

Women in Nepal's Transition

Reflections on women's participation in post-war constituent assemblies

The 2006 signing of Nepal's Comprehensive Peace Accord (CPA) was the beginning of a long process of transition and social reconstruction. Women achieved an unprecedented representation in constitution-making, especially in the first Constituent Assembly (CA). The second CA finalized the new Constitution in 2015, and soon after, Nepal's first female President and Speaker were elected. In this policy brief we reflect on the contributions of Nepali women to the post-war constitution-making process, to gauge what the considerable female representation has meant, the key challenges, and what has been accomplished.

Brief Points

- The Election Commission ensured women's participation in Nepal's constitution-making process.
- Constant lobbying and advocacy by civil society, media and professionals was effective in weakening resistance against women's participation.
- In the constituent assemblies of Nepal, the large number of women was beneficial, though no guarantee of the promotion of women's rights and empowerment.
- The media played a crucial role in facilitating or undermining the meaningful involvement of women in political decision-making and the constitution-making process.

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Women, Peace and Security in Nepal

The vital importance of women's participation in peace-building and peace processes is well established by the research on Women, Peace and Security, and is also reflected in United Nations Security Council Resolution 1325 (UNSCR 1325). Researchers in this field have found that conventional gender hierarchies may be disrupted during war, although frequently wartime gains in gender equality are lost after the war is over, as men reassert authority. This is what researchers call the post-conflict 'return to normalcy'.

The issue for policymakers promoting gender equality is how to overcome post-conflict challenges to women's greater equality, and if possible use the momentum of transition to strengthen the equal rights of women and foster women's political participation. In an effort to address these questions, this policy brief reflects on the contributions of Nepali women to post-war constitution-making, to gauge what the considerable female representation has meant, the key challenges, and what has been accomplished.

Nepal is seen by many as an example of a 'successful' transition to post-war women's empowerment. While the decade-long armed conflict (1996–2006) was the cause of widespread human rights abuses, destruction of infrastructure, and socio-economic disruption, it also greatly challenged the patriarchal status quo. According to some analysts, the war-time turmoil may have paved the way for landmark achievements in post-war women's inclusion in politics.

The signing of Nepal's Comprehensive Peace Accord (CPA) in 2006 was the beginning of a long and at times turbulent post-conflict social reconstruction process. Some saw this process as an opportunity for greater gender equality and increased participation of women in political decision-making. Nearly a decade later, the new Constitution of Nepal came into effect on 20 September 2015. The Parliament subsequently elected Nepal's first female President, Bidhya Devi Bhandari, and its first female Speaker, Onsari Gharti Magar.

Despite these developments, Nepal still has striking gender gaps. In 2015, it was ranked as the 110th out of 145 countries in the Global

Gender Gap Report, being placed as no. 122 in 'Educational Attainment', 94 in 'Health and Survival', and 70 in 'Political Empowerment'.¹

There are more than 125 different caste and ethnic groups in Nepal. Differences in caste, religion, language and ethnicity continue to reflect considerable variabilities in gender equality within Nepal. For example, while most high-caste women (Brahmins, Chhetris, Newaris) have ample education opportunities, most lower-caste and Dalit women remain deprived of even basic access to schooling.

Is the recent election of a female President and Speaker evidence of successful women's empowerment in post-war Nepal? This question will not be answered here, though it is important to

women's issues, and the agenda of women's equality surfaced in these debates. The 1990 Constitution stipulated that at least 5 per cent of the candidates from each political party should be women. Yet, in the first election of 1991, only seven out of a total of 205 elected legislators were women.

Women's activism was initially focused on social injustice rather than women's political participation. After the adoption of multiparty democracy in 1990, mobilization of women was also important for political parties to win mass support. A vivid example is the Maoist party's championship of gender equality, which continued throughout their armed insurrection. Ethnic and identity-based parties and movements have used similar strategies.



Protest in Nepal by Martin Travers, Balmy Alley Murals, San Francisco. Photo: Nagarjun Kandukuru

note Nepal's reputation as an exemplary case of successful post-conflict transition towards gender equality. The case of Nepal thus warrants new consideration as the post-war transition comes to an end.

Nepali Women's Movement

Though women's organizations have a long history in Nepal, women's political activism gained momentum with the introduction of parliamentary democracy in 1990. With the new political freedoms, there was a surge in discussions, debates and awareness programmes about

Women's movements in Nepal have been inspired and influenced by international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Declaration (1995), and UNSCR 1325 (2000).

