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Nepal: a gender view
of the armed conflict and the
peace process.

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Peacebuilding Papers (*Quaderns de Construcció de Pau*) is a publication of the School for a Culture of Peace (*Escola de Cultura de Pau*). Its objective is to disseminate the research conducted in this institution on peacebuilding and to bring it closer to the interested public. These research papers will follow three basic lines of work. First, they will offer academic analyses of a variety of topical issues. A second series of documents will make proposals to facilitate intervention by actors involved in the various aspects of peacebuilding. Finally, monographs will analyse current armed conflicts, situations of tension, peace processes or post-war rehabilitation processes, based on field work by researchers from the School for a Culture of Peace.

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ABSTRACT:

Nepal is going through a period that is crucial to its future. After two years of a long and not always easy peace process, important reforms are beginning in an attempt to lay the basis of a new society, tackling some of the structural causes that led to the outbreak of the armed conflict. Nepali women have been deeply affected by this armed conflict, and, as with many other conflicts, its origin and course have had a notable gender dimension. Various factors provide evidence of this dimension, such as the use of gender violence or the large number of women combatants in the Maoist ranks, as well as the fact that the negotiation process which has led to the signing of the peace agreement largely excluded women. The purpose of this paper is to offer an analysis of the armed conflict and peace process Nepal is going through from a gender standpoint, analysing this situation from a feminist point of view. With this intention, the armed conflict that took place between 1996 and 2006 in Nepal is analysed from a gender perspective, paying particular attention to the consequences of the war and women's active involvement in it. Secondly, the peace process that put an end to the armed conflict is analysed, concerning the negotiations and the involvement of civil society and the international community from a gender standpoint. Finally, some of the most important challenges to be faced so that the post-war rehabilitation process takes place in the most inclusive and least discriminatory way possible, giving room for broad transformations in order to put an end to the exclusion of Nepali women, are noted.

1. Introduction¹

Nepal is going through a time that is crucial to its future. After two years of a long and not always easy peace process, important reforms are beginning in an attempt to lay the basis of a new society to tackle some of the structural causes that led to the outbreak of the armed conflict. Nepal has the opportunity to create a new, inclusive society putting an end to the social and political discrimination that gave rise to the conflict. The armed conflict which pitched the Nepali government against the armed wing of the Maoist party CPN-M, the People's Liberation Army (PLA) began in 1996 after the Maoists took up arms in order to overthrow the monarchical regime and establish a Maoist republic. The absence of democracy in a country affected by poverty, feudalism and inequality was at the bottom of this conflict which went on almost uninterruptedly over a decade. At the end of April 2006, King Gyanendra decreed the reopening of the Nepali parliament after several weeks of strong social protests which cost around twenty people their lives. Parliament had remained closed after the King suspended all its activities in February 2005 in his own coup d'état, through which he assumed all State powers. The protests that led to the overthrow of Gyanendra were organised by a coalition bringing together the seven main democratic opposition parties and the Maoist armed opposition group. The most immediate consequences of the end of monarchical power were that the Maoist group unilaterally declared a ceasefire, initially lasting three months, which was seconded days afterwards by the provisional government that was formed following the reopening of the parliament. An agreement was signed in November 2006 putting an end to 10 years of an armed conflict, which left a legacy of 13,000 dead and 200,000 displaced persons.

Nepali women have been deeply affected by this armed conflict, and, as with many other conflicts, its origin and course had a notable gender dimension. Various factors have provided evidence of this dimension, such as the use of gender violence or the large number of women combatants in the Maoist ranks, as well as the fact that the negotiation process led to the signing of a peace agreement that largely excluded women.

The purpose of this study is to offer an analysis of the armed conflict and peace process Nepal is going through from a gender perspective, analysing this situation from a feminist point of view. Removing the mask of apparent neutrality from armed conflicts and peace processes, concealing as it does logic of power and exclusion, means demonstrating that the reality of women is much more complex and diverse. Magallón includes some of the central elements making up the feminist standpoint,² in research:

The questions raised and pursued by feminist research begin from a standpoint rooted in women's experiences, always based on the complexity involved in recognising that there is no "experience of woman", but rather women's experiences [...]. This implicitly assumes the lack of neutrality of problems and is equivalent to stating [...] that behind every problem is a subject who considers it as such. [...] a feminist point of view reacts critically to the fact that many of the questions and research that men have formulated and pursued concerning women have been intended to control, exploit and manipulate them. It consequently suggests that

¹ This paper is the result of research carried out in Nepal in March 2008 by the researcher from the Escola de Cultura de Pau Maria Vilellas Ariño, in which she held several interviews with representatives of the Government, the political parties and Nepali civil society, as well as the international community. At the express wish of the interviewees, none of them has been quoted.

