



INCLUSIVE GOVERNANCE AT LOCAL LEVEL: A CASE STUDY OF LOCAL POLICYMAKING PROCESS IN KIRTIPUR MUNICIPALITY

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ABSTRACT

Inclusive policies lead local governments to function in importing public service effectively. This study explored the process and inclusive practices during the formulation of policies at a local level. Taking the case of Kirtipur Municipality, one of the local governments in Kathmandu valley, the primary tools, and techniques for data collection were the Key Informant Interview (KII) with municipal executive members, Focused Group Discussions (FGD) with women network members, and Dalit network members, and reviews of policies formulated by the municipality. The finding has shown that inclusive policy making is imperative in local government, which demonstrate uncovers a system of governance and creates an opportunity to deliver public services inclusively to people in general and priority groups. It concludes that a specific group of people developed local policies with legitimate authority but without comprehensive consultations and engagement with women and disadvantaged people. The participation and representation of women and Dalits in the policy-making process have been ignored and as a result, local policies failed to grasp the inclusive perspective due to the dominance of the patriarchal mindset among policy makers and weak policy-influencing capacities of women, Dalits, and disadvantaged communities. The failure further resulted in continued subordination of women, Dalit, and disadvantaged people, reinforcing existing patterns of exclusion and disengagement.

Keywords: governance - inclusion - policy-making proces - participation

INTRODUCTION

The role of governance is to boost diversity to increase access and benefit to citizens regardless of ethnicity, gender, and class. Inclusive governance encompasses people's human rights, voices, and choices,

especially rights, prosperity, and happiness of disadvantaged people, including women and Dalits, in the context of Nepal. Governance as a process deals with mechanism, system, process, institution, and the ends that underline effectiveness, responsiveness, and accountability (Fukuyama 2004). This paper analyzes the policy making process of one of the local governments, as inclusive policy making is fundamental in ensuring the rights of people to access relevant, targeted, and effective public services.

People consider inclusive governance as a cliché in the political domain, in the sense that it is attractive with rhetorical meanings. However, there is no universally accepted definition of inclusive governance. Scholars have perceived it according to their conviction. In this paper, it refers to an approach that addresses social exclusionary historical practices through policies, mechanisms, systems, and institutions under which all people have equal access to all kinds of public services and the right to equal representation and participation in local governance (Jayal 2003), Leaf 2019, (OECD 2020), (Tambiah 2003). Inclusive governance as a policy maker helps understand the system of a state. It ensures an opportunity to secure equitable participation of social groups in state affairs and leads to an equitable distribution of resources for all (Mahapatra 2006). Inclusive governance primarily focuses on ensuring people's participation in the governing process. This is done mainly through provisioning various public policies.

Public policies, in general, include the Constitution, sectoral laws, acts, regulations, bylaws, guidelines, policy decisions, and the plan of actions to guide a public entity's performance. Kulaç and Özgür (2017) argue that policy incorporates a decisive arrangement and effort to be undertaken by an agency to address a problem. Through a policy, an institution, organization, or entity undertakes a series of doings to overcome specific difficulties in pursuing a positive change. Contrarily, Wright (2006) states that public policy is a tool to set out a particular position in a language and style selected to attract that heightens and inspires allegiance rather than a problem-solving device. Moreover, it clearly states what ought to be done and helps to rationalize what cannot be negotiated. Policy makers purposefully please some people who seek to be pleased by it through promise, provision, or punishment (Apthorpe 1997), (Parkin 1984). The language used in a policy transfers means and sources of influence, power, and supremacy by convincing and motivating people rather than disclosing

the rationale of policy formulation (Edelman & Haugerud 2005). Therefore, the position of language in formulating policies is fundamental.

Anthropologists, in contrast with instrumentalist perspectives, explain policy as a “cultural phenomenon” that deals with practices and doing of an agency and perceive it as "political technology" that plays as a power tool (Shore & Wright 1997) for governing people. Policy as a cultural phenomenon refers to the scenario in which a governing agency's stories, descriptions, and accounts are legitimized (Shore & Wright 1997). Policies as political technology create a grouping of subjectivity based on specific attributes in a more extensive cultural system of a society. Both explanations, policy as a cultural phenomenon and as political technology, inherently explain policy as a complex subject of "instrument of power" through which an agency acts up people and manage its subject as an objective which is one of the fields of anthropological study (Shore 2012). Thus, anthropologists, critically view policies as objects subjects to study their impact on people and culture.

