

91 | the politics of conflict and difference or the difference of conflict in politics: the women's movement in Nepal

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abstract

This article argues that an adequately historicized and politicized understanding of the women's movement in Nepal (or elsewhere) requires a detailed examination of the construction of the gendered subject herself in the complex geo-political space of the emergent (Nepali) nation state. In turn, this unravelling of the gendered subject in Nepal serves to reinforce the premise that the representation of 'the Nepali Woman' as a single over-arching category is a contemporary construction, which has been achieved at the expense of consistently effacing the historically prior multiple and contested ethnic/caste identities taken by thrust upon women in what is now the new Nepal. The 'natural' goal of the women's movement since post-1990 Nepal to achieve a (single) feminist agenda has become part of the problem, as it can only be achieved at the expense of respecting the radical diversity and difference that is covered over by the 'theoretical fiction' of the unified nation of Nepal. The main important players, whether it be the women from mainstream political parties, or the women of the NGO world or the Communist Party of Nepal (Maoists), have all contributed to excluding and silencing radical diversity in the name of expediency and elite power brokering. Moreover, it is argued that the contours of this composite discourse continue to be shaped by the international aid industry in Nepal, where 'development' is not merely the epistemic link between Nepal and the 'West', it is also the locus classicus of generic apolitical consciousness-less Nepali woman whose cause is taken up by scholar and activist alike.

keywords

Nepal; women; development; Maoists; ethnicity; caste

introduction

Nepal has been enmeshed in a prolonged and difficult transitional political period. After ten years of war, the signing of the November 2006 Comprehensive Peace Agreement by the Government of Nepal and the Communist Party of Nepal (Maoists) (CPN-M) had raised hopes for peace and a new, more inclusive and just Nepal. The April 2008 Constituent Assembly (CA) elections in which the CPN-M obtained the majority of the votes and an unprecedented number of women and people from marginalized communities won seats, along with the first sitting of the CA in which the monarchy was abolished, have been seen as positive steps towards realizing those hopes.

Behind the aspirations for a new Nepal lie not only the Maoist war, but also an overall politically tumultuous post-1990 period. In 1990, a people's movement led to the overthrow of thirty years of autocratic rule by the monarchy and ushered in what was touted to be the peaceful democratic era. However, turbulent multi-party politics, the start of the Maoist movement in 1996, the abrupt seizure of power by the king, initially behind nominated governments in 2002 and more overtly on 1 February 2005, and the peoples' movement for the restoration of democracy which culminated in April 2006, have meant that this period has been filled with broad swathes of conflict. The months following April 2006, while comparatively free of violence, were not peaceful. That the elections to the CA were twice delayed was both a result and cause of unstable and tense politics in Nepal. Factors related to the latter include ideological differences within the governing political powers of the CPN-M and the Seven Party Alliance (SPA)¹ of major political parties; increasing demands for inclusion from hitherto marginalized women, Janajati (ethnic), Dalit and Madhesi groups; and the general lack of security in many parts of the country, especially in the southern Tarai region bordering India.

The women's movement in post-1990 Nepal is embedded in this history, and informs and is affected by these various political forces and currents. That the most common refrain among Nepali feminists and activists today continues to be the bemoaning of a lack of 'a feminist movement', underscores what Des Chene wrote on the Nepali women's movement in 1997:

First, that something so seemingly simple (because the need is so evident) as a united women's movement cannot emerge in a society riven with other hierarchical distinctions but only in tandem with the elimination of other social bases of subordination besides gender. And second, that efforts to improve the lot of women through organization and movements inevitably permeated by the other divisions existent in society, may actively – even if inadvertently – work against the creation of a united women's movement. (Des Chene, 1997: 294)

1 The definition of who constitutes the SPA has changed over time. Initially, the seven parties were made up of the mainstream political parties, including the two separate Nepali Congress factions.

2 These categories are problematic as are the population figures. Both are fiercely contested and in terms of categories, occlude as much as they reveal. In the simplest of terms, Janajatis are 'indigenous nationalities' of mainly non-Hindu groups, said to number 37.8 per cent of the population. Groups here include Sherpas, Gurungs and Limbus. Dalits form around 13 per cent of the population and are, according to the Hindu hierarchy, stated to be 'untouchables'. Groups here include Biswakarma, Chamar and Musahar. Madhesis are inhabitants of the southeastern region of Nepal bordering India who share linguistic, social and cultural affinities with those across the border. Their population is estimated to be around 31.2 per cent and include Yadavs, Chamars and Muslims. The gendered norms of these different

While the first point appears to downplay the important role of strategic alliances in its stress on the achievement of unity of a women's movement only once there is parity of status for other disadvantaged groups, Des Chene's quote is important in that it highlights the complex multiple hierarchies in contrast to dominant portrayals in Nepal of women unable to unify because of 'petty' differences.