² The concept of the "feminist standpoint" has basically been developed by Donna Haraway, a feminist theorist who has argued the position that knowledge is situated and embodied; that is, it must necessarily be partial, locatable and critical (Haraway 2007: 328, 329), as opposed to scientific currents claiming that the origin of a problem is not important. She advocates situating the subject (researcher) on the same plane as the object (person being researched) in order to demonstrate the subject's interference in the research (Magallón 1998: 50). Only by recognising and making clear that all views of reality are partial can a more objective view of it be achieved.

the search for explanations and theories should serve women rather than meeting the demands of institutions or welfare departments. (Magallón 1998: 49, 50)

Meanwhile, adopting the gender perspective involves making it clear that the differences between men and women are a social construct resulting from the unequal power relationships that have historically been established. Gender as a category of analysis is intended to demonstrate the historical and situated nature of sexual differences. Analysing armed conflicts without taking the gender dimension into account means carrying out partial, incomplete analyses, leaving causes and consequences to one side, and taking the experience of only part of the population – men – and universalising it. The gender perspective seeks to expose this partiality. Therefore, analysing this process from a gender standpoint becomes very important, as this discrimination can be found at the root of the armed conflict in Nepal and has been present not only throughout the conflict but also in the shaping of the peace process that has put an end to it. It also makes it possible to highlight the importance of not leaving other discrimination, which has also

been central in configuring the social and power structure in the country, outside the analysis. Many feminist theorists, particularly those from the area of post-colonial studies, have highlighted the need to analyse gender discrimination alongside other types of exclusion, such as those related to ethnic group or social class (Fraser 1995; Cockburn 2007: 101), which, in the case of Nepal, become tremendously important.

After this introduction, the text is structured in three parts. Firstly, the armed conflict that took place between 1996 and 2006 in Nepal is analysed for these purposes from a gender perspective, paying particular attention to the consequences of the war and women's active involvement in it. Secondly, the peace process that put an end to the armed conflict is analysed, concerning the negotiations and the involvement of civil society and the international community, from a gender standpoint. Finally, some of the most important challenges to be faced so that the post-war rehabilitation process takes place in the most inclusive and least discriminatory way possible, giving room for broad transformations in order to put an end to the exclusion of Nepali women, are noted.

2. The gender dimension in the armed conflict in Nepal

The armed conflict that took place between 1996 and 2006 was deeply gendered, not only concerning its consequences, but also involving its origin, the ideologies underlying it and the discourse generated around it, both by the parties confronting one another and in the analyses carried out in politics and in academic research.

When it comes to analysing an armed conflict from a gender perspective, the clearest dimension for the application of this analysis and the one that usually generates least controversy concerns the consequences. The research and literature on armed conflict has been gradually – although still insufficiently – incorporating analysis of the different effects contemporary armed conflicts have on men and women as a result of the gender relationships occurring in any society (Cockburn 2007; Anderlini 2007; Giles and Hyndman 2004).

Despite the fact that the majority of the research carried out on the armed conflict in Nepal has omitted the gender dimension, there are some studies which have included it, basically analysing the issue of women's participation in the PLA and the impact the armed conflict has had on women. Analyses of other issues demonstrating the importance of this dimension in the development of

the conflict have not been so plentiful, however. It must be highlighted that in Nepal, both the work of women's organisations and feminist activism have taken place above all in the area of development, and only recently has there been a notable interest in incorporating the gender dimension into the analysis of the armed conflict. It must be pointed out that, after the end of the armed conflict, and associated with the claims made by different women's groups calling for more space in the peace negotiations and in the political institutions charged with leading the transition, more research centres, NGOs and international organisations have redoubled their efforts to give this issue greater visibility.

As Tamang (2002: 162) points out, the heterogeneity of Nepali society has also been shown in the gender structure. Nepal has been characterised by having multiple gender norms, something clearly connected with the ethnic and caste divisions in the country,

It is clear that not all women in Nepal have been sequestered in the realm of the domestic, nor has wage-labour, business and other realms of "the public" been uniformly imagined only as masculine; neither has the sexuality of women been consistently and narrowly regimented.

So any analysis made of what the gender dimension to this conflict has been must take into account the plural situation of Nepali women.³ A second factor that must be taken into account is the fact that 87% of the female population of the country live in rural areas, with the proportion of women making up the rural population greater than that of men (Bhadra, Shrestha and Thapa 2007: 107). Given the eminently rural nature of the armed conflict in Nepal, this factor is vitally important in analysing the impact differentiated in gender terms.