In the post-conflict period, many women's organizations have promoted women's rights, empowerment and gender awareness, some also supported by INGOs. Key goals, which are now shared by the government, are to enhance gender equality and the participation of women at all levels of government and in all areas of

decision-making, to integrate issues of concern to women into development plans, and to bring about legal reforms to prevent discrimination against women.

The Civil War

In 1996, a civil war broke out between the Maoist People's Liberation Army and the Nepali armed forces. During the war, Maoist proclamations emphasized the movement's support for women's empowerment. This was a strong message of commitment to the struggle for women's equality and justice, in a country marked by deeply ingrained gender inequality and patriarchal values. Thousands of women and young girls were moved by these messages to join the fight for a better future within the Maoist ranks.

In 2006, a peace agreement ended the decade-long civil war. Cantonments were set up for ex-combatants. According to the Maoists, 40 per cent of their combatants were women. The United Nations Mission in Nepal (UNMIN) verified about 19,600 people as former combatants, while more than 4,000 were found to be under-aged or joined after the ceasefire. In 2012, after nearly six years, the cantonments were finally closed, and the DDR (Demobilization, Disarmament, and Re-integration) process was officially completed.

The reintegration of the female ex-combatants is an important indicator of the gendered outcomes of Nepal's post-war transformation, and deserves further study. In the following, we will focus on the participation of women in the constitution-making process.

Post-conflict Nepal

Organizations such as Women's Alliance for Peace, Justice and Democracy, and Women's Alliance for Peace, Power and Constituent Assembly played a crucial role in promoting women's participation in the constitution-making process. Women's organizations such as Sankalpa, Shantimallika, Sancharika Samuha, and many other NGOs devoted to women's empowerment have also worked for the inclusion of women in the post-conflict political arena, and the implementation of UNSCR 1325, including the drafting of a National Action Plan (NAP).

While acknowledging their importance, our main focus here is on the formal political processes, especially related to the elections to

and the work of the two constituent assemblies (CAs).

The Interim Constitution

Soon after the end of the civil war, an interim plan (2007–2009) adopted the key concept of inclusive and proportional representation, and planned targets to increase participation of women in governmental decision-making structures to 42 per cent by the end of 2009.

Article 142 (3)(C) of the interim constitution directed the compulsory representation of women in executive posts of political parties. Article 63 further stipulated a 33 per cent candidacy for women in the election for the Constituent Assembly through a combination of the First-Past-The-Post (FPTP) and the Proportional Representation (PR) electoral systems.

This was a big change as compared with the 1991 constitution (Article 114), that stipulated only 5 per cent of seats reserved for women in the lower house of parliament, and three seats in the upper house. The interim constitution also raised reservations for women at the district and ward levels from 20 per cent as stipulated under the Local Self-Governance Act (LSGA) (1999) to 33 per cent under the new legislative framework.

This was also the first time that Dalit, Janajati, Muslim and other disadvantaged communities were represented in the legislative body of Nepal.

The First Constituent Assembly (2008)

Women's representation in the first CA has been hailed as the greatest achievement of the women's movement in Nepal. For the first time in Nepal's political history, a legislative assembly had nearly 33 per cent female members, representing 20 different political parties, participating in the country's highest law-making body. The CA provided a platform for the women to bring their own concerns into the constitution-making process.

Several female members of the first CA were appointed as leaders of sub-committees formed under the thematic committees. Key thematic committees with female Chairs completed preliminary drafts and reports on time, overcoming differences in ideology and party interests. Importantly, the Fundamental Rights and Directive Principles Committee, which was one of the key

CA committees, recommended several rights for women and other marginalized groups. Likewise, the Committee on Natural Resources, Financial Rights and Revenue Sharing proposed equal rights for women in economic opportunities.

The female CA members collectively formed a Women's Caucus in 2009 to exert pressure on various Assembly committees to consider women's issues in their reports and incorporate them in the constitution.² This put a considerable pressure on the committees to write laws that contributed towards the transformation of Nepal into a more gender-equal society. A common dilemma faced by these women was whether to be loyal to their party obligations, or to work in the spirit of the Women's Caucus. Nevertheless, the female CA members managed to unite for the cause of women's rights and lobby for issues such as citizenship rights, inheritance rights, and equal rights to political participation. The Women's Caucus established a common position on gender in the draft constitution, new bills in parliament on domestic violence and inheritance, and a charter on women.