As political debates on social inclusion intensify in the country, women from ethnic and caste groups are increasingly prioritizing their identity according to such categories, even while stressing multiple axes of oppression. While such identity politics could potentially affect the building of a common agenda among women in Nepal, embedding these political demands in a historical context allows for an understanding that the emerging conflicts among women indicate the condition of possibility for the exercise of rights for Janajati, Dalit and Madhesi women.² That the Nepali women's movement has been and continues to be dominated and led by high-caste Hindu women and some Newari³ women has only in the last two to three years become acknowledged. This acknowledgement has so far merely led to tokenism at best within the important foreign donor circuit, and continued denial of the real importance of the politics of difference within non-governmental organizations (NGOs), mainstream political party circles and the CPN-M.

By reviewing the contribution of the three most important players in the women's movement in post-1990 Nepal – women from political parties, women in NGOs and women in the CPN-M – this article highlights the dynamics which have structured the sphere in which the rights of certain women have been heard and structured to be heard. While all of these three groups have made clear contributions, an essentialist, and homogenized portrayal of 'Nepali women' continues to dominate and be prioritized despite the demands of women from marginalized groups.

However, understanding the nature of women's politics in Nepal today first necessitates a reading of the political history of Nepal and its specific affects on the depiction and circumscription of women and their agency.

structuring 'the Nepali woman'

The fact that for Nepal it has been 'development' – 'rather than the residues and scars of imperialism' (Pigg, 1992: 497) – which links Nepal's relationship with the West is of great importance for understanding the women's (and other groups') movement in Nepal. Since 1950, when autocratic Rana rule was ended and the 'hermit kingdom' ostensibly opened up to the rest of the world, Nepal has received huge amounts of foreign aid. Initially seen as a *particularly* desirable laboratory for the new development ideologies of the 1950s and 1960s because it

was propitiously free of the complications usually caused by colonization (Fujikura, 1996; original emphasis), through the years foreign aid has consistently accounted for over 60 per cent of the state's development budget. The Cold War imperatives of the US, USSR, UK, China and India, combined with the latter's need to take on the legacy of the British Raj in the region, sustained foreign aid in the country throughout the 1980s.

External financing in turn led to the internal consolidation and legitimization of the autocratic monarchy, which ruled from 1960 to 1990 after seizing power from a democratically elected government and outlawing political parties. This period is known as the Panchayat period because of the state's claim of instituting democracy suited to Nepali soil based on village Panchayats (councils).⁴ The monarchy, Hinduism, the Nepali language and a national chronicle of progress (*Rastriya Itihas*) (Onta, 1996) from the dark ages of the Rana period to the enlightenment of the Panchayat years, formed the cornerstone of Panchayat Nepali nationalism with development (*bikas*), and were key to the state's legitimization. The massive entry of foreign aid into Nepal during the Panchayat period served to centralize the state and to extend its ideological apparatus into parts of the country hitherto left untouched by the Rana rulers. From the building of roads, communications, state apparatus and various other development projects and programmes, donor aid was key in enabling and legitimizing Panchayat-defined nation-state building and the concomitant creation of 'the Nepali' political community.

Efforts to create a national story and identity required the deleting of the heterogeneous nature of Nepal's population. The 1962 constitution put in place by king Mahendra (the last king Gyanendra's father), characterized Nepal as a Hindu state for the first time, and nowhere explicitly recognized Nepali society as multi-ethnic, multi-lingual and multi-religious even though, according to the 2001 census,⁵ Nepal has over sixty non-Hindu ethnic groups and Janajatis are now generally accepted to constitute 37.8 per cent of the population. Instead, claims to ethnic identity were seen as political subversion and Nepali – an Indo-Aryan language that was the mother tongue of the high-caste Hindus – was promoted at the expense of more than 100 other languages spoken in the country. Furthermore, the legacy of the Rana-instituted 1854 legal and cultural coding of the *Muluki Ain* (country code), which ranked the entire population in a caste hierarchy that regimented social life accordingly, continued to be given material as well as social and cultural legitimacy. The code ranked Hindu high-caste Bahun and Chettri (Brahman and Ksatriya) at the top, in the middle were Tibeto-Burman 'tribes' (now self-identifying as Janajatis or Adivasi Janajati such as Gurungs, Rais, Sherpa, etc.) and untouchable castes (today's Dalits) at the bottom. Additional shaping of 'the Nepali citizen' included defining only the 'hill' (pahadi) population as being 'real Nepalis'. Thus, residents of the Madhes region in the south bordering India, with language, customs and cultures

communities vary vastly as will be discussed later.

3 While officially categorized as Janajatis, Newars, who are indigenous to the Kathmandu valley, have historically been privileged in terms of access to state power, authority and benefits.

4 The Panchayat system was theoretically structured with directly elected village or town councils (Panchayats), who functioned as an electoral college to choose district level representatives, who in turn selected members among themselves to form the majority of the members of the national legislature (Rastriya Panchayat).

5 The 2001 census has also been widely questioned. In the absence of an alternative, I have retained it as a reference point.

similar to that of North India, were, and continue to be seen, as being 'Indians' and not 'real' Nepalis.