2.1. The consequences of the armed conflict from a gender perspective

As has already been pointed out, when analysing the consequences of the armed conflict it is advisable to adopt the gender perspective in order to offer a more complete picture of them, coming as close as possible reality. The studies that have been carried out in Nepal by different organisations, basically linked to the area of human rights, demonstrate how these consequences have been demonstrated in different ways. The first and clearest is that of sexual violence. Despite the fact that this issue has not yet received enough attention and still needs to be documented more extensively (IHRICON 2006), there is some data on it making it possible to state that sexual violence has been used as a weapon and war strategy by all parties involved in the armed conflict with important consequences for the lives and health of Nepali women. There are several sources that include this situation, most importantly the study published in 2006 by IHRICON *Sexual Violence in the "People's War"* or that carried out by Gautam, Baskota and Manchanda (2003) *Where there are no men among others*. The publicity international organisations like Amnesty International and the Geneva Centre for the Democratic Control of Armed Forces have given to this situation should also be underlined.

All the studies coincide in noting that, despite the fact that cases of sexual violence perpetrated by all parties in the conflict have been documented, a large proportion of them have been committed by the State security forces, and, to a much lesser extent by the PLA,

In Nepal, rape and other forms of sexual violence committed by security officials during operations, in custody and at check-points were often been reported during the armed conflict. (...) On the other side of the

conflict, it has also been reported that the Maoist rebels also used rape on a number of occasions. (IHRICON 2006:3)

Meanwhile, the studies carried out also coincide in noting a very frequent pattern concerning the exercise of violence by the State security forces that involved accusing the women who were victims of this sexual violence of being in some way linked to the Maoists, either as combatants, members of political structures or providing some other kind of support. It must be added that, although it is true, as has already been pointed out, that the Maoists also carried out sexual violence, the existence of strict codes of conduct in the armed group in order to prevent misbehaviour, including that of a sexual nature (Gautam et. al. 2003: 112), may have contributed to the lower incidence of this kind of violence. In addition, the fact that the presence of women in both the armed PLA group and the CPN-M political structures has been considerable, has probably had a direct impact on the use of sexual violence being less frequent.⁴

The consequences of the armed conflict that are relevant for gender analysis are not limited only to the issue of sexual violence, they are much broader in nature and refer to the effect the conflict has had on men and women and, as a result, on the relationships between them, particularly power relationships. However, these impacts of the armed conflict have not been so widely documented. Armed conflicts always generate important transformations in the social structure of the places where they happen. This has also occurred in the case of Nepal where, as well as these transformations, there have been outstanding changes in social norms and customs which are particularly relevant from a gender point of view. Taking into account the situation of exclusion and discrimination historically suffered by Nepali women, these changes are hugely important as they have called into question the gender norms that have traditionally governed relations between men and women in the country.

Some examples of these social consequences and transformations would be the increase in the number of households headed by single women as a result of the enforced or voluntary displacement of men caused by the conflict, or the phenomenon known as "conflict wives" referring to women marrying soldiers deployed in a certain area and then abandoned to their fate when these soldiers were moved to another area of the country (IHRICON 2006). This phenomenon was particularly important

³ Tamang notes some examples that would take account of this multiplicity of gender norms. For example, orthodox Hindu groups have placed a special emphasis on the sexual purity of women, while the Sherpa and Thakali communities have taken pride in women's capabilities in the business sphere in these communities. Meanwhile, the Burmese-Tibetan groups who live in the north of the country practise polyandry.

⁴ Almost 4,000 women were verified by the United Nations as Maoist combatants after the signing of the peace agreement. The issue of women's participation in the CPN-M and its various armed and political structures is dealt with at greater length in the section "Women's participation in the armed conflict" in this paper.

in the places where there were military barracks and especially affected teenagers, generating situations where these women were financially abandoned and stigmatised. The prevalence of single mothers and women has notably increased (IHRICON 2006) in a society for which the family, and particularly marriage, is one of the basic pillars.

2.2. Women combatants

Despite the fact that the dominant view of women's relations with armed conflict continues to refer to the category of victims, the analysis of these conflicts from a gender and feminist standpoint necessarily produces a much more complex picture in which women also play an active role.

The active participation of women in the armed Maoist opposition group and its political structures, including certain areas of the leadership, has received some attention, particularly from the media. Despite the growing incorporation of women into both regular and irregular armed organisations, their presence in this type of institution continues to generate both suspicion and surprise, as we are used to dealing with generalised explanations lacking clarification in the context of a collective imagination that links the female sex with innately pacifist attitudes, placing women combatants at the margin of social expectations or making them the exceptions who prove the rule.

