



*Women's Question In Nepal's  
Democratic Post Conflict Transition :  
Towards A Policy Research Agenda*

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(This article was written in 2008 before the current deadlock in Nepal)

*Abstract*

In Nepal's elected Constituent Assembly sit 191 women – the wives and daughters of former Prime Ministers next to Dalit and janajati (indigenous peoples) women who came to politics during the Maoist 'Peoples War'. The lofty Maoist vision of a revolutionary Nepal was said to have opened up spaces for poor, illiterate, rural women to 'join' as agents in a potentially transformative politics. Is that agency being carried over into the democratic transition or is Nepal too succumbing to the historical trend of the marginalization of women post conflict. The article explores the changes that occurred during the Maoists 'Peoples War' that redefined women's roles and gender consciousness and paved the way for the socio-political ascent of the women to the CA. It will flag the contradictions and challenges that are emerging in the post conflict landscape in the re- envisioning of the women's question in a new Nepal as it confronts the exigencies of governance and power politics.

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South Asia's newest republic, Nepal has become the region's trailblazer in the socio-political assertion of women as exemplified in the 33 % representation of women in the new Constituent Assembly. In the 1990s, India had broken revolutionary ground by reserving 33% seats for women at local body levels, but its scaling up to state and national legislative bodies has been stymied. Nepal, however, shows the way. Disempowered, poor, illiterate rural women largely from the oppressed castes have been enabled to walk the track from invisibility to political protagonism.

In the newly-elected Constituent Assembly sit 191 women – the wives and daughters of former Prime Ministers, next to Dalit and *janajati* (indigenous peoples) women who came to politics during the People's War. The Communist Party of Nepal - Maoist (CPN-M) leads the way with 74 women, Nepali Congress 39, the middle path Communist Party of Nepal - Unified Marxist-Leninist (CPN-UML) 36 and the Madhesh parties with 17. There is the potential opportunity to write into the Constitution a transformative agenda on gender relations, to assert sustainable entitlements to decision-making rights, to prioritize the social agenda and redefine security and gender in security sector reform. Historic experience has been that in democratic transition, in the drafting of new policy frameworks, the citizen is considered gender-neutral. Will Nepal steer a bold new path?

The sceptics are vociferous in decrying the capacity of largely uneducated Constituent Assembly women to contribute. But Maoist Constituent Assembly member Sarala Regmi, who defeated a UML heavyweight, Bam Dev Gautam, has heard such criticism before when Maoist women manned the fierce battle lines - "It was extremely hard for some sections of our patriarchal society to accept that women were on the frontline sacrificing their lives. Now they doubt us and say we will not be able to write a good constitution". But she was dismayed when in the wheeling and dealing of coalition politics, the defeated Bam Dev Gautam was nominated Home Minister. Regmi who is from the downtrodden castes, is determined to not let the power games of Kathmandu defeat the goal of inscribing in the Constitution the dismantling of federal structures and recognition of ethnic, class and gender rights<sup>1</sup>.

What does this gender-assertive profile of political protagonism portend? In Nepal, are we seeing the reversal of the historical trend evident in the aftermath of most conflicts, of the pushback to the status quo and the suppression of the agency of women mobilized during the conflict? The lofty Maoist vision of a revolutionary

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<sup>1</sup> "Sarala's struggle," *Nepali Times*, October 24-30, 2008; *The Himalayan Times*, October 13, 2008.

Nepal was said to have opened up spaces for masses of women, especially poor, illiterate, rural women to 'join' as agents in a potentially transformative politics. Is that agency being carried over into the democratic transition? Is the progressive agenda of social reform claimed by the Maoist movement being translated into law? Will the process of reintegrating women combatants be gendered or as elsewhere, will women's contributions be made invisible and the challenge of culturally reintegrating mobilized women ignored? Will the tentative 'gains' from readjusting the macho-masculinised culture of militaries be built upon through the inclusion of gender perspectives in redefining security? Will the justice agenda address the issue of sexual violence in conflict and resist the trend towards making it invisible as private or trivializing it as collateral to armed conflict? Will the post-conflict development frameworks be gender-sensitive to the increasing economic and social burden shouldered by women in the aftermath of political violence, which is simplistically summed up in the descriptive social category of 'female-headed households'.

This article does not intend to answer the cluster of questions raised above which would require an exhaustive documentation of the history of Nepali women in conflict and the post-conflict aftermath. It is too early in Nepal's ongoing process of post-conflict socio-political transition to do more than suggest directions of empirical inquiry and to indicate the challenges that face policymakers, women's solidarities and feminist scholarship to counter the historical trend of the marginalization of women post conflict.