According to Shore and Wright (2011), public policies entail narratives of power that categorize people into strata based on a specific philosophical stance, entitling some sections of society and disallowing others (Okongwu & Mencher 2000). The categorization uses languages and tropes with rhetorical meanings and enigmatic symbols. Parkin (1984) asserts that policy creates discourse on a matter by validating the issue through a guiding philosophy and discourse. Therefore, analysis of language, genre, trope, and style used in a policy is essential to understand better the manifestation of power, symbol, and discourse (Apthorpe 1997). Further, from a governance perspective, it validates how a governance process, system, and mechanism are instituted within a bureaucratic structure and explores its impact on people and culture.

Nepal promulgated a new Constitution in 2015 to transform the country from a centralized unitary state to a federal republic and decentralized structure, aiming to achieve economic prosperity and social justice. It adopted the three-tier governance structures, resulting in one federal government, seven provincial governments, and 753 local governments (293 municipalities and 460 rural municipalities). The new governance structure is constituted around the principles of cooperation, coexistence, and coordination (Government of Nepal 2015). The local governments, one of the three tiers, due to proximity, are closest to the people with two

functions: "management of public services" and "representation of citizens" (Ndreu 2016). These two functions are supposed to be performed through provisioning and implementing various public policies.

Local governments formulate policies to discharge their mandates by considering constitutional and legal jurisdictions. Nepal's 2015 Constitution has several progressive provisions regarding excluded groups, especially women and Dalits and the participation and representation of disadvantaged people in the policy making process are crucial in the sense that without their meaningful participation in the policy making process, their views, perspectives, and aspiration cannot be reflected (Dias & Sudarshan, 2007, (OECD 2020), limiting local governments in translating constitutional provisions regarding inclusive governance into action in any real and meaningful sense.

In the changed federal context of Nepal, the local governments are inclusive in terms of the representation of women and disadvantaged people in the governing structure. However, the inclusive representation in the structure does not ensure the adaptation of an inclusive perspective in local policies developed by the local government. Policies re-frame development initiatives in a different way but put little attention to their actual practice resulting in unintended gaps in policy provisions and their actual implementation (Mosse 2005). Given the context, the central question this paper pursues is how, and to what extent, a local government follows an inclusive approach in the policy-making process at the local level. Therefore, this article explores the participation of women, Dalits, and disadvantaged people in the municipality's local policy-making process. The study through an ethnographic approach uncovers whether the local government's policy-making process follows the inclusive approach.

METHODS AND MATERIALS

Study area

Kirtipur municipality is one out of 753 local governments constituted after the state's restructuring implemented by the government, located in the capital city Kathmandu in Bagmati Province of Nepal. There are ten wards, each with its own functional office, to deliver public services and manage administrative functions devolved to local government through the Constitution and the Local Government Operation Act 2017. Being a historical city, it has unique socio-political importance. Native Newars

reside predominantly in this municipality with the coexistence of other social groups.

This study employed a case study of Kirtipur Municipality, with the case study approach allowing an in-depth analysis of the policy making situation. Kirtipur Municipality was selected due to its moderate status in day-to-day performance and cultural diversity, including the coexistence of native Newars and migrant populations from different communities and other social groups.

Key Informant Interviews (KII) were undertaken with executive members; Mayor, Deputy Mayor, Ward Chairperson, Dalit and women members of the municipal executive committee, and administrative officials (Chief Executive Officer) to explore their views and opinions. (Brinkmann 2018) on local policy making, process municipality followed in due course of time. The key informants were selected employing an ethnographic approach. 23 policies developed by the municipality to analyze the focus of the policies, including existing provisions for gender and social inclusion mainstreaming, were also reviewed. Two Focus Group Discussions (FGDs), each with women group members and Dalit Network members were conducted to discuss their experiences and perception (Bohnsack 2004) about their participation and engagement in the policy making process.

Conceptual framework

The conceptual framework included a policy gap analysis and policy agenda, policy drafting, policy decision, policy implementation, and policy evaluation, which are the main steps for policy making (Colebatch, 2009). Of these steps, the focus was placed on how the municipality drafted and finalized policy with the participation and engagement of women and Disadvantaged people, on the basis that an understanding by elected representatives of inclusive governance is essential to formulate a policy ensuring inclusiveness in its content and process. Further, legal frameworks and directives to local governments on general policy support guide local decision-makers in the policy process and provide a platform for different social groups to influence the local policy making process. The policy influences the capacity of other social groups, including women and disadvantaged people, attributes to formulating an inclusive policy. The understanding of elected representatives on inclusive governance, the legal framework for the local policy making process, and the influencing capacity of women and disadvantaged communities are key to inclusive governance

policy, however, they look separate from the general policy making step. This is presented diagrammatically in Figure 1, below:

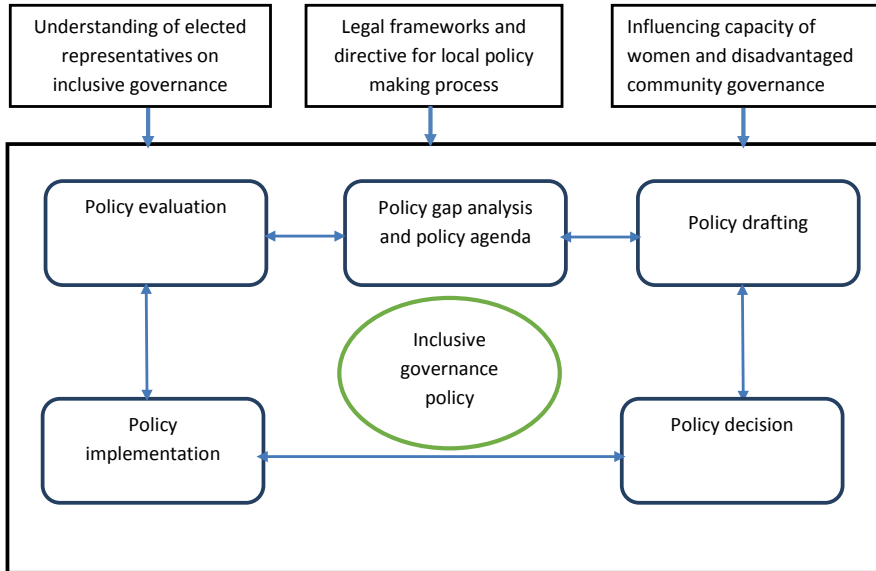


Figure 1: Conceptual Framework

Source: Authors' sketch based upon the ideas from Colebatch (2009) with empirical observations in the ethnographic setting

RESULTS AND DISCUSSION

Policy making process of Kirtipur Municipality

The municipality's executive committee was inclusive regarding women and disadvantaged groups' representation in the executive committee. The executive committee comprises 20 members, including 30% women, 55% Newar, 25% Brahman/Chhetri, and 20% Dalits.

The Local Government Operation Act of Nepal (Government of Nepal, 2017) has accorded some procedures for the tabulation of a bill (Article 20) and the method to pass and certify a bill into law (Article 21). The local government has the right to draft and enact "Local laws, regulations, guidelines, procedures and standards" (Article 102). However, there is no clearly defined procedure in the Act in terms of what process local governments should follow to ensure the participation of women and Dalits in the policy making process and warrant the incorporation of an inclusive perspective into the policies. The Chief Administrative Officer stated: "The municipality is in the formative stage; after state-restructuring

followed by local election held in 2017, it does not have a procedure that could guide how to formulate local policy inclusively". This showed that the municipality lacked an internal strategy or process document on local policy making, resulting in a lack of clarity among policy makers on ensuring inclusiveness in local policies, representing a democratic deficit.

Within two years (May 2017-April 2019), according to the chief administrative officer, the municipality had developed 23 local policies and strategies to discharge administrative functions and undertake local development as envisioned in the Constitution and Local Government Operation Act. The Law Drafting Committee (LDC) of the Municipality assigns a team of experts, including a legal expert, to draft policies, guidelines, and frameworks. The Deputy Mayor stated: "The municipality assigned the LDC in drafting new policy; however, there was no representation of women and Dalit in the drafting committee". An executive woman member said:

The municipality did not pay attention to involving women, Dalits, and disadvantaged people in the policy making process. The reasons for the non-inclusion of disadvantaged people are due to a patriarchal mindset among policy makers, and a lack of measures and mechanisms to reinforce inclusiveness in policies.

This reveals that the experts drafted the policy as guided by the Terms of Reference (ToR), a sample policy/law provided by the Ministry of Federal Affairs and General Administration (MoFAGA) with due respect to the local context. The participation of women, Dalits, and other disadvantaged people in the policy making process is negligible, and the reasons stated by KII participants included a lack of clear understanding among municipal leadership on inclusive governance, including the ways to translate the constitutional provision into local policies about gender social inclusion mainstreaming—the limited influencing capacity of women and disadvantaged communities. Mosse (2005) argues that policy is an upward-focused tool to warrant authority to act upon power rather than serve people. This disclosed that the policy making process is a political phenomenon that creates and proliferates political thoughts and principles.