During the course of the armed conflict there was speculation that the proportion of women combatants was as high as 40 or 50% of the total (Sharma and Prasain 2004; Manchanda 2004). However, the final figures offered by UNMIN after the process of verifying the Maoist combatants, revealed a much lower proportion, making it clear how this issue had been used by the armed group in order to legitimise itself. In a context like that in Nepal, it would be difficult to conceive that anyone having the idea of carrying out far-reaching social transformation did not include among its central objectives the transformation of the position of women. According to the United Nations, of the 19,602 people making up the PLA, 3,846 were women, that is, approximately 20% of the combatants. In any case, although this is a much smaller figure than the one put about by the armed group during the armed conflict, it is a significant figure, and the fact that the Maoist armed organisation should itself emphasise this participation by women is also significant. On many occasions, and taking into account the fact that armed organisations are tremendously masculinised contexts, women's participation generates reticence, with the idea that the presence

of women is basically a burden on the organisation's effectiveness. However, in the case of the Maoists in Nepal it should be highlighted that the public discourse relating to the presence of women worked in the opposite way.

Analysing the active participation of women in the armed conflict in Nepal from a gender perspective, leads to an ambivalent set of reflections, because, while the consequences of this participation are not entirely positive for women, they are not solely negative either. As Murguialday indicates in an analysis of the consequences of the Salvadorian armed conflict for women: "Wars do not only cause considerable suffering for women but neither are they a panacea for female liberation" (Murguialday 2000: 39). Analysing armed conflicts from a gender perspective means approaching them based on complexity and avoiding excluding simplifications. In the case of Nepal, consequences of this participation can be observed in several senses.

Firstly, it must be made clear that this prominent, active female presence has contributed to eroding the hackneyed stereotype of women as passive, defenceless victims of armed violence. This stereotype dominated the analysis of women's relationships with armed conflicts until the emergence of feminist and gender approaches that have questioned its validity. So women used to appear as subjects, without capacity to react when faced with the consequences of armed violence and needing external protection, which was either provided by their closest surroundings (particularly the male members of the family) or the institutional context (the State, largely the security forces). The active participation of Nepali women in the armed conflict – most of them also *dalit*⁵ or belonging to excluded ethnic groups – has provided evidence of the fallacy of this dominant view of women. For some authors, the presence of women in the Maoist ranks is a result of their desire to respond to the very harsh living conditions in the most remote areas of the country, where the economic and social conditions were practically feudal until the armed conflict broke out (Manchanda 2004). Other notable factors, for example, would be the fact that the Maoists led campaigns on some issues that were hugely important for Nepali women, such as the questions of domestic violence and alcoholism (Sharma and Prasain 2004: 152). The campaigns for a "dry law" promoted by the Maoists in the rural areas of Nepal in order to reduce the incidence of alcoholism among men in these areas are well known (Shah 2007; Bharadwaj et. al. 2007), together with the establishment of parallel justice systems under which many men accused of

⁵ According to Hindu beliefs, *dalit* people have no caste and are considered untouchable.

abusing their wives were punished more quickly than they would have been by the ordinary Nepali courts (Bharadwaj et. al. 2007). So, at certain times, the Maoist insurgency served to improve women's feelings of security in remote, rural areas, as, for the first time, they had the chance to access a justice system that led to a reduction in violence within families. Part of the active participation by women can therefore be explained by their desire to react to their situation of oppression and exclusion.

Secondly, a consequence which is perhaps more indirect, but still important, can be derived from this presence. Women's active participation within the different organisations making up the Maoist structure⁶ has served to promote the institutional presence of women, which was previously insignificant, and, above all, to put this issue on the country's political agenda. Although it cannot be said that the approval of measures aimed at ensuring the greater presence of women in Nepali institutions was the result solely of the notable presence of women in the Maoist structure, it is true that this presence has served to promote certain policies and to meet the demands of many activist women and organisations calling on the parties to give women more space in Nepali politics. There are previous examples of this in other political conflicts, such as that in Northern Ireland. As Fearon indicates in an analysis of the role the Northern Ireland Women's Coalition played in the peace negotiations in Northern Ireland, one of the main contributions this party (made up of women from the two communities) made was to promote the issue of women's participation in politics and to encourage women from other political parties to raise their profile within their own parties (Fearon 2002). In the case of Nepal, there was a similar process in which the strong presence of women in the Maoist ranks and the demands of women activists and women's organisations came together.