This brief essay will map some of the broad changes that occurred at the grassroots level during the Maoists People's War that opened up spaces for redefining women's roles and gender consciousness and paved the way for the socio-political ascent of the women to the Constituent Assembly. Here, I will focus on the women in the Maoist movement rather than the wider field of gender as a category of analysis. In my earlier writing, I had explored the 'ambivalent spaces' that conflict opens up for women outside the movement in terms of assuming decision-making roles, taking on ritually sanctified gender-differentiated tasks of ploughing the land, thatching roofs or defying ritual practices of widowhood.<sup>2</sup>

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<sup>2</sup> Some limited field-based empirical work, using gender as a category of analysis explored the narratives of civilian women managing survival and carving out new gender roles in the midst of the societal upheaval of conflict and displacement and the narratives of 'politicised' and militarised women in the Maoist movement discovering a new sense of self esteem, struggling to rework gender relations in a patriarchal militaristic order.

Shobha Gautam, Amrita Banskota and Rita Manchanda, "Where there are no Men: Women in the Maoist Insurgency in Nepal," in *Understanding the Maoist Movement of Nepal*, ed. Deepak Thapa (Kathmandu: Martin Chautari Centre for Social Research and Development, 2003).

The paper will also flag the contradictions and challenges that are emerging in the post-conflict landscape in the re-envisioning of the women's question in a new Nepal as it confronts the exigencies of governance and power politics. It will pick up on the social currents towards pushback to a gendered status quo, as manifest in the rising graph of domestic violence and the trend towards impunity in addressing the issue of sexual violence in conflict.

I am drawing, perhaps overly, on the writings of Maoist women leaders along with a sprinkling of journalistic articles, films and some tentative efforts at scholarly research on women in the Maoist movement. Unfortunately, there is too little empirical field research to do a social audit of the lofty Maoist claims to socio-cultural transformation. For example, in the base area model 'women exploitation free villages' were created. How did they work? Are they sustainable? What demonstration impact are they having? A "survey" carried out by the (Maoists') Women Dept in 2002-2003 provides remarkably frank insights into the assumptions of a socially transformative experience of the women in the Maoist movement, especially its fighting force. Those assumptions need to be problematized in rigorous field-based research. We do not know whether the claimed reworking of gender relations in the People's Liberation Army (PLA) has carried over to the peace camps where women and men combatants have been cantoned for over a year. It is an urgent agenda for research to guide policymakers in acknowledging women's contributions and consolidating social 'gains'.

## Introduction

During the decade-long People's War (1996-2006), Nepal's society and polity were radically altered. In the area of gender relations, Maoist women leaders claimed that the locus of Nepal's women's movement shifted from the urban centres to the rural areas, from middle class women to the *janajati* and lower castes<sup>3</sup>. "Today, the image of tired malnourished women carrying children at one end and rearing cattle at the other end has been transformed into the image of dignified fighting women with guns", Hsila Yami alias Comrade Parvati asserted<sup>4</sup>.

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Also see "Maoist Insurgency in Nepal: Radicalizing Gendered Narratives," *Cultural Dynamics*, Volume 16, No 2-3 (2004): 237-258.

For descriptive information on women's fledgling initiatives in mitigating impact of violence see IHRICON Newsletter 2004.

<sup>3</sup> Comrade Parvati, "Women's Perspectives in the Maoist Movement," in *The People's War in Nepal*, ed. Arjun Karki and David Seddon (Delhi: Adroit Publications, 2003).

<sup>4</sup> Hsila Yami, *People's War and Women's Liberation in Nepal* (Raipur: Purvaya Prakashan, 2006).

As an index to the multiple layers of oppression that bind Nepali women, especially the model of the upper caste Hindu woman, there is a popular saying, "If my next life is to be a dog's life, I'd rather be a dog than a bitch". The gender profile of Nepal reveals that women suffer from 54 discriminatory laws, including citizenship and inheritance<sup>5</sup>. A woman's life span is shorter by two and a half years. Nepal's maternal mortality rate of 905:100,000 is matched only by Afghanistan; women watch one in every ninth child die under five. This is accompanied by early marriage, multiple pregnancies to beget sons and thus ensure their marital life and their share of land via sons. Women are not entitled to an equal share of parental property (only unmarried women over 35 years) nor can they inherit tenancy rights and therefore access bank loans etc. While Nepali women are culturally differentiated in view of their ethnic, caste and regional identities and *janajati* women enjoy relatively more freedom than the Hindu caste-bound women, multiple levels of oppression bind women down to unhygienic menstrual social ostracism, torturous widowhood, dowry and polygamy.