Effacement of ethnic and religious differences had obvious gendered implications. Nepal's heterogeneous population structures gendered relations in multiple ways. From Hindu high-caste women (including Madhesi women) sequestered in the private sphere, to the Thakali women renowned for their business acumen and skills, to Limbu women who are free to divorce and remarry as widows, women and men in various communities in Nepal have historically structured their relations very differently.

The official erasure of these gendered differences among heterogeneous communities legitimized the creation of a single national culture based on Hindu norms extolled by the Panchayat regime. The latter was greatly assisted in this project by foreign donors. Catalyzed by the 1975 UN International Women's Year, foreign donors channelled funds into 'developing' an essentialized 'Nepali woman' in accordance with women in development (WID) doctrine dominant in the global development sphere. This served to validate the creation of women in Nepal stripped of all class, caste, ethnic and religious differences – central to the Panchayat nation-building enterprise. Indeed, legal amendments made to the *Muluki Ain* in the spirit of International Women's Year and the UN Decade for women, resulted in women increasing their legal identity *vis-à-vis* their husbands and family, but also becoming re-inscribed within more dichotomously gendered roles (via a Hindu template for 'family' and a concomitant naturalization of the roles of women as wives and mothers) and falling more directly under the jurisdiction of the Hindu state (Tamang, 2000).

Importantly, international backing and thus national prestige for state sponsored development projects and activities for women further served to legitimate the distinction made by the Panchayat state between policies of *bikas* instituted by the paternal king for the national good, and the selfish demands for political rights demanded by underground political party men and women. On the one hand, women's activities were tightly controlled via the Nepal Women's Organization, one of the six legally recognized 'class organizations'. On the other hand, the homogenized agency-less 'Nepali woman', bound and constituted on the basis of shared oppression and backwardness, was ready to be actively developed into the subject thought appropriate for the modern nation-state of Nepal as a key part of the nation's nationalist struggle to develop (Tamang, 2002).

Current foreign aid to marginalized groups including Janajati and Dalit women for their rights and for 'consciousness raising' to get them involved in the political sphere, especially in the run-up to the elections to the CA, conveniently erases the fact that the homogenized, consciousness-less, a-political, Hindu 'Nepali woman' did not already exist ready to be 'developed' but was constructed by the

very institutions, practices and discourses of *bikas* – of which foreign aid was an integral part.

The coalescing of this contemporary misrepresentation of ‘the Nepali woman’ as a single over-arching category in the socio-economic sphere of development (which has been achieved at the expense of consistently effacing manifest difference), with the desire for a generic Nepali women who shares a common set of needs and values with all her fellow female citizens, has produced not merely a homogenized Nepali woman, but, perhaps more importantly, one who is systematically denied agency.

post-1990 political initiatives

In 1990, a democratic movement led to the downfall of the Panchayat government, and Nepal became a constitutional monarchy with a multi-party government. The 1990 movement initially opened up political space for women and other excluded groups, especially during the constitution drafting process. However, while the new elite of high-caste Hindu men who took over the recently opened political sphere declared the 1990 constitution to be ‘the best constitution in the world’, the constitution and the constitution-writing process were severely criticized for their elitist nature. Centred on making the king concede power, the constitution failed to incorporate many of the demands raised by activists on gender, ethnic, linguistic and religious issues.

The 1990 constitution stated that ‘Nepal is a multi-ethnic, multi-lingual, democratic, independent, sovereign, Hindu, constitutional, monarchical kingdom’ and guaranteed fundamental rights to all citizens without discrimination on the basis of ethnicity, caste, religion or sex. However, not only did this fall short of some demands for a secular state, Janajatis protested the insertion of ‘Hindu’, given that the position of the Hindu king was already safeguarded by other articles. They also objected to the positioning of mother tongues on what appeared to be a second rung compared to the official state language of Nepali. Furthermore, the constitution and other laws put in place by the post-1990 Nepali state continued to discriminate against women. This included unequal property and citizenship rights, including a clause stating that only men can pass citizenship onto their children. A 2000 review of discriminatory laws against women by the Forum for Women and Legal Development (FWLD) revealed over 100 such clauses and rules in fifty-four different pieces of legislation, including the constitution.

On paper, however, the state did initiate institutional and programmatic changes for the rights of women during this period. In 1991, it became a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women. Since 1992/1993, the government has adopted ‘gender mainstreaming’ as the

6 This resulted in 40,533 women being elected, although few were in positions of decision-making power. The tenure of the bodies ended in 16 July 2002 and to date, local bodies remain without elected officials.

primary strategy for directing resources to women. Institutional initiatives included the establishment of the Ministry of Women and Social Welfare, the 2002 establishment of Women's Commission and the Local Self Governance Act of 1999, which included a 20 per cent reservation for women in local bodies.⁶

Some of these changes are linked to general development themes and fashions of development strategies and foreign donors. However, others like the creation of the Ministry for Women, Children and Social Welfare and the National Women's Commission were a result of pressure by various groups of women, albeit with some donor assistance in the form of aid to women's groups engaged in lobbying. The most celebrated victory in the post-1990 period, the September 2002 eleventh amendment to the National Civil Code which gave women, among other things, inheritance rights from birth, was a result of such cooperation. It was also important for the unprecedented manner in which women from political parties and NGOs worked together at both the national and grassroots level in advocacy, social mobilizations, hearings and meetings.