However, alongside these positive contributions, some elements should be noted that ought to temper the discourse put forward by certain sectors which had considered the incorporation of women into the armed struggle and politics at the hands of the Maoist insurgents acritically. Firstly, the criticisms made by women's organisations from civil society should be highlighted. They have pointed out that, although it was true that the Maoist insurgency had served to speed up a transformation process that would otherwise have happened much more slowly, the credit for achieving the greater incorporation of women in certain public spheres or for having exclusively led a large number of social changes and

alterations in attitudes towards women cannot only be attributed to the Maoists. A widespread opinion on the consequences of the Maoist insurgency is that it has served to increase the level of awareness of the population – particularly the excluded population – of its own rights. As Bharadwaj points out: "One positive effect of the Maoist insurgency is that many of these marginalised groups now feel that they have a greater awareness of their rights along with the ability to stand up and demand equality" (Bharadwaj et. al. 2007: 36). However, many organisations point out that, without the work done by women's groups in the past few decades, and particularly after the World Women's Conference in Beijing in 1995, it would not have been possible to lay the foundations of these still incipient social transformations. So it would not be fair or accurate to attribute the promotion of a gender agenda only to the Maoists.

In addition, it must be pointed out that, alongside the positive dimension of the presence of women in the Maoist structure, the gender discourse has been instrumentalised, with this presence often considered in utilitarian terms, not only in terms of transformation. For example, the Maoist leader Hisila Yami "Parvati" points out that, considering the role played by women in the domestic sphere, they were much more effective in mobilising masses, as they facilitated the Maoists' access to other members of the family. In addition, Maoist women promoted the recruitment policy which established that each family must provide a member for the organisation (Yami 2006). It must also be made clear that inequalities between men and women persisted throughout the armed conflict within the organisation itself: "While men are continuing to develop in the military field even when they have reached beyond 40 years of age, women are hardly seen to continue in this field beyond 25 years" (Yami 2006: 27). The majority of Maoist combatants in rural areas were aged under 20, particularly girls aged between 14 and 18. (Manchanda 2004: 250-251). Some authors have indicated that this recruitment – so selective by age – could have been a result of the Maoists' intention to have a network of households available to provide supplies during the conflict, which would mean women of a certain age not being recruited so that they could maintain these households. This practice would reveal the persistence of sexist structures in the division of labour among the Maoists themselves, a statement reinforced by the fact that equality between men and women was never achieved in the Maoist leadership structures. However, it should be highlighted that the Maoist leaders placed an emphasis on the issue of gender inequality and women's emancipation not being relegated to second place compared with issues as

⁶ Alongside the Maoist political party, the CPN-M, and its armed branch, the PLA, other connected organisations have emerged, such as the All Nepalese Women's Association (Revolutionary), and the Young Communist League (YCL).

central to the Maoist discourse and political agenda as the class struggle, although they did recognise that women's liberation would only be possible after class liberation (Manchanda 2004:247).

3. The peace process in Nepal

The end of the armed conflict in Nepal happened as a result of a confluence of factors and was the product of a strategic alliance between the political and armed opposition in the country. On 21st November 2006, the Maoist armed opposition group and the Seven Party Alliance (SPA,) signed a peace agreement that put an end to ten years of Maoist insurgency. The signing of this agreement was the result of a year of negotiations between the armed opposition and the then political opposition after King Gyanendra sacked the Prime Minister in 2005 and assumed executive powers, imposing an authoritarian regime on the country. In November that year, the alliance of political parties and Maoists signed an initial document of understanding, laying the basis for the peace process which materialised in November 2006 in the form of a comprehensive peace agreement (CPA). The agreement included, as one of its principal points, the calling of elections to a Constituent Assembly.

Peace processes represent unique opportunities for societies that have been affected by armed conflicts, not only to put an end to the violence but also as a starting point for more far-reaching transformation processes. Peace processes are, then, excellent scenarios for the transformation of the structural causes that have given rise to a war and for designing policies intended to tackle issues such as exclusion, poverty or democratisation. Despite the fact that these processes have a very far-reaching gender dimension, they tend to be represented as neutral, concealing the gender dynamics that take place during the course of them.

A first important element for analysis from a gender standpoint would concern the presence and participation of women in the peace negotiations. This is an issue still open to discussion, as, despite the fact that the presence of women is no guarantee *per se* that the agenda for the negotiations will take gender inequalities into account, the truth is that, to date, it has almost always been women's participation – particularly when they have a certain level of awareness of the issue – that has given led to processes which are sensitive to the gender dimension.

On this issue, it must be highlighted that Nepal was no exception with respect to the trend observed in all the processes that have led to the ending of different armed conflicts throughout the world in the recent past.⁷ The words of the special representative of the UN secretary general and head of UNMIN, Ian Martin, could not be more eloquent when he declared that: "At all the political negotiating tables I have seen in Nepal during the peace process, not once have I seen a woman at the table. So far in the peace process, decisions are being made by men for women [...]" (Martin 2007). So women were absent from the process and did not participate directly in the negotiation and signing of the agreements reached between the Maoists and the government. This happened despite the important role they had played during the popular revolt that took place in April 2006 and which led to the end of the authoritarian monarchical regime, the restoration of parliament and, finally, the signing of the peace agreement, as well as their role in the course of the conflict and the consequences it had for them. So, during the course of the negotiations, neither the SPA nor the Maoists included any women in their negotiating teams (Amnesty International 2007).