### **Mobilizing Women**

The material reality of Nepal is that one in two male householders is caught up in seasonal migration and women are the mainstay of subsistence agriculture. This reality determined that the Maoists mobilize women for the agrarian-based revolutionary struggle. Maoist ideology and policy specifically reached out to girls and women and not as a last resort as in the case of the LTTE in Sri Lanka. Property rights for women comprised a key demand in the Maoists' demand charter. Moreover, overriding traditional constraints, the Maoists opened up the fighting ranks to women. Sarala Regmi was one of the first 60 women guerrillas to be recruited in the PLA. The result was the mass visibility of poor, rural, illiterate women, the majority from oppressed castes and indigenous communities, in the movement, as propagandists and mobilizers, party cadres and district secretaries and above all as soldiers in the people's militia and People's Liberation Army (PLA).

Maoist leader Hsila Yami claimed that women constituted 30% of the force in the PLA and even more in the militia. An indication of the mass visibility of women in the movement can be gathered from their presence in the western Nepal region. According to Maoist sources, the region had 1500 women's units, and in mass women's organisations 600,000 members. In the military field, there were ten

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<sup>5</sup> (FWLD: 2005).

women section commanders in the main force, two women platoon commanders in secondary force and several militia commanders in the basic force. The team commander of the health section of the battalion force was a woman<sup>6</sup>.

Overall in the PLA, there were dozens of women at the regional level, hundreds in the district level and several thousands in area and cell levels in the party. Since 1995, when the decision was taken to have two women in each guerrilla squad, women in the PLA had become commanders and vice commanders within brigades, platoons, squads and militia. In order to encourage women's leadership, there were separate women's sections in brigades, women platoons and women squads. According to a questionnaire based survey conducted by the Women's Department of the Party targeted at women in leadership-level positions in the movement, more than 40% 'coveted working in the PLA'<sup>7</sup>.

Local eye witness accounts of the last Maoist-RNA battle in Benin speak of the high visibility of women. Journalist Matrika Poudel writing in the *Nepali Times* on "Nepal: Women Warriors" (November 22, 2005) claimed that the proportion of women in the Maoist ranks in eastern Nepal appears to be higher than in the west. Particularly among the *janajati* (indigenous peoples) communities, where there were relatively fewer constraining upper caste bonds, as in the Kirat and Limbu communities, the number of women guerrillas was higher. The UN report on Children in Armed Conflict records that from November 2005 - September 2006, 39% of the recruits were girls. Post conflict, of the 32,250 registered Maoist combatants in 28 cantonments, UN Mission in Nepal (UNMIN)-led Joint Monitoring Coordinating Committee verified 19,692 PLA fighters as eligible for 'integration', of which 5000 were women.

### **From Invisibility to Protagonism**

Did the visibility of women in the three organs of the Party, the PLA and the mass fronts translate into protagonism? This would depend upon the opening up of spaces for the development of women's leadership. However, with the majority in the age group of 15-25 years<sup>8</sup>, can we talk of agency in shaping and pushing a

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<sup>6</sup> Hsila Yami, *People's War and Women's Liberation in Nepal* (Raipur: Punaiya Prakashan, 2006), 36

<sup>7</sup> Hsila Yami, *Ibid*, 63.

<sup>8</sup> An insight into the age pattern can be garnered from a Survey conducted by the CPN-M Women's Dept to assess problems in establishing women's leadership in 2002-3. Questionnaires were sent to those positioned for leadership responsibilities, e.g. in the party - area committee level, PLA - Cdr and Vice Cdr level and mass front - district committee level. Some 47% were within 19-25 group, est 37% in 18 and below group. Hsila Yami, *Ibid*, 58.

radical socio-economic programmatic agenda for the movement? Feminist scholarship has tended to be very critical of women's agency in militarised movements, in particular the LTTE women who Radhika Coomarasamy, dismissed as 'cogs in the wheel'<sup>9</sup>, in a reductionist view that has been challenged by the more recent writings of Darini Rajasingham (2001) and Miranda Alison (2003)<sup>10</sup>.

In the case of the Maoist movement, during the People's War, in the party's Central Committee, there were eleven women members (the 2005 Chunbagh National Convention downsized the Central Committee and retained only two women). In the United Revolutionary Peoples Council, the embryonic central government, there were four women out of thirty-seven members. Women's participation in all People's Councils was held to be mandatory. However, in 2001 when the people's governments were set up in twenty-one districts, none was headed by a woman, although there were four women Vice Chairs.

Yami's frontal attack in her writing about the patriarchal construct of marriage and the pressure on young women in the movement to marry and take on the gendered burden of child-bearing and rearing, reflects her frustration at women losing out on assuming leadership roles. This was especially the case in the PLA where there were few women above twenty five years of age. Many of her writings are extremely critical of the top party leadership in failing to strategically address the questions of sexuality, marriage and reproductive responsibilities and to give priority to the demands of the mass women's fronts to provide for a social infrastructure of crèches and caregivers.

