non-state interaction in alleviating a multi-dimensional development problem of human trafficking in Nepal. Overall, given the analysis of the above operational questions, it would appear that the interaction between government and civil society in trafficking alleviation is only present to the extent that civil society enforces. There is a minimum

level of interaction and coordination taking place between stakeholders and this is largely due to the political instability within government. It was discovered that anti-trafficking efforts are almost entirely civil society led at this point in Nepal, roles of government and NGOs have been reversed and commitment lies almost entirely with NGOs. The character of the interaction is friendly on the surface but beyond the depths of this exterior is an interior slowly permeating with disappointment among NGOs because of government idleness. As a result, alleviation efforts have been negatively affected while lacking an institutional government base to provide leadership, funding and political will. Until stability can be restored within government, trafficking alleviation efforts will likely not improve. Making matters worse is the 2011 Year of Tourism government promotion that will undoubtedly affect rates of internal trafficking. The outcome on the constitution writing process will reveal where the plight of women and human trafficking is situated.

The implications of a civil society led initiative on the social development of a country are varied. Without the full, active support of government in development, human trafficking will continue to pervade the country. The will of the government appears to be absent for the most part, with a lack of progressive leaders seriously committed to the issue.

II. Recommendations

As previously stated, an interaction between government and civil society will not automatically alleviate trafficking in Nepal nor will an interaction lead to cooperation. Government and civil society interaction must include individuals who are committed and

fundamentally engaged in alleviating human trafficking. This would include reformist decision-makers and experienced and progressive development practitioners working with a civil society organization. Only then can government and civil society organizations truly begin to make a fundamental transformation in trafficking alleviation efforts and adhere and implement the recommendations to follow.

1. Government's strengthening of relations and interactions with civil society will undoubtedly take time, and will depend on how the political arena takes shape over the coming months and years. It can be suggested that government ministry initiated anti-trafficking meetings should be occurring regularly with anti-trafficking NGOs, with a defined time frame (every other month), to discuss updates on programming and priorities.

Committees should include senior administration from both pertinent government ministries and non-governmental organizations as it is these two groups that have the most vested interest in alleviation efforts.

While there are committees in place involving stakeholders, Nepal may also seek to replicate another Asian anti-trafficking model, such as Cambodia where there has been the creation of an inter-ministerial body. The body consists of 14 ministries and civil society representatives, comprising the National Committee to address trafficking under the Ministry of Interior and Deputy Prime Minister. Moreover, the National Committee has increased their portfolio to not only focus on human trafficking but labour exploitation and human smuggling with the ability to bring other ministries on board (The Asia Foundation, 2010).

Nepal's body could consist of all pertinent ministries that address root causes of trafficking: culture and heritage, education, foreign employment, labour, tourism, discrimination against minorities, gender inequality and the Prime Minister's Office. The body would involve large and small scale civil society organizations working with victims and potential victims of human trafficking as well as organizations conducting programs that address root causes of the issue. The body would facilitate regular communication, channelling through one umbrella to strengthen partnerships and cooperate with primary stakeholders. The body could lean on the already existing umbrella groups/networks that coordinate and lead civil society anti-trafficking groups (such as the National Committee on Controlling Human Trafficking- NCCHT) and the National Network Against Girl Trafficking –NNAGT). Alternatively or in addition to, as the Asia Foundation intends to do, the capacity of the NCCHT should be developed, as perhaps the primary government body leading anti-trafficking initiatives.

2. It would also be recommended that the Nepali government utilize the channels of mutual cooperation with the relevant NGOs to alleviate human trafficking. The sense garnered throughout field research was that NGOs were willing and waiting to cooperate and are waiting for a stronger government presence and willingness to fully commit to a partnership. The government has a responsibility to protect its citizens, and they have a vast pool of resources and community organizations to draw upon. Government should recognize the considerable network of anti-trafficking organizations working in Nepal and view it as an opportunity for improvement and mass collaboration. Many of these organizations have built up a network and wealth of resources in the local, national and international anti-trafficking

community. It would also be recommend that NGOs involved in human trafficking re-envision their relationship with the Ministry of Women, Children and Social Welfare and other anti-trafficking organizations in order to establish a more integrated set of goals with regards to long-term planning on funding, policy, programming and collective action. The organizations working most closely on the ground with victims have a better scope and survey of the requirements and resources needed in the field and in this expertise

3. The government of Nepal must adhere to initiatives outlined by the United Nations Global Initiative to Fight Human Trafficking. The government needs to strengthen its regional, national and international partnership with other governments and civil society organization networks. In doing so, the government can work towards implementing its international commitments by ensuring that international agreements are translated into national laws and practices. Nepal may seek to strengthen its repatriation agreements with India and its relationships with the Indian government and NGOs.