However, this coordination has been an exception to the rule during this period. The women's movement in Nepal in the period 1990 to early 2006 was led by women from political parties, NGOs, and the CPN-M with little coordination or goodwill.

mainstream political party women

The period 1990–2006 was filled with political party intrigue, the beginning of the Maoist conflict (1996), and the increasing power of the king and the Royal Nepal Army. By October 2002 when king Gyanendra dismissed the then Prime Minister Sher Bahadur Deuba on the grounds of incompetence, Nepal had gone through twelve governments and '[t]he image of parties as tools of a high caste, corrupt and nepotistic Kathmandu elite became endemic' (ICG, 2003: 4).⁷

7 The inability of political parties to mobilize the general public against the autocratic rule of the king until the signing of the 12-point agreement with the CPN-M in November 2005, is widely seen as resulting from their 12 years of misrule.

In a testimony to their marginalization, women from political parties remained relatively unscathed by the negative labelling. The 1990 constitution had a provision for ensuring that political parties reserve at least 5 per cent of the contested seats in the Lower House for women and that at least three of the nominated members of the 60-member Upper House must be women. However, overall, in 1991/1992 and 2000, women constituted just 3.8 and 6.4 per cent of parliament, respectively, with two women in cabinet in both periods (UNFPA, 2007: 61). Before the resignation of CPN-M ministers in June 2008 from the interim coalition government, there were four women in the cabinet.

Women from political parties have been vocal about their marginalization within the party and the unwillingness of political party men to take women seriously as political players, as demonstrated by the practice of putting female candidates in areas that the party knows it will lose. The refusal to appoint the deputy

Speaker of the House Chitra Lekha Yadav to the vacant speaker's post following the April 2006 movement, despite her stellar performance during the first session of the reinstated House and immense public pressure, is illustrative of this continuing practice.

However, the activities of political party women have long been criticized by feminists and activists for being led by political party priorities. Noted feminist academic Dr Meena Acharya had said as early as 1993 that 'The women in various political parties are still guided first and foremostly by the party interest, rather than women's interest'. The fact that on 8 March (International Women's Day), various political party women, along with NGOs of various hues, organize different marches every year, is just one indication of such working dynamics. As telling an example is the establishment and functioning of the National Women's Commission in 2002. Aside from the fact that it was not established as an autonomous institution (unlike the National Human Rights Commission) and the Cabinet dictated terms of reference, board members were selected from the major political parties and had no technical expertise in women's rights. While the Commission did manage to prepare the mandated Women's Commission proposed act with extensive consultations, the tenure of the original eight members was marred by political differences until its end in March 2004.⁸

On paper, all major political parties make strong commitments to the rights of women, and most have women's wings. However, a DFID/World Bank study in 2005⁹ made clear that, for example, the Nepal Women's Association of the Nepali Congress (NC) and the All-Nepal Women's Organization of the Communist Party of Nepal – United-Marxist-Leninist (CPN-UML) have played, like all of the tellingly named 'brother' organizations of the main parties, a subordinate role. Women from these organizations point to their lack of numbers, marginalization within the political parties, the limited numbers of women in decision-making posts (in 2005, women constituted less than 10 per cent of the central committee members of the major political parties), and the deeply ingrained patriarchal cultural biases of both men and women in the party's central committee. The perceived need to be seen as national leaders, as opposed to 'women's activists', has also resulted in continual positions of compromise on women's issues by women in the top echelons of political parties.

The contributions of political party women should not be underestimated, however marginalized they may be within political parties. For example, claiming a base of 600,000, members of the All-Nepal Women's Organization argued that they used their vast network to lobby for the inheritance rights laws and the setting up of the Women's Commission. Their participation in collecting signatures, conducting marches, sit-ins, lobbying of parliamentarians, etc., all built up political pressure on the state. While the numbers may be questioned, its mass base and the ability of the association to massively mobilize women is

8 It was not until the king's rule that another team was appointed in February 2006 amidst great controversy, only to be removed after the April 2006 movement when the re-instituted parliament annulled all laws, regulations and decisions undertaken by the royal regime.

9 The author was the lead author on the chapter on gender for this report.

incontestable, with this infrastructure contributing to the increase in women's understandings of their rights and their need to exercise them.