Once a draft policy is in place, the municipality has a practice of consulting with a "Think-Tank Group (TTG)". TTG is a loose informal network that consists of experts, academics, development professionals and former leaders of the municipality, to provide input to the draft policy to ensure that these are comprehensive and implementable. But an executive

women member said: "Consultation with TTG is good, but there is no practice of involving women, Dalit or other ethnic groups in the TTG, and no inputs are provided over the draft policy from an inclusive point of view". The main reason for not providing inputs is the patriarchy mindset embedded among policy makers, which ultimately excluded inclusionary aspects while drafting local policies. Paley (2004) found that citizen participation in decision-making results in securing accountability of public authority in fulfilling public demand. However, the current policy making process largely overlooks women, Dalit, and disadvantaged people's participation in governance.

One of the structures contributing to the formulation of the local policies is Kirtipur Development Council (KDC), led by the former Mayor. This council discusses overall development agendas, including newly drafted policies. There is a practice of sharing the revised policy with the KDC once a draft policy is revised, incorporating comments from TTG. Post consultation with KDC, draft policies are submitted to the Mayor who subsequently consults Ward Chairpersons, collectively seeking their views and inputs on the draft. In response to the policy making process, the Mayor asserted that: "Consultation with KDC and Ward Chairpersons help validate the policy provisions and ensure stakeholders' ownership before endorsing the policy by the Executive Committee. But the discussion with women, Dalit, and other disadvantaged groups are not thought necessary as the Executive Committee of the municipality represents their views". However, the Deputy Mayor opposed this view and stated that: "Though different interlocutors and actors are involved in the policy making process, none of them - the team of experts who draft policy initially, TTG who provides inputs to the policy draft and KDC who validates policy provisions - provides inputs to the draft policies from a gender and inclusive perspective". The Mayor's response was formal statement only because he focused on how the entire policy making process was accomplished in the municipality without entering the issue of inclusiveness. The non-participation of women, Dalit, and other disadvantaged people is therefore due to a limited understanding of elected representatives on why and how the inclusiveness approach contributes to social justice.

Although the elected representatives speak loudly about the inclusion of all sections of society, the practice shows that the inclusive perspective has not been incorporated into the policy making process. The Mayor underscored that political ideology exists among elected representatives, "All poor are not Dalits, and all Dalits are not poor. That

is why the focus should be given to economically poor people rather than women, certain castes and social groups". However, except for some budgetary allocation to priority sectors at the activity level as tokenism, no policy with targeted provisions for economically poor people, and none of the KII and FGD participants validated this claim was evidenced. The process and policy making practice of the municipality is therefore driven by political philosophy in developing policies rather than pursuing an inclusive approach and accords with Foucault's (1991) contention that in most cases, state agency emphasizes how to govern people and their conduct through the exercise of political power.

Power relation and policy making

One of the women executive committee members, Dalits, and Women network members, described the municipality's inherent internal power relations: "Among themselves, power is vested on a few people, and their mindsets are guided by a social structure dominated by purity and impurity. Unequal power-relation remains between Dalit and non-Dalit women members, Dalit women network members, women network members, elected executive members-nominated executive committee members, key executive personnel-mid level administrative members". The patron-client relationship guided the dynamic and imbalance of power (Eisenstadt & Roniger, 1980) as evidenced by data from FGDs which demonstrated that there have been no strong organizations to advocate and lobby strongly with the municipality to challenge unequal power relations and ensure equality, inclusion, and human rights-based approach.

45% of executive members are Dalits and women; however, collective efforts were lacking in lobbying for inclusive policies. Women and Dalit executive members focus on getting funding for activity implementation rather than advocating for structural change and gender transformation through inclusive policies. The municipality is responsible for building the capacity of all people but lacks adequate capacity-building initiatives to empower women and disadvantaged people. It is not surprising that inequality in power reflects the state's inability affect disadvantaged people in the name of political change (Koch, 2018).

The Municipal Assembly Guideline is one of the newly-developed policy provisions identifying local needs and necessities for formulating any law. However, no evidence was found of any local need assessment before the policy drafting process. The Deputy Mayor stated: "Analyzing the local need and exploring the interest of women, Dalit, and other social

groups before drafting policies would be worthy. However, we are yet to initiate this practice in a real sense". The main complications identified in the research included inadequate capacity and lack of willingness among municipal administrative officials to initiate identifying local needs. Theoretically, an inclusive policy implies formulating context-specific policy considering the local situation of rights holders (UNDP, 2007). Nevertheless, neither women and Dalits nor their representatives were consulted, nor was their situation analyzed systematically, primarily due to the lack of any mechanism to ensure meaningful participation of women, Dalits, and other disadvantaged people as per the constitutional spirit. Seidel and Vidal (1997) note that policy makers mostly pronounce specific political philosophy as a discourse and direct people's conduct rather than following a participatory approach in governance (Seidel & Vidal, 1997).