4. Recommendations addressing the structural, root cause and societal inequalities that afflict the greater part of Nepal's society can also be made. While ameliorating these conditions may impact trafficking rates more than interactive efforts, it is important to recognize these factors as barriers to alleviating the problem in order for them to be incorporated into alleviation efforts. A patriarchal society has placed women in subordinate positions which is repeatedly shown and institutionally enforced by government and policies. Changing these values and norms will undoubtedly take time, but the state must lead by example and demonstrate a commitment to changing the discriminatory social values and

norms (United Nations Development Fund for Women, 2002: 74). Gender equality must be at the forefront of alleviation efforts by government and civil society organizations, embedded in the new constitution and practiced at all levels in society. Many of the other root causes that lead women into trafficking, such as poverty, unemployment and education, should continue to be incorporated into anti-trafficking initiatives. Any policy or program designed to combat trafficking should be integrated with programs to alleviate poverty (United Nations Development Fund for Women, 2002: 75).

The above recommendations are offered as a response to the data that was collected in the field. Some of the recommendations will not be able to fully formulate until government stability is restored in Nepal. Trafficking alleviation efforts require the foundation of a sound and secure institutional body of government coupled with a strong commitment to a partnership with civil society organizations. Until a more secure government is reinstated, NGOs will continue to be at the forefront of trafficking alleviation efforts in Nepal.

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Informed Consent Form

Government and Civil Society Relations: Human Trafficking in Nepal – A Case Study

REB File # 10-158

Erica Parker

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INTRODUCTION

Good day, my name is Erica Parker and I am a Masters Student of International Development Studies from Saint's Mary's University in Halifax, Canada. As part of my Masters thesis, I am doing research under the supervision of Dr. Anupam Pandey (Saint Mary's University).

I would like to invite you to participate in my interview, on the topic of the human trafficking of women for the purposes of sexual exploitation in Nepal and the level of interaction that exists between government and civil society in alleviating human trafficking.

PURPOSE OF THIS RESEARCH

The purpose of the research project is to determine the level and character of interaction between state agencies and civil society (international non-governmental organizations and non-governmental organizations) relating to the fight against human trafficking of women in Nepal. The rationale for my research is to contribute to other studies on gender inequality, human trafficking for the purposes of sexual exploitation and partnerships between government and civil society in a development context.

WHO IS ELIGIBLE TO TAKE PART? (OR WHO IS BEING INVITED TO PARTICIPATE)

Government officials from state ministries who are involved in alleviation efforts in the area of human trafficking and representatives of international non-governmental organizations (INGOs) and non-governmental organizations (NGOs) dealing with potential victims and/or victims of human trafficking are invited to participate. Only those individuals who feel comfortable participating in an interview in English are eligible.

WHAT DOES PARTICIPATING MEAN? (OR WHAT WILL I HAVE TO DO)

As participants in the interviews, we may have an initial meeting in order for me to explain my research project in more detail. Once we have both agreed to move forward to the interview stage (and after there has been informed consent), you will be asked questions and it is expected that you answer to the best of your ability. The interview in total should last no longer than one hour, with 12-16 interview questions in total. I will be taking notes throughout the interview.

WHAT ARE THE POTENTIAL BENEFITS OF THIS RESEARCH?

Direct benefits to government officials will include a chance to become more informed or aware of the strengths and weaknesses that exist in Nepal, in the coalition between government and civil society in alleviating human trafficking. Outcomes of my research may include suggestions on policy or mandates that may be taken into consideration for future use. These benefits may not necessarily be personal benefits, but may be (indirect) benefits that affect activities and mandates within places of employment. Ultimately, participation within the study will benefit places of employment and personally through a more informed workplace.

Direct benefits to NGOs and INGOs will include a chance to raise a concern over a large-scale issue, bringing attention and awareness to an issue that directly impacts their day-to-day work as well as bringing attention to the work of their organizations.

Benefits to the scientific community/society will include further research on women and human trafficking and an in depth analysis of the extent in which a coalition exists in alleviating human trafficking, between government and civil society in the context of Nepal. Through potential publication in development journals, more awareness on the issue of human trafficking will be developed and I will make a contribution in the advancement of knowledge on the development issue of human trafficking.

Providing feedback to participants on the outcome of the study can be done through personal communication through email, telephone or in person depending on when all feedback has been processed and analyzed. I can arrange to send feedback to organizations that wish to have some or all of my study. I can also send part of my entire findings to specific government ministries who wish to see the results.

WHAT ARE THE POTENTIAL RISKS FOR PARTICIPANTS?

It is not anticipated that any participant would be at risk in any way throughout the interview based on the questions that will be asked and the fact that the entire process (including objectives) will be explained prior to the interview. It would be clear what the intent of the research was before agreeing to participate.