The 2005 DFID/World Bank study also made clear from the review of the women's party wings of the NC and the CPN-UML that the leadership of both parties is dominated by high-caste Bahuns and Chettris. These women further see 'women as women' with no internal differentiations in terms of class, ethnicity or caste. There has, however, been a recent change within women in political parties. For example, the Nepali Congress Nepal Women's Association, following the unification of the Koirala and Deuba factions in April 2007, has made explicit promises to attend to the needs of Janajati and Dalit women. While doubts remain as to how effective these wings can be – the NC party has yet to implement 33 per cent reservations for women within the party even though it helped pass the ruling for 33 per cent reservations for women in each level of the state – it illustrates the manner in which mainstream political parties can no longer remain immune to the demands of social inclusion and the recognition of difference. However, in personal communication Janajati women's rights activist Lucky Sherpa, head of the NGO Himalayan Indigenous Women's Network, stated that this was all 'lip-service'. She has very few expectations from the women from political parties, and noted that the best that could be hoped for was women who at least had some understanding of the issues of excluded groups. However, she did warn that with Janajati women and others advocating for their rights, it is no longer acceptable for political party women to continue talking about 'Nepali women' as one homogenous group.

As hinted at by Sherpa's example above, it has been in the NGO world that excluded groups, men and women, have made their presence most felt in the recent past. This has to be contextualized in the history of NGOs in Nepal.

politics of women and NGOs

In post-1990 Nepal, NGOs have become important development and political players. This is as true for women's NGOs. This trend is tied to foreign aid dynamics and has had and continues to have several long-term consequences for the women's movement.

The 1990 democratic movement in Nepal came on the heels of the much vaunted East European civil society movements for democracy, the so-called 'third wave of democratization'. Nepal's transition to democracy in 1990 thus occurred precisely at the time in which foreign aid assistance was channelled into 'civil society'. In the newly forming democratic spaces in Nepal, this funding was poured into the formation of NGOs. Such funding imperatives were, of course, also in accordance with the global economic and political liberalization trends; and NGOs in Nepal, as elsewhere, functioned as ideal service providers in the

'New Policy Agenda' pursued in the 1990s by multilateral and bilateral organizations such as the World Bank and the US Agency for International Development. Aiding the goal of reducing the role of the state, donors poured money into NGOs, later labelled and self-identifying as civil society. Primarily development-oriented in terms of the delivery of services, especially after the increase in conflict between the Maoists and the state, NGOs began to take on more 'political' responsibilities, including delivery of 'democracy' and 'civil society'.

In this context, NGOs for women have also flourished. From the delivery of development programmes fulfilling basic needs such as increasing access to health, education and literacy, to economic savings and credit activities, and more political group organization, voter education and national level lobbying for women's rights, women's NGOs have played a key role since 1990. Even critics of mainstream NGOs working for women such as feminist Renu Rajbhandari have noted that despite the different orientations of programmes undertaken in the 1990s, at the grassroots level, women have become organized and demands have begun to emanate from communities. In her 2007 article on 'The Potential of the Women's Movement' Rajbhandari points to the massive participation of women during the April 2006 movement as one such indication. This is also echoed in a different manner by authors such as Manchanda (2004) and Leve (2007) who argue that literacy and empowerment programmes conscientized rural women and paved the way for the large number of women joining the armed struggle of the CPN-M.

However, it is clear that many, if not most of these programmes for women continue to function on 'welfare' approaches, continuing Panchayat portrayals of backwards, illiterate Nepali women in need of development and uplifting. This can be seen especially in the discourse on trafficking of the 1990s, which highlighted Nepali victims at the same time as it embedded solutions of rescue and protection in discourses of national honour and family values (Fujikura, 2003). The welfare approach is also evident in the manner in which Kathmandu-based women's groups and the conflict industry were quick to depict women in the Maoists as helpless village women at the mercy of both the Maoists and the state (Pettigrew and Shneiderman, 2004). That the liberal bias of WID programmes in mainstream women's politics remains was made the most evident in the early reactions by leading feminists in Nepal to the 2003 decision of the then Royal Nepalese Army to also recruit women: most greeted the decision as an unmitigated victory for women gaining the same opportunities as men.

The continuation of such portrayals is unsurprising given that historical and intertwined privileges of caste, education and opportunity have resulted in Bahun, Chettri and to some extent Newar women dominating leadership positions in NGOs. In a non-colonized country where English as a medium of communication is marginal yet powerful, the development elite with their language skills (written

and oral) and stature as 'authentic Nepalis' serve as gatekeepers of information to their non-Nepali speaking donors of all hues. Indeed, the effect of high-caste Nepali elite 'gate-keeping' on the way in which Janajati and Dalit and more recently, Madhesi voices have been heard in the development world has only become widely critiqued in the last few years or so; up until two to three years ago, these women were unquestioned in their authority – being Nepali and being female – to produce information about 'Nepali women'.

This change is linked to the conflict and the 'causes of conflict', which burgeoning conflict reports have mapped out as poverty, caste, ethnicity, class and gender. Indeed, Janajati leaders have been open in their acknowledgement of the Maoist conflict for bringing donor attention to Janajati issues.