It must be highlighted that the peace process in Nepal has been characterised by being a long, open process; that is, the signing of the peace agreement was not the culmination of the peace process. Instead it went on afterwards via other areas of political dialogue. However, all have been characterised by being exclusive areas. After the signing of the agreement, various institutions were set up in order to develop several of the key issues included in the peace agreement, including the National Monitoring Committee, on which only two of the 31 members were women, and the Interim Constitution Drafting Committee, initially made up of six men and subsequently expanded after a campaign led by women's organisations to include six women as representatives of the *dalit* community.

Although it is true that the agreement signed was the result of an exclusive, masculinised process, the actual text includes elements that are important for improving the position of women in the country and in the struggle against discrimination, not only in terms of sex but also for ethnic or caste reasons. So, among others

7 A study made by the Escola de Cultura de Pau in 2007 highlighted the absence of women at almost all peace negotiations. The *Peace Process Annual Report 2008* states that "in 33 negotiations carried out in the last few years, affecting armed groups present in 20 countries, of the 280 people taking part only 11 were women - just 4% of the total. The percentage is somewhat higher in government negotiation teams (7%), particularly because of the high percentage of women making up the Filipino government's negotiation teams; in armed groups, the presence of women is almost non-existent (0.3%), and the situation is little better in facilitating teams (1.7%)." (Fisas 2008: 20)

issues, we should highlight the fact that the CPA includes a specific point dedicated to the rights of women and children.⁸ Various points in the agreement, including the preamble, mention the need to tackle issues such as problems related to gender differences – as well as differences of caste, class, ethnic group and region – and to guarantee the principles of social justice and fairness. So, it must be recognised that, in the final draft of the CPA, there was capacity to incorporate important issues in order to construct peace from a gender standpoint. The fact that, as previously indicated, the issue of women's emancipation formed part of the CPN-M's ideas and practices was probably the factor that determined the inclusion of these points in the peace agreement.

As has already been pointed out, the peace process in Nepal was much broader than the negotiations between the political parties and the Maoists leading to the signing of the CPA. It is important to make clear that the process was not reduced to this space –in fact, it could be stated that it has not yet been closed– as many initiatives from civil society were developed alongside the negotiations in order to enrich and contribute to the peace process and its final result, and, among these, initiatives those led by women's organisations should be highlighted. Many women's organisations raised their voices demanding a greater presence as, despite the scarce presence of women in the negotiation process and in Nepali institutions, the women's movement for peace and in defence of their rights was quite active and made some important contributions to this process. Many sectors point out that it was not a sufficiently inclusive peace process and that certain issues linked to improving the living conditions of the population were not as strongly present on the agenda as they should have been. It was, then, a process designed by the country's elites in which dialogue with the different social sectors with the aim of incorporating their demands and needs and the desire to transfer its achievements to the population are issues remaining to be tackled. Many women's organisations have tried to play this role in order to influence the process and also in order to act as a bridge between the political class and unorganised society. As Bell points out (2004), in peace negotiations, the fact that there are clear communication mechanisms between those taking part in the conversations and those who are outside, including women, is often more important than the direct presence of women in the negotiations. In Nepal, greater communication with the agents outside the

process sensitive to this issue would probably have resulted in a stronger gender agenda.

Concerning the capacity of women's organisations to have an impact on the negotiating table, the creation of alliances between organisations which, before the peace process, had worked in areas as diverse as human rights, education, women's rights, the rights of the *dalit* communities and women's participation in the communications media should be highlighted. However, the desire to transfer women's demands into the peace process led them to establish common platforms from which they attempted to affect the process. Among others, the Shanti Malika women's network should be highlighted.⁹ This was set up in order to increase women's participation in the peace negotiations, pressurising the government, the political parties and the Maoists. This is perhaps one of the initiatives that has been best publicised, largely abroad. Shanti Malika has demanded this greater participation using UN Security Council resolution 1325 as a tool to bring legitimacy to its demands.

Resolution 1325 has served these organisations to back demands for a greater presence of women in the political sphere, but also to establish wide-ranging gender agendas. The fact that it is an international instrument has also served to raise the profile of these demands, which had previously been widely ignored. The existence of resolution 1325 allowed women's organisations to set their demands in an international context of requirements to incorporate the gender dimension into the political agenda. This has allowed the parties to gradually become more receptive to these issues, as the existence of an international instrument always strengthens local demands.