Participants will be reminded that they can stop the interview at any point of time throughout or after the interview if they are feeling uncomfortable or questions can be skipped if they do not feel comfortable answering the question. All interviews remain

confidential (this means that I will not tell anyone you took part in this study) and there will be no identifiable information published within my thesis.

HOW CAN I WITHDRAW FROM THIS STUDY?

You are able to withdraw from this study at anytime throughout the interview or after the interview. It is expected that the paper will be presented at Saint Mary's University in August 2011, but data can still be removed for future publications after this time. If you want to withdraw from this study for any reason, please notify me immediately through email (er_parker@hotmail.com) or telephone 9849596070 (Nepal) or 001-902-240-8424 (Canada). Please know that all identities of participants remain confidential and all materials used in the interviews are also kept confidential.

WHAT WILL BE DONE WITH MY INFORMATION? WHO WILL HAVE ACCESS TO IT?

All data that will be collected will be kept confidential and only those directly involved with the writing of my thesis (ie. Thesis Supervisor) will be privy to any of the raw data collection. All participants will be assigned pseudonyms and participation in these interviews will be confidential.

HOW CAN I GET MORE INFORMATION OR FIND OUT MORE ABOUT THIS STUDY?

Providing feedback to participants on the outcome of the study can be done through personal communication through email, telephone or in person depending on when all feedback has been processed and analyzed. I can arrange to send feedback to organizations that wish to have some or all of my study. I can also send part of my entire findings to specific government ministries who wish to see the results.

For more information, please contact Erica Parker at er_parker@hotmail.com or 9849596070 (Nepal) or 011-902-240-8424 (Canada). You can also reach my supervisor, Dr. Anupam Pandey by email at anupandey1@hotmail.com or by phone at 011-902-457-1319 (Canada).

Certification:

This research has been reviewed and approved by the Saint Mary's University Research Ethics Board. If you have any questions or concerns about ethical matters, you may contact Dr. Veronica Stinson, Chair of the Saint Mary's University Research Ethics Board at ethics@smu.ca or 011-902-420-5728 (Canada).

Interview Questions

Government

- 1) What is the role of government in addressing the current level of human trafficking in Nepal?
- 2) What is the role of civil society in addressing the current level of human trafficking in Nepal?
- 3) What are some of the current government initiatives in anti-trafficking work in Nepal?
- 4) How did your ministry see the relationship with civil society in general?
- 5) How did your ministry see the relationship with civil society with regards to human trafficking?
- 6) What types of channels of coordination exist between your ministry and civil society?
- 7) What are the challenges that exist today in Nepal in alleviating rates of human trafficking at the government and civil society level?
- 8) How will Nepal's campaign for "2011 Year of Tourism" affect anti-trafficking initiatives?

NGOs

- 1) What is the role for government in addressing the current level of human trafficking in Nepal?
- 2) What is the role of civil society in addressing the current level of human trafficking in Nepal?
- 3) What types of channels of coordination exist between your organization and government?
- 4) How important is an interaction or partnership between government and civil society in addressing human trafficking in Nepal?
- 5) What are the challenges that exist today in Nepal in alleviating rates of human trafficking at the government and civil society level?

- 6) How will Nepal's campaign for "2011 Year of Tourism" affect anti-trafficking?

Professional Association

- 1) How would you describe the general relationship between government and your professional association in Nepal today? What are some of the strengths and weaknesses?
- 2) Describe the interaction between your association and the Constituent Assembly?
- 3) How would you say government views the interaction with your association? Is there any hostility? Is it welcoming, cooperative, coordinating?
- 4) Can you speak to any conflict of interest that may exist due to the fact that many (if not most) politicians have their own NGOs?
- 5) What are some of the current challenges that would prevent this relationship from improving?
- 6) As someone who works with lawyers in capacity building, how do you see the current justice system and the way it is developing? As a lack of prosecution is a big issue in trafficking, how do you see the current justice system and the future of the justice system?
- 7) Within your work, do you feel confident with some of the lawyers you have interacted with, and some of the training you have done with them? Do you feel confident that when the time comes to make the decisions in new constitution, they will do what is necessary?



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Research Ethics Board Certificate Notice

The Saint Mary's University Research Ethics Board has issued an REB certificate related to this thesis. The certificate number is: 10-158 .

A copy of the certificate is on file at:

Saint Mary's University, Archives
Patrick Power Library
Halifax, NS
B3H 3C3

Email: archives@smu.ca
Phone: 902-420-5508
Fax: 902-420-5561

For more information on the issuing of REB certificates, you can contact the Research Ethics Board at 902-420-5728/ ethics@smu.ca .