With this new attention to the issues of excluded groups, Dalit and Janajati women have been able to highlight their own specificities as women in Nepal. They have also begun to get more organized. For example, Janajati women successfully established a separate Nepal Indigenous Women's Federation in 2001, parallel to the male dominated Nepal Federation of Indigenous Nationalities, the major federation-style Janajati NGO organization consisting of representatives of many Janajati groups. As illustrated by Lucky Sherpa, not only are they critiquing the patriarchy that exists within their communities, they are vocal about their resentment towards Bahun and Chettri women claiming to speak for them as 'Nepali women'.

Dalit women's rights activist Durga Sob paints a similar picture in terms of a greater willingness by Dalit women to challenge established women's rights activists. Tellingly, Sob states that even today it is harder to convince mainstream women's rights leaders of the problems of being Dalit women, than it is to tell Dalit men about patriarchy. Like Sherpa, Sob also sees the shift towards social inclusion as being in rhetoric and show alone. Much of Sob's (1997) 'Dalit women within oppression' essay focused on the role of women's rights activists in discriminating against Dalit women and men. That this has not been acknowledged by national level feminists and women's rights activists, including Janajati women, is revealing.

Compared to Janajati and Dalit women, Madhesi women have not been as successful in pushing their agendas via NGOs. The sphere and activities of NGOs and civil society in the Madhes is comparatively smaller because of the historical neglect by the state and foreign aid-giving agencies. Exemplifying this is the fact that the draft DFID/World Bank report on social exclusion in Nepal, which was completed in June 2005, did not have a chapter on the Madhes.¹⁰ Indeed, the issue of Madhesi exclusion only erupted into the national limelight with the 19-day Madhesi movement of January and February 2007 which called for state recognition of Madhesi identity and rights. However, the rights of women, as well as Dalits in the Madhes, have been subsumed in the overall call for the rights of

10 A chapter on the Madhes and Madhesis has now been drafted, two years after the original draft report was completed.

the Madhes. There are, however, exceptions. This includes the grassroots work of Madhesi Dalit woman activists who regularly challenge the hegemony of high-caste Madhesi men leading and representing the movement. There is also the relatively new Centre for Women and Politics which organized the Madhesi Women National Conference in Chitwan in August 2007 to promote the political participation of Madhesi women in the CA elections and the subsequent constitution-making process. It was attended by nearly a hundred Madhesi women, from 20 districts in the Tarai, and led to a Madhesi Women's Chitwan Declaration which among other issues, demanded that political parties give 50 per cent of the first past the post (FPTP) tickets in the Tarai districts to Madhesi women candidates in the CA elections.

The dynamics of the NGO-based women's rights movement are further complicated by the well-known 'secret' that most of the NGOs, including women's NGOs, are informally aligned to political parties. While there is a real need to exercise caution in overemphasizing the importance of such links, these political affiliations have had certain consequences for the relationship among women activists. For example, in 1992, the Women Security Pressure Group was formed to protest against violence against women and was led by the CPN-UML leader Sahana Pradhan. The Democratic Forum for Political Empowerment of Women constituted in 1995 was 'an attempt to constitute a second, more Congress-oriented WSPG' (Tawa Lama, 1997: 334). Sherchan in her 1997 article on 'Political Divisions Among Women's Groups' highlighted similar dynamics at play in the formation of the two anti-trafficking networks: Alliance Against Trafficking of Women in Nepal (AATWIN) and the National Network against Trafficking of Women and Girls (NNTWG) (Sherchan, 1997). AATWIN, then headed by Renu Rajbhandari, was widely acknowledged to be left leaning while NNTWG, then under Durga Ghimire, is an NC initiative. Sherchan points to such political sympathies or more pointedly, the politicization of NGOs, as one reason for the lack of unity and the multiplication of projects and endeavours.

However, Sherchan misses here the continuing important role of foreign aid. Indeed, Nepal shows similarities with the women's movement in Russia and other Eastern European countries where foreign aid has been decisive in fostering internal rivalries, jealousies and overall divisiveness in the women's movement (Sperling, 1999). For example, the politics surrounding anti-trafficking endeavours, the activities of the pressure groups, the splitting of the Centre for Women and Development and the Women Development Centre and the tendency for the same person to retain leadership of an NGO for over a decade (thus discouraging the rise of younger leaders) is connected to economic incentives and competition as much as it has to do with political dynamics. That organization survival in a situation of competition for scarce resources militates against the formation of networks is rarely recognized.

Apart from the detrimental effect on networking with other NGOs (which thus undermines the ability of these NGOs to work as 'civil society', understood as networking associations working together to advocate on issues), foreign aid also impacts on the structuring of democratic processes. Like other NGOs, women's NGOs are not publicly accountable, transparent or subject to monitoring other than to their donors and their constituency and stakeholders. This has strengthened accusations that the priorities of women's and other NGOs reflect the priorities and the agendas of foreign donors instead of domestic needs. This was highlighted recently by the August to October 2007 protests for state economic rights and security by Badi women of the lowest strata of the Dalit community who have historically supported themselves by prostitution. Accusing feminists and activists of being elitist and taking money in the name of 'Nepali women' but doing nothing for them, Badi women were severely critical of the lack of support they received from Kathmandu-based feminists and activists.