The Civil Society Monitoring Report on Nepal (CSMR) tracks women's political participation in parliament, in the cabinet, and in decision-making positions in governance. As of 2011, CSMR reported that the share of women in the cabinet had significantly dropped from 11.6 per cent to 7.6 per cent when the cabinet was reconstituted in August/September of 2011. Moreover, the participation of women in local governance was severely low with nil female Chief District Officers and only 1.3 per cent female Local Development Officers.³

The Second Constituent Assembly (2013)

In the 2013 election to the second Constituent Assembly, only ten women were able to win seats through the First-Past-The-Post election. Some of the tactics used in this election were to deny female candidates appropriate tickets and field them in tough zones against high-profile male politicians. This shows quite clearly the hostile environment in the political parties, in which leaders used every means to keep women away from the party political scene. This also suggests that women still lacked the necessary resources to access elite political networks, while men continued to act as the real gatekeepers who decided which women were to be nominated.

The new Constitution (2015)

The new Constitution of Nepal was adopted on 20 September 2015. It takes several steps to prevent discrimination against women, and makes Nepal the first country in South Asia to include specific provisions against discrimination of 'gender and sexual minorities' (LGBTIs).⁴

The new Constitution contains provisions to reserve 33 per cent of government positions for women, and 33 per cent of parliamentary seats under Article 84(8). A-86 (2)(a) stipulates that three seats in the 59-member national assembly are to be reserved for women, whereas eight members are to be elected from each of the seven provinces. A-86(2)(b) further stipulates that three members, at least one of them a woman, are to be nominated by the President in the Upper House, according to the recommendation of the Government.⁵

Nepali feminists are not satisfied, particularly on the provisions regarding citizenship, which fail to give women equal rights.⁶ The Nepali women's movement will no doubt continue to struggle for equal rights in Nepal.

Key Reflections

These are some of the key reflections we have drawn from our study:

- The election commission is important

Legislation to ensure women's participation in elections is necessary, but not a sufficient condition. The most important step is the enforcement of the law by the concerned authorities. The firm standing of the Election Commission of Nepal to fulfil the legal requirements during Constituent Assembly elections was required to ensure women's candidacy as per the interim constitutional provisions.

- Civil society advocacy is of great help

The experiences of women's participation in the first and second CA elections show that constant pressure, lobbying and advocacy by civil society women's groups, media and professionals is an effective way to weaken the resistance of male gatekeepers who dominate the choice of candidates for elections.

- Awareness of international instruments is beneficial

Awareness-raising and political debate about international instruments such as CEDAW, UN-SCR 1325 and 1820 create a conducive environment for the participation of women in elections and constitution-making.

- Changes in the attitudes of a patriarchal society take time and effort

Changing the mindset of key decision-makers in a patriarchal society like Nepal requires constant pressure, engagement and monitoring of decision-makers to involve women as per the constitutional provisions in decision-making structures, candidacy in elections, and key political fora.

- Numbers are necessary but not enough

The experiences of the elections to the first and second CAs demonstrate that the presence of larger numbers of women in the parliament or CA is beneficial, though representation in and of itself is no guarantee that women's rights and empowerment will be promoted.

- The media makes a crucial difference

The media plays a crucial role in supporting or undermining the meaningful involvement of women in politics. Strategic mobilization of

electronic and print media is essential to raise awareness of the significance of women's participation in decision-making. ■

Notes

1. Global Gender Gap Report. 2015. World Economic Forum, online at: www3.weforum.org/docs/GGGR2015/cover.pdf
2. International Institute for Democracy and Electoral Assistance. 2011. *Women Members of the Constituent Assembly. A study on the contribution of women in constitution-making in Nepal*. Women Caucus, Nepal.
3. Rana, Bandana, Rana, Pinky Singh, and Kaccyapati, Samjhana. 2011. *Security Council Resolution 1325. Nepal*. In-Country Civil Society Monitoring Report. Global Network of Women Peacebuilders.
4. The Constitution of Nepal, 20 September 2015, Nepal Government Portal: www.nepal.gov.np/portal/npgea/cms/GeaCMSPortletWindow?i=550
5. 'Nepal Constitution has progressive provisions for women' by Jivesh Jha: nepalforeignaffairs.com/nepal-constitution-has-progressive-provisions-for-women/
6. 'Women have no nationality. Why I burned my country's new constitution' by Manjushree Thapa: recordnepal.com/perspective/women-have-no-nationality

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THE PROJECT

'Making Women Count for Peace' is a project funded by the Research Council of Norway (RCN) to study women's political agency in Northeast India and Nepal, focusing especially on women's involvement in security and peace processes. The project represents a joint effort by researchers based in Nepal, India and Norway.

PRIO

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