Moreover, the survey conducted by the Women's Dept in 2002-3 to ascertain the problems in establishing women's leadership, revealed that more than 74% of respondents who were in mid-level leadership positions felt that gender discrimination was 'normally present', especially in the PLA, vehicle for the most rapid socio-political transformation. In the movement as a whole, more than 61% sensed gender discrimination while being promoted and 58% felt that their abilities were doubted. About a third of the women felt that the men in the

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<sup>9</sup> Radhika Coomarasamy, "Women of the LTTE," *Frontline Magazine*, January 10, 1997

<sup>10</sup> Miranda Allison, "Cogs in the Wheel? Women in the LTTE," *Civil Wars*, Volume 6, No 4, (London: Routledge: 2003), 37-54. Darini Rajasingham Senanayake "Ambivalent Empowerment: The Tragedy of Tamil Women in Conflict in Women War and Peace," in *Women War and Peace in South Asia: Beyond Victimhood to Agency*, ed. Rita Manchanda (New Delhi: Sage, 2001), 102-130.

movement continued to judge women on the basis of a feudal conservative outlook<sup>11</sup>.

Notwithstanding these contradictions in challenging the socially subordinate status of women, that the Maoist movement significantly radicalized the social agenda and the women's question was evident in the way successive governments in Nepal felt obliged to commit on reservations for women. During the 2003 ceasefire negotiations, the government proposed reserving for women 25% of all seats in representative bodies.

Through the furnace of the People's War have come forth many disempowered poor, rural women from the indigenous communities and oppressed castes, to take their seat in the Constituent Assembly - women like Jayapuri Gharti from the Maoist heartland and Rolpa who joined the movement in 1990 when still at school. Coming from a family that was poor, belonging to a socially downtrodden caste, and being the seventh of eight children, Rolpa was lucky to have been sent to school. In high school, she fell under the influence of her Maoist teacher, Nand Kishore Pasang and joined the party. In 1998 she became the Central Committee (CC) member, in 2003 head of the Women's Wing and in 2008 she defeated seven rivals, all male, to become Constituent Assembly member<sup>12</sup>.

### **Socio-cultural Transformation**

Maoist writings claim that the People's War affected a template shift in the socio-cultural transformation of Nepali women in the rural areas. CPN-M Chairperson 'Prachanda' in interviews to the RIM journalist Li Onesto, frankly admitted that the party was running to keep up with the overwhelming response of women to political opportunities and the intended and unintended social consequences. He spoke of a "whole cultural revolution going on among the people. Questions of marriage, questions of love, questions of family and of relations between people, all of these were being turned upside down and changed in the rural areas"<sup>13</sup>

Yami's writings draw attention to the major strides made in the socio-cultural field, through consciousness-raising campaigns, often reinforced through FM radio broadcasts, aimed at anti-liquor drive, countering trafficking among communities

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<sup>11</sup> Hsila Yami, (2006), op.cit, 65.

<sup>12</sup> *Nepali Times*, 28 September - 2 October; *Himalayan Times* Sept 9, 2008.

<sup>13</sup> Li Onesto, "Red Flag Flying on the Roof of the World: Interview with Prachanda," *The Worker* 1043, February 20, 2000, 195. Accessible at [www.rwor.org](http://www.rwor.org)

like the Badi community, exhortation towards simplicity in marriages and ceremonies, hygiene consciousness especially against physically and socially degrading menstrual practices, tortuous widowhood and long mourning and support for widow remarriage. In the base areas, women exploitation free villages were set up where women were said to get their equal share of parental property, where domestic violence, child marriage, forced marriage and polygamy were said to have been reduced and crèches and support infrastructure was available. Living that new vision were women like Jayapuri Gharti Magar who married a fellow PLA combatant and whose daughter was brought up by the *Janata*.

A new legal code used in the Maoists-run Peoples' Courts formulated a separate law regarding women and family. Women were encouraged to acquire basic legal training and served as barefoot lawyers in these peoples' courts. National and international newspapers of the period were full of reports from rural areas of the people's courts punishing wife-beaters, rapists and exploiters of women and of open jails and reformatory justice<sup>14</sup>.

Did the Maoist People's War period provide more empowering and enduring cultural identities for women both within and outside the party? Yami in her analysis of the survey acknowledges that the Maoist women did not serve as role models or motivators in mobilizing women in the movement. It was fathers, brothers or 'others'. And Jenny Marx was the favoured icon. One reason may have been that most of the women were first-generation recruits. Yami, however, recognises that male chauvinism persisted in the PLA and there were significant reports of gender discrimination and sexual exploitation. Alongside, there was the emergence of full-time revolutionary husband-and-wife teams, though the barrier of traditional labour relations remained<sup>15</sup>.