The DFID/World Bank report notes that women in political parties have been especially critical of women-headed NGOs, criticizing donors for only funding those groups and not political party women, when it is the latter who can actually push through laws and bills for women's rights. Criticism from the CPN-M is especially blunt. Senior party leader Hisila Yami in her 2007 book entitled *People's War and Women's Liberation in Nepal*, a compilation of her writings from 1990 to 2006, notes three distinct trends of the women's movement in Nepal. The most right-wing of these are those who 'talk of women's emancipation but support constitutional monarchy system, uphold state sponsored Hindu religion and are openly engaged in imperialist sponsored NGO/INGO activities' (Yami, 2007: 18). It is to Maoist women and the position of the CPN-M towards women to which I now turn.

the CPN-M agenda and reality

Of the three major actors in the women's movement in Nepal in the 1990s, it has been the CPN-M who has received the most attention. Much of the writing on the 'People's War' in Nepal by international and national journalists has focused on the claimed 30–50 per cent female participation, accompanied by photos of young, gun-toting guerrilla women in combat fatigues. The specificity of the People's War, as Yami writes in her book, is that it took the policy of integrating women into the people's army right from the beginning.

Since the early 2000s, doubts on the veracity of high levels of female participation have been expressed. According to the United Nations Mission in Nepal (UNMIN), women made up only 19 per cent of registered combatants¹¹ compared to CPN-M claims that a third of combatants in the People's Liberation Army (PLA) were women. While the numbers of female combatants may have been exaggerated, it is clear that the Maoists have been able to attract considerable

11 <http://www.unmin.org.np/?d=activities&p=arms> (last accessed October 2008).

numbers of women. The CPN-M has from the outset stated that gender transformation is part and parcel of their larger programme for radical economic, political and social transformation. In the forty demands presented by the CPN-M before they launched their 'People's War' on 13 February 1996, two points related to women's rights: point 19 'girls should be given equal property rights to those of their brothers', and point 18, 'Nepal should be declared a secular state'. Yami makes clear many times that 'Women's social oppression is firmly rooted in state sponsored Hindu religion which upholds feudal Brahminical rule based on caste system, which disparages women in relation to men' (Yami, 2007: 15).

It is well known that the CPN-M states that the oppression of women cannot be addressed without first addressing issues of class,¹² relegating women's issues to secondary importance. However, in comparison to the women's wings of the major political parties, the women's wing of the Maoists was quite strong. Indeed, apart from the focus on women in the PLA, the role of the women's wing of the Maoists, the All Nepalese Women's Association (Revolutionary) (ANWA-R), has been much touted by the Maoist party for its role in mobilizing women at the community level, as well as serving as an example of effective mass organization at the vanguard of the entire movement. Initiatives have included preventing child marriages and polygamy, and banning the practice of making menstruating women sleep in cowsheds, as well as anti-domestic violence, drunkenness and liquor campaigns. Attempts by ANWA-R to close all of Nepal's breweries and distilleries and ban the sale of alcohol in 2001 led to the government passing legislation to regulate alcohol sales (Thapa, 2003: 159). With the adoption of 'Prachanda Path' in February 2002, the new form of Nepali Maoism, a separate department to develop women's potential was created.¹³

However, criticisms about the gap between rhetoric and actual gender equality within the Maoists have been made time and time again. This includes not just the number of women in the CPN-M, but the claims of equality within the movement. While Maoist examples of differently structured gendered relations are evident, so were examples of the *status quo* of women, who were seen to be predominantly cooking, cleaning and rearing children. Writer Manjushree Thapa in her 2003 article on 'Girls in the War' shows the striking disjuncture between Maoist rhetoric of women's emancipation and the reality on the ground. She captures a CPN-M Area Secretary's description of working to end discrimination against women, including ending the practice of segregating women when they menstruate and after they give birth; pointing to a woman who had just given birth the day before and who was now cooking fish for them. Thapa writes, '[h]e laughed when we suggested that perhaps she would enjoy her rest better, and said that it was important to eradicate the notion of impurity that traditional culture imposes on women'. At the national level, women activists poured public criticism on the fact that the Maoists fielded an all-male talks team during the 2003 ceasefire, and that senior Maoist and talks team leader Baburam Bhattarai

12 According to Yami, revolutionary women should not be branded as feminists; 'Such labeling may stand valid if one is raising the banner of patriarchal oppression without primarily addressing the class oppression' (Yami, 2007: 121).