In addition, the organisations making up this network have also promoted joint work with the political parties, not only to achieve the incorporation of women into formal politics but also to promote a gender agenda cutting across all political spheres. One of the long-term objectives would be to do away with the deep-rooted culture present in the political parties which has legitimised and continues to legitimise the exclusion of women and to transform the discourse concerning equality adopted by all parties into hard facts.

As for the role of the international community in promoting the inclusion of women and the gender dimension in the peace process, it is appropriate to begin by pointing out that this is one of the commitments taken on by the countries making

⁸ Point 7.6. of the CPA states that "Both sides fully agree to protect the rights of the women and children in a special way, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse [...]."

⁹ Some of the organisations making up the Shanti Malika network (Network of Women for Peace) are Nagrik Aawaj, IHRICON, Jajaran Nepal, ABC Nepal, FWLD, Didi Bahini, INSEC and Sancharika Samuha.

up the United Nations following the approval in 2000 by the UN Security Council of resolution 1325 on women, peace and security, in which a call is made to all parties involved in peace processes to ensure such a presence. In the case of Nepal, the work for the inclusion of the gender standpoint in the peace process has been carried out by various international agents, both in the United Nations sphere (including UNFPA and the gender unit of UNMIN) and donors. The establishment of the Peace Support Working Group on UN Security Council Resolution 1325 (PSWG), one of the four working groups set up in order to boost the peace process, should be highlighted. The main aim of this group, chaired and co-chaired by UNFPA and the Norwegian Embassy respectively, since it was set up has been to promote coordination and cooperation in the implementation of the recommendations included in resolution 1325, and it has operated as a coordination forum between the United Nations and the donor community since it began its work in July 2006.

The PSWG has made an effort to identify the elements of resolution 1325 that are best adapted to the context of the peace process in Nepal, taking into account some of the priority areas of action for incorporating the gender standpoint into this process. So, some of the issues indicated as key ones would include participation by and representation of women (in formal politics), the establishment of an inclusive Constituent Assembly, the issue of the reintegration and cantonment of military forces, transitional justice and reconciliation, and the responsibility and behaviour of the donor agencies and the United Nations. Although resolution 1325 is a sufficiently general document to serve as a guide in a wide variety of contexts, it is true that certain elements take on greater weight depending on each of these.

Summarising, in the case of Nepal it could be said that, based on the framework offered by resolution 1325, there are three main areas where there should be prominent advocacy efforts. Firstly, the participation of women in the area of formal politics and institutions, as their exclusion from these has been flagrant. Secondly, the issue of the reform of the security sector, given the large number of women who have taken an active part in the conflict as combatants and, on the other hand, the overwhelming masculinisation of this sector. Finally, it would be necessary to begin a reconciliation progress that would include the experience of women and the impact of the armed conflict on them, and which would approach reconciliation proposals from this perspective.

4. Looking to the future: challenges for a post-war rehabilitation process from a gender perspective.

Nepal is going through a transition process after the end of the armed conflict in which the implementation of the peace agreement has begun with the establishment of new institutions and large-scale legislative reforms, particularly the drafting of a new Constitution. It is a situation that could be particularly fertile for the development of reforms which could put an end to the gender inequality present in many areas of the political, social, cultural and economic life of the country. It is time, then, to properly identify the principal challenges and the demands made by women's organisations for carrying out these reforms.

It must be pointed out that, in the next few years, the political situation in the country will be marked by the work of the Constituent Assembly, which needs to be capable of laying the basis for refounding the country on principles of democracy, fairness and justice. So, one of the first challenges would be to configure more inclusive, democratic institutions that better represent the plurality of the country, not only in terms of the sex-gender axis, but also putting the ethnic plurality of the country and the existence of many excluded population groups at the centre of the design of public policy. However, it is important to point out that the democratisation of political institutions does not necessarily bring with it the democratisation of a society in a broader sense (Waylen in Roulston 2004), if these institutions are not capable of carrying out genuinely transforming policies and if changes are relegated to the formal, institutional sphere. In addition, it is appropriate to note that not only must under-representation in the political arena be tackled, it is also important to make clear that the exclusion of women from the public realm also corresponds to social and cultural issues. This means activities carried out by women are not perceived as political and are therefore thought to be irrelevant to the post-war rehabilitation processes (Chinkin 2004). Because of this, although any contributions that might be made to and from the Constituent Assembly are extremely important, largely unrealistic expectations must not be generated concerning this institution's real capacity for transformation.