What would an independent field-based social audit of the movement's agenda of socio-cultural transformation reveal? That is a research task that is waiting for some rigorous empirical studies. What do some of the journalistic reports and more scholarly writings suggest? Sujitha Shakhya of the UML is fierce in her denunciation of the Maoists claim of a socially transformative agenda. "Injustice, tyranny, exploitation and oppression faced by women cannot be overcome by beating someone over the head with 500-1000 sticks and breaking a pot of wine",

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<sup>14</sup> Rita Manchanda, "Maoist Insurgency in Nepal: Radicalizing Gendered Narratives," *Cultural Dynamics*, Volume 6, No 2-3 (2004): 237-255.

<sup>15</sup> Hsila Yami, op.cit, 2006.

Shakhya said. She claimed that the Maoists ill-treated women and used sexual violence as a means of control<sup>16</sup>.

In a more sympathetic analysis of the movement's impact, Anju Chhetri, cofounder of Asmita, a women's publishing house, consolidates the claims made in Maoist writing of People's War opening up spaces for progressive social transformation. Chhetri, while drawing attention to the 'losses' - families dislocated and ruptured, estimates of 3000 widows, the burden of single parenthood and financial deprivation - acknowledges, that there have been 'gains'. Before the war, "polygamy was a matter of bravery and pride", now "the Maoists have stopped it not only in practice but also prohibited it by formulating law". Property rights of women featured in the original Maoist demand agenda. In 2001, the civil code was changed to entitle women to inherit ancestral property, and two years later, in 2003, the right to abortion was passed<sup>17</sup>.

Evidently, these changes have proved sustainable enough to impact upon the gendering of the structure of legal reform in democratic transition. The newly constituted Ministry of Law, Justice and Constitutional Affairs in October 2008 has formulated a draft bill that proposes to amend 14 gender discriminatory laws, including recognising daughters as equal partners to parental property.

Anthropologists Shneiderman and Pettigrew are wary of over-determining a gender consciousness in understanding why so many girls joined the Maoists. The survey suggests that while 65% were motivated to join because of class oppression some 16% added gender discrimination. Women like Sarala Regmi and Jayapuri Gharti, clearly indicate that social and gender oppression were important in drawing them into the struggle for justice and equality. Shneiderman and Pettigrew in their interviews with Maoist women guerrillas reveal a quiet gender consciousness as reflected in the statement of a young Maoist recruit - "You see there used to only be sickles and grass in the hands of girls like us; and now there are automatic rifles"<sup>18</sup>. Their encounter with a two-woman team, a Dalit and a Chhetri, at a Maoist camp, revealed the possibility of spaces for not only

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<sup>16</sup> Sujitha Shakhya, "The Maoist Movement in Nepal: An Analysis from Womens' Perspectives," in *The People's War in Nepal*, ed. Arjun Karki and David Seddon (Delhi: Adroit Publication, 2003), 395.

<sup>17</sup> Aditi Bhaduri, "Nepal's Historic vote puts women in the running," in *W e news*, April 9, (2008), <http://www.womensenews.org/story/campaign-trail/080409/nepals-historic-vote-puts-women-in-running> (last accessed Feb 4, 2009).

<sup>18</sup> Shneiderman and Pettigrew, "Women and the Maobadi," *Himal Magazine* (Jan 2004) <http://www.himalmag.com/read.php?id=3744> (last accessed November 6, 2008)

transcending caste but also gender relations. The two were found cleaning their guns. "They did not help in preparing food or in repairing uniforms, both of which jobs were done by men," observed Shneiderman and Pettigrew<sup>19</sup>.

Yami, analysing the above mentioned survey, found the presence of gender discrimination and male chauvinism persisting in the PLA. Notwithstanding these findings, Yami notes that the participation of a critical mass of women in the PLA has had a transformative impact on the highly masculinised culture of militaries as well as the popular image of the culture of militarism as being coercive power structures with violent practices<sup>20</sup>. Yami, alias Comrade Parvati, writing in the Maoist organ *The Worker* in an essay titled 'Women's Participation in People's Army' (2003), argued, "The infusion of women in PLA has made it easier to expand its activities from fighting to organizing and engaging in productive activities. It has brought gentleness, compassionate feelings in rigorous combatant life. Above all, it has smashed the masculine image of the fighting force... [It has made the] PLA [a] gender-friendly and class-conscious force. This gets more reinforced when their women combatants are brutally tortured, raped and killed by the reactionary force... In hostile areas, women combatants are more readily accepted and believed. Thus it helps in removing the initial fear of the masses. Their presence in the people's court makes masses, particularly women more accessible, more at ease and more hopeful for egalitarian justice"<sup>21</sup>.