Socio-cultural norms and policy making

The municipality is taking some steps to promote gender equality. For example, the User Committee Formulation and Mobilization Procedure and the Cooperative Act ensure 33% female representation in the user committee and cooperative committee's executive board. In addition, there is a provision to include a female in School Management Committee and Health Institution Management Committee. Nevertheless, almost two-thirds of policies are gender-neutral. When asked "Why municipality does not have a provision to ensure inclusiveness in the policies?" an executive municipal committee member belonging to the Dalit community said, "LDC prepares policies, Municipal Executive Committee never runs the policy through the right holders' networks, and inclusiveness is not yet a common agenda". She reported that there is a deep-rooted discriminatory patriarchal mindset among policy makers. These are symbolic efforts deliberately provisioned in some of the policies as tokenism for females rather than transforming unequal social relations (Monno & Khakee, 2012). The Deputy Mayor responding when questioned about why the municipality does not have separate gender equality and social inclusion policy, stated: "Initially, we thought that focus should be given to poor people rather than a caste/ethnic group, but in the meantime, we realized about the importance of having a targeted policy for gender and social inclusion mainstreaming". This shows a narrow focus of the municipality on gender equality and social inclusion. She added, "Municipality will develop the dedicated gender equality and social inclusion policy soon". According to Agarwal (2010), gender stereotyping has been one of the causes for failing to adopt the principle of inclusion in governance.

The FGD with women network members asked: "Did you coordinate and lobby with the municipality?" They said that: "There is a women network in each ward of the municipality to coordinate and lobby with local government for implementing different activities. However, these networks could not strategically influence the municipality during the formulation of local policies". A lack of strategic alliance and collaboration with civil society institutions prevented women's effective participation disabling them from increasing their claim-making power and participation in local governance. This revealed that despite different progressive legal provisions in the Constitution, the overall participation of women in the political sphere is not significant compared with the male counterparts (Khelghat-Doost & Sibly, 2020). The main reason for less significance, as Khelghat-Doost & Sibly (2020) argued, is discriminatory social norms and a patriarchal education system that shaped policy makers' mindset.

Furthermore, there is a knowledge gap among the elected representatives on inclusive governance, its process and approach, substantive equality, women's participation, and social inclusion. The local policy making process uncovered that meaningful participation of women and disadvantaged communities and their recognition by the municipality is far-reaching. The municipality has failed to incorporate women's and disadvantaged people's rights, voices, and choices as a state agency while enacting various policy provisions.

CONCLUSIONS

Based on the above discussion, it can be concluded that local government has gradually evolved to develop its own internal system, process, and mechanism after the promulgation of the constitution in 2015. It has an excellent scope to develop systems and a mechanism through which women, Dalit, and disadvantaged people participate and engage in the local policy making process and contribute to the formulation of gender equality and social inclusion-responsive policies as per the spirit of the Nepali Constitution 2015. The participation and representation of women and Dalits in the usual policy making process of local governments are minimal. Socio-cultural norms are important barriers to the inclusion of women, and marginalized groups (Pokharel & Pradhan, 2020). Unavailability of operational guidance on how to practice inclusive governance, and lack of a reliable oversight mechanism for equal participation of all people are also barriers to inclusion in policy making. This is compounded by the limited understanding of elected representatives on inclusive governance and the

inadequate influencing capacity of women and Dalit which continued to formulate a non-inclusive policy at large. An inclusive policy-making process is fundamental to leading municipal governance towards inclusive public service delivery. However, this case study found that the current policy-making process of the municipality was gender and social- inclusion neutral.

Since women, Dalit, and disadvantaged people are the principal rightholders of local policies, their exclusion from the policy-making process remains a fundamental governance issue. Nevertheless, the invisibility of rightholders in the policy process, not surprisingly, is evidently strangling for their participation. The municipality, as a newly-created governing structure with women, Dalit, and disadvantaged communities' traditional role to limit them at household chores coupled with the non-compliance with inclusive governance principle resulted their invisibility in the policy-making process. Invisibility, in other words, is one of the human rights issues that violate instinctive values and the instrumental process of democratic governance.

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