Meanwhile, and in order to guarantee that women's participation in politics is effective, a process of empowerment and training of future women parliamentarians would be necessary in order for their presence in these institutions to be a substantial one. It must be pointed out that one of the complaints formulated by many women

who have taken part in elections as candidates is that they are not supported by their own political groups and that their participation as candidates has been more of a response to legal requirements than the result of a true political will to establish significant gender agendas. So, although it is true that the quota policy might mean an initial boost to promote the presence of women in deeply hostile contexts, it is also a fact that such a presence can be stripped of all content if the parties do not recognise the importance of women taking an active part in politics. However, it must be pointed out that the results of the elections to the Constituent Assembly have been relatively favourable to this presence of women, and 33.22 per cent of seats will be occupied by women, a figure slightly higher than that established by the Interim Constitution, which indicated that women's representation must be 33 per cent. So, although they are fewer in numerical terms, their presence will be an appreciable one.

One of the main challenges noted by the various women's organisations that have been involved in the peace process in the country is the repeal of discriminatory legislation. Amnesty International points out that in 2007 there were still 118 applicable discriminatory provisions in 54 different laws. Discriminatory legislation is one of the main obstacles perpetuating the denial of full citizenship to Nepali women and, because of this, its reform or repeal should be one of the first measures adopted by the Government. The laws that have excluded women have served to legitimise political, social and cultural practices, attitudes and behaviours that have impeded the full development of women's capabilities. In addition, they have served to normalise issues such as violence against women, their lack of access to private property and failings in terms of personal autonomy, perpetuating the dependence and infantilisation of Nepali women by denying them the exercise of full citizenship. So, putting an end to discriminatory legislation and beginning new legislative development that would safeguard and promote the exercise of women's human rights is an urgent requirement.

Another area to which more attention must be paid so as not to generate new exclusions in the post-war rehabilitation process concerns the reform of the security sector. Although the reforms and policies to be implemented have not yet been defined, so it is still early to indicate the action that should be taken to ensure the gender dimension is taken into account, it is also true that the current moment is a very good one for women's organisations and all the bodies involved to put forward proposals, as the decisions have not yet been made and are therefore still being defined. As has already been pointed out, the figure for women combatants is a

significant one and, because of this, regardless of the decisions finally adopted – integration of the two armies, integration of the Maoist combatants into other State security forces or bodies, reintegration into civil life – it is important that women's specific needs are taken into account. In many security sector reform processes in post-war contexts, women have been excluded from the benefits granted to male combatants and their access to resources, like training, employment or financial compensation, limited. Meanwhile, the risk of stigmatisation for the women who have taken up arms during the armed conflict must be highlighted. There are many social prejudices against these women whose crossing of the dividing line between the public and the private and the assignment of tasks involved in this sexist division goes beyond the limits of what is socially acceptable. This risk of stigmatisation means there could be self-exclusion from the benefits that could be obtained in the security sector reform processes, as has happened in many similar processes in other countries, so this is a group to which particular attention must be paid to ensure equality and non-exclusion.

A priori, two basic issues should be taken into account. Firstly, ensuring that women combatants have equal access to all opportunities or benefits that might be offered to promote either integration into the armed forces or other security bodies or their reintegration into civilian life. So, the requirements established must not be exclusive, discriminatory or insensitive to gender inequality. Secondly, the reform of this sector must be designed taking into account the special needs of women –not only combatants but also civilians.

When talking about security, violence against women is a very important element. More than a third of Nepali women have experienced domestic violence (Sharma Paudel 2007), which is also a high percentage of all the violence experienced by women in the country (Dhakal 2008). In fact, this is one of the first elements noted by women's organisations when they mention the main challenges the country must tackle in the post-war rehabilitation process.¹⁰ This issue must therefore be tackled urgently, as these high rates of violence have tremendous consequences for the lives and health of women and are a serious obstacle to exercise of the rights of citizenship, as well as perpetuating the submission and confinement of a large number of women in the private sphere.

As is included in this paper, there are many challenges for achieving real transition in Nepal, not just in military and political terms but, fundamentally, in

¹⁰ All the women interviewed in drawing up this study mentioned violence against women as one of the most pressing challenges in the country.

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social terms. The exclusion of women in the country has been symptomatic of an elitist political system in which the roots that gave rise to the armed conflict which has afflicted the country over the past decade can be found. Achieving the full exercise of the rights of citizenship for women in the country will be an unquestionable indicator of far-reaching transformations meaning that the risk of the armed conflict breaking out again have been considerably reduced, as well as showing that some of the

structural causes leading to it have been tackled. Carrying out a post-war rehabilitation process from a gender perspective does not mean isolated, formal reforms based on political correctness but a radical questioning of forms of social organisation that perpetuate exclusion and give rise to armed conflicts. It ultimately means giving the word democracy its full meaning and rethinking the organisation of social, economic and political life from the standpoint of inclusion and justice.

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