### **The Aftermath Landscape**

The historical experience is that post conflict, the socio-political moment opened up by the societal upheaval of conflict, even in the midst of the 'losses' of conflict, fast slips back to a restoration of gender status quo in the war-weary pursuit of 'normalcy'. Women are pushed back, often by means of sexual and family violence. Their contribution is undervalued and their sacrifices are not compensated. The record is that even internationally-funded and UN-supervised

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<sup>19</sup> Shneiderman and Pettigrew, *Ibid*

<sup>20</sup> Rita Manchanda *op.cit*, 2001; Anuradha Chenoy, *Militarism and Women in South Asia* (New Delhi: Kali for Women, 2002).

<sup>21</sup> Comrade Parvati (alias Hsila Yami), "Women's Perspectives in the Maoist Movement," in *The People's War in Nepal* ed. Arjun Karki and David Seddon (Delhi: Adroit Publications, 2003); see also Comrade Parvati, "The Question of Women's Leadership in People's War in Nepal," *The Worker*, (January 8, 2003), [www.cpnm.org/worker/issue](http://www.cpnm.org/worker/issue) (last accessed 5 Nov 2008).

processes tend to be gender-neutral and contribute to women's marginalization and impoverishment post conflict <sup>22</sup>.

International policy commitments like the UNSC Resolution 1325 (2000) specifically acknowledges the interconnection between 'Women, Peace and Security' and requires the UN system and states to include women in peace processes and the implementation of peace agreements<sup>23</sup>. This is further consolidated by UNSC Resolution 1820 (June 2008) which recognises rape as a war crime and draws attention to the neglected issue of sexual violence in conflict, its violation of victims' rights but also its wide social consequences. It emphasises the need to counter impunity against sexual violence for sustainable peace and security<sup>24</sup>.

Also, feminist scholarship has established a co-relation between militarized conflict and increasing domestic violence, i.e. the connection between violence, militarism, a construction of a *macho* masculinity and a pattern of reinforced gender (power) relations that exacerbates violence against women. Impunity for mass sexual violence in conflict reinforces and legitimizes post-conflict sexual abuse of women. Also, violence is an important variable in determining whether war time 'gains' can be consolidated as men use violence and the threat of violence to push women back into the kitchen and grass cutting, especially in restructuring 'normalcy'<sup>25</sup>.

In the case of Nepal, the UN has been involved in monitoring the democratic transition via elections, and in particular, overseeing the management of the two militaries. The UNMIN had for the first phase, a gender point person, Ratna Kapur, but with a limited mandate of gender auditing the Constituent Assembly elections. The gender position was not retained in the truncated UNMIN role of supervising and managing the two armies. However, UN agencies like UNFPA

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<sup>22</sup> Rita Manchanda "Women's Agency in Conflict & Peace Building: Gender Relations in post-conflict reconstruction with attention to Afghanistan, Sri Lanka and Nepal," Working paper no 8, UNIFEM, 2006.

<sup>23</sup> Sanam Anderlini, "The A-B-C to the UNSC Resolution 1325 on Women Peace and Security," (London: International Alert, 2000). Elisabeth Porter, "Women Political decision making and peace building", *Global Change Peace and Security*, Vol 15, No 3, (Oct 2003).

<sup>24</sup> For texts of UN Security Council Resolutions 1325 and 1820 see S/RES/1325(2000) and S/RES/1820 (2008); also Concept Paper for Open debate of Security Council 16,2008 , UN Document S/2008/655 and Background Note on Women Peace and Security ,UNSC Res 1820 (2008) UN Information Office.

<sup>25</sup> Sheila Meintjes, Anu Pilay & Meredith Turshen, ed., *The Aftermath: Women in Post-conflict Transformation* (London: Zed Press, 2001).

have been focusing on documenting increasing levels of gender based violence (GBV). Would a gender audit in Nepal reveal that the UN agencies are integrating a gender perspective and enabling women's voices in shaping policies? Sadly, the UN's track record is not encouraging as evinced in the Report of the UN Special Envoy, Angela King's gender audit of Afghanistan. This is further corroborated in the findings of the UNIFEM sponsored Independent Experts Commission on Women, War and Peace<sup>26</sup>.

In most post-conflict transitions, humanitarian and security responses rarely address this in the articulation of legal and policy approaches to security sector reform or pay attention to the challenges of socio-cultural reintegration post conflict. In Nepal, the thicket of international donor agencies involved in the post-conflict transition process rarely recognises the carryover implications of gender-based violence as systematic in the conflict and post-conflict social landscape.

The critical question for Nepal is whether in the aftermath, the Maoist social revolution will succumb to the historical pushback of women to the kitchen and grass cutting? According to the survey, for 20% of the respondents, it was the equality between men and women in the People's War which they liked the most. Is that experiment already getting unravelled as the Sarala Regmis and Jayapuri Ghartis discover that despite the Constituent Assembly being the most multi-ethnic, multi-regional and gender inclusive body in Nepal's history, the exigencies of coalition power politics is reproducing upper caste men in dark suits deliberating over backroom deals, while the Constituent Assembly process is at risk of getting marginalized. Sarala Regmi had defeated Bam Dev Gautam, only to find him back as Home Minister. During the People's War, the Party had arranged for Sarala Regmi's remarriage after her husband was killed in the war. During the Constituent Assembly elections, Bam Dev Gautam had used her violation of tradition (widow remarriage) to traduce her reputation. Nonetheless, she won the election.

### **Maoist Women Combatants**

Nepal's Maoist women guerrillas may have learnt the meaning of equality in the war years, but what will be the fate of the women among the 32,250 Maoists registered as PLA soldiers, of which UNMIN has verified as eligible 19,692

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<sup>26</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment* (UNIFEM, Progress of the World's Women. Vol. 1, 2002), 1-19. Rita Manchanda, 2006, op cit.

including 5000 women. Where will the underage or recent recruits go? What about those women who are pregnant or are lactating mothers? Will gender bias determine who is to be excluded? Can they go back?

Hsila Yami had said to me sometime back, "Sons will be welcomed back with open arms, but for daughters there can be no return. When they become guerrillas, the women set themselves free from patriarchal bonds. How can they go back?" Also, given the propaganda of sexual licentiousness in the movement, their cultural reintegration into patriarchal Nepali society would be problematic. Moreover what do they go back to, to return to the old ways of women's servitude – the house, the kitchen, and grass cutting. What one young Maoist recruit described to writer Manjushree Thapa as "Doing Nothing"<sup>27</sup>.

Information about the situation of the women in the camps is largely anecdotal, culled from media stories. We do not have data on how sustainable the gendered consciousness of empowerment has been. Yami has observed that "during the People's War, women were singly focused on one goal, but now, they are slipping back, for women's socialization encourages them to disperse their attention". Even more disturbing are stray newspaper reports of escalating social violence against women in the camps. Sunita Dangel a photojournalist on an NGO sponsored tour to report on women in Kailali district, including the Maoist cantonment there, wrote, "Every week one woman commits suicide either due to poverty, lack of food and basic commodities or they are raped by either police officials or Maoist cadres"<sup>28</sup>. The looseness of the reporting style does not encourage confidence in its credibility but, it does point to the critical need for rigorous field-based research. The staff of the NGO speaks of encountering former Maoist women who find themselves socially alienated.

The litmus test for the Maoist-led government will be its capacity to address the highly controversial issue of the Maoist soldiers in the camps. It has not only reduced security sector reform to a one-point agenda, but threatens to derail the peace process. According to the Interim Constitution, those eligible are to be "supervised, integrated and rehabilitated". Given how fractious the issue is

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<sup>27</sup> The reintegration experience of the LTTE girl soldiers was chastening. They were not accepted back by the community, precipitating early marriage and re-recruitment. Moreover, there were 'belt incidents' involving LTTE women cadres in the camps. They resisted shedding their uniform style belt worn over the shirt because once civilianized, they lost authority and dignity.

<sup>28</sup> Sunita Dungal, Text & Photo feature, *The Kathmandu Post*, (13 Sept, 2008, Sunday magazine section).

proving, efforts to raise gender questions are either brushed aside as further dividing, or de-prioritized, that is, expected to be naturally resolved once the basic policy is in place.

To determine that policy, six months after the elections to the Constituent Assembly, a multi-party five-member Army Integration Special Committee (AISC) was set up in October 2008. Needless to add, there are no women on the Committee. Significantly, criticism about all major political parties not being represented in the Committee, has given an opportunity to Chairperson of the Sadhbhavna Party, Sarita Giri, to urge a reshuffle of the AISC and ensure a minimum of two representatives from among the women<sup>29</sup>.

### **Where are Women in Policy Making?**

The ideological commitment to a social revolution and the requirements of the People's War had mobilized women as integral to the revolutionary transformation of Nepal. At the grassroots level, it translated into opportunities for socio-political agency for poor rural disempowered women. But already in the interregnum of 'no peace-no war' i.e. the ceasefire negotiations, the exigencies of gendered neutral policies were manifest in the Maoists constituting an all-male negotiating team. The Maoists had carefully ensured that their team reflected their multiple constituencies such as *Janajati* (indigenous) and *Madhesi* (regional). But where were the women? Top Maoist leader Baburam Bhattarai defensively explained that women did not have to be physically included to have their interests represented.

Subsequently, the *Jana Andolan* II of April 2006, building upon the radicalization of the socio-political agenda during the People's War, saw in the popular mass democratic upsurge, women assertively in the forefront. In the 1990 *Jana Andolan* I, women had participated and sacrificed for democracy. However, Nepal's first experiment with democracy brought little change in gender-discriminatory laws. Would women once again be marginalized? In May 2007, the Nepal Parliament made a lofty commitment of 33 per cent reservations for women in all public institutions. But the reality remained of men talking to men in the interim constitutional structures - at the peace table and in the new committees - the Interim Constitution Drafting Committee, the Ceasefire Code of Conduct Monitoring Committee and the Rayamajhi Commission of Inquiry into abuse of

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<sup>29</sup> "Govt breaches pacts, statutes: Opp" in The Kathmandu Post, 1 Nov 2008.

authority. As an example of how quickly the slip back happened, the first draft of the Citizenship bill was gender-discriminatory, i.e. against the children of Nepali women married to foreigners.

Lobbying by an inter-political party women's alliance, supported by high profile women activists and backed by the UN eventually resulted in priority of place for women in the committees. The women had protested their exclusion from the drafting committee to the interim constitution, and secured places for four women. Three women were included in the 'back up' team of the 32-member Peace Committee.

The Maoists proved more decisive, leading the way in the interim Parliament, by nominating over 40 of the 73 seats to women. However, when the Interim Government appointed 27 new Departmental Administrators in 2007, not one was a woman, though subsequently several were named. The Maoists' choice of the Women's Ministry and Pampha Bushal as Minister was welcome. Hsila Yami in the crucial Water Resources Ministry showed her mettle in trying to overhaul a corrupt discredited system, till stonewalled by bureaucracy.

The real challenge was the Constituent Assembly elections. The Election Commission mandated 33% women for the 240 seats in the direct elections fray, the Maoists put up 20% women candidates, while the dominant Nepali Congress and the UML could not find more than 26 women to contest. 191 women sit in the Constituent Assembly as elected members, making up more than 33% of the house. But what makes it even more exceptional is that a substantive number are from the disempowered communities, and are first time political protagonists. However, in the Cabinet, the Maoists have nominated upper caste, professional and relatively 'elite' women, who nonetheless have been through the furnace of the struggle, Pampa Bushal and Hsila Yami. The Sarala Regmis and the Jayapuri Ghartis will have to wait.

More importantly, the exigencies of post-election coalition politics and the commitment to consensual policy making has put the makings of a 'New Nepal' on a slow and halting track, especially as the once dominant Nepali Congress is determined to play spoiler. The result is that the priority that should have been given to writing the constitution has been compromised and the locus of policy making has shifted away from the Constituent Assembly to the political bosses and the Parliament. The newly mobilized constituencies could be at a loss.

Despite these contradictions, there have been some promising developments. The Ministry of Law, Justice and Constitutional Affairs has introduced a bill that proposes to amend 14 gender discriminatory laws, including property rights for women. Also a newly-formulated Domestic Violence Bill is on the anvil. Moreover, the draft of the Truth and Reconciliation Bill floated by the former government, excluded rape from the recommended general amnesty for gross violations of human rights. Whether the new government reviews the impunity provisions is unlikely, but women's groups have urged a wider definition of sexual violence. The lack of debate or attention to the issue of widespread SRV in conflict and the importance of locating it as structural violence and post-conflict, addressing its social and economic consequences, is evidence of the pressure to subsume the women's question in the larger struggle for 'New Nepal'. It seems disproportionate or even irrelevant to assert the need for integrating gender perspectives when it takes six months to even form a government.

However, as Nepal's newly-elected Constituent Assembly members turn their minds to drafting a Constitution, it is promising that there is a Woman's Committee that is mandated to examine every bit of policy. In addition there is the inter-party committee as well as a more informal caucus.

### **Final remarks**

When Nepal's Comprehensive Peace Agreement was signed in November 2006, widows and missing family members and the displaced were left struggling in the war's wake. Single parenthood, with its financial burdens and social responsibilities, had become much more commonplace in Nepal. Its other side was masses of disempowered poor rural women, mobilized for the first time as political agents during the People's War, equally determining along with men, the future destiny of Nepal. At the grassroots level, there was a radicalization of the socio-political agenda and experiments in reworking gender relations.

What did it mean to newly-empowered women like Dilmaya Pun, a Nepalese activist of the Chhing village in Rukum? "A lot of change has come among women after the People's War. They have become fearless, clever and capable of speaking against grievances. A political awareness is rising among them. Untouchability has been demolished from the village," she said in an article by Chhetri and fellow journalist, Manju Thapa in *Samaya* magazine on 22 June, 2006.

It's too early to say whether the gendered narratives of Nepal's revolutionary and post-conflict experiences will succeed in challenging some of the fundamental

theoretical assumptions developed by feminist scholarship about the marginalization of women in the aftermath and women's mobilization in militarized struggles. Nepal may write a new chapter about the possibility of an emancipatory politics and a transformative agenda flowing from women's participation in authoritarian and militarized struggles for 'freedom'. What is clear is that this is an important agenda for future research.