13 Yami differentiates between two levels of women's involvement within the CPN-M, the women's front (ANWA-R), and the women's department. The latter is directly under the Central Party and is 'basically a policy making body to develop leadership qualities of women in all the three fronts, the Party, military and the united fronts'. As a 'think tank', 'if women's department represents theory then the women's front represents practice. It acts as a bridge between the front and the Party'

(Yami, 2007: 123–124). According to the needs of the party, women's departments can be created in other sections, as they have been in the PLA and student's fronts.

stated that it was not necessary to have a woman in the team in order to represent women.

Even as she boasted of the high number of women in senior military positions, Yami, writing under the *nom de guerre* Comrade Parvati, has revealed existing gender issues and problems within the Maoists. This included the disclosure that 'In regards to their [women's] position in Party, they exhibit plenty of proletarian spirit and sacrifice but their ideological acumen has yet to mature' and that 'While women cadres have the problem of asserting themselves, men cadres have the problem of relinquishing the privileged position bestowed on them by the patriarchal structure... This is mainly seen in the form of formal acceptance of women's leadership, while in essence not accepting their leadership' (Yami, 2007: 40). In 2002–2003, the women's department of the CPN-M conducted a survey which among other things found that of the women interviewed, 74.56 per cent stated that gender discrimination was 'normally present' while 3.66 per cent said it was 'excessively present'. Furthermore, 25.26 per cent of women in the 'people's army' stated that discrimination was normally present while 23.69 per cent said the same of the 'party'; 61.32 per cent stated they felt there was discrimination in promotion (Yami, 2007: 79).

While the survey also stated that Tibeto-Burman (Janajati) and Madeshi women constituted 49.65 per cent, with Brahmin/Chettri/Newar accounting for 38.33 per cent and Dalit 7.32 per cent of the total population of Maoist women (Yami, 2007: 71), no analysis accompanies the figures. Elsewhere explaining the attraction of the Maoists for women, Yami has stated that for Hindu women the revolution has helped 'break the feudal patriarchal restrictive life imposed by the puritanical Hindu religion' while it has 'given meaningful lives to Tibeto-Burman and other women who are already relatively free and have greater decision-making rights, by giving them challenging work to do' (Yami, 2007: 27). However, as Pettigrew and Shneiderman point out in their January 2004 article entitled 'Ideology and Agency in Nepal's Maoist Movement', the implicit premise of Maoist social transformation claims for women are based on notions of an essentialist image of universally disempowered Nepali woman. Furthermore, the extent to which Janajati women have been given 'meaningful lives' can be questioned; an article in the Nepali weekly *Samay* in 2006 noted that in the western division of the Maoists, Maoist women from the marginalized Janajati community of Tharus from the far west of Nepal were all low ranking, with duties limited to lighting stoves, collecting firewood and folding their comrades' clothes (Bhatta, 2006).

Shneiderman and Pettigrew note '[u]ltimately, the fundamental changes in gender relations that the Maoists assert may not be the intentional result of their policies but rather the largely unintended consequences of the conflict that emerge in relation to women's existing practice'. The author's list here includes the fact that with men leaving to join the Maoists or flee the conflict, it has been women who have been left to plough the fields, run forestry groups, etc.

Other consequences are the clear political gains that have been made, at least on paper, by women as a result of the CPN-M. Feminist journalist Anju Chettri in 2003 mapped out the manner in which the Maoist demands for women's rights in the peace talks had led to state postures, if not initiatives, for the rights of women to also be recognised. For example, in the 2001 peace talks, the CPN-M had put forward the demands that women must be given rights in each sector and that trafficking should be stopped. Two years later in the 2003 talks, the state team stated that all oppression of women and trafficking must be stopped and women must be given equal rights including inheritance rights. In the third round of peace talks, the government team's demands included 25 per cent reservations in all institutions representing people; constitutional safeguards for the reservations for women in education, health, administration and employment; and at least 25 per cent representation in both houses. On CPN-M pressure to respond to women's issues, Gagan Thapa, youth leader of the NC, stated: 'The Maoists are making us travel in 10 years a path we would have traveled in 50' (Goering, 2008).

political turmoil and marginalization

The unintended and intended consequences of the activities of the three major actors in the women's movement in Nepal post-1990 have to be embedded in the political turmoil of the civil war, the growing militarization of the state, and the seizure of power by the king from October 2002. As issues of the 'nation's security', 'sovereignty' and 'the fate of democracy' took central stage, so women and their concerns were pushed to the margins. From the members of the peace talks team to the centrality of men in the political parties negotiating with the king or deciding to take to the streets in protest; from the male-led and dominated civil society movement to the topic of human rights when Amnesty International warned of a 'human rights catastrophe' (Amnesty International, 2004), women and their issues were conspicuously marginalized, if not absent.

Following the April 2006 people's movement, which saw massive participation of women as well as excluded communities, unprecedented pressure was placed upon the re-established parliament by these groups. A spate of commitments and laws for progressive structural change were made by the re-instated parliament including: declarations of Nepal as secular and of being free of untouchability; a new citizenship bill which among other things gave equal citizenship rights for mothers as well as fathers; a resolution for 33 per cent reservations for women in all state bodies; and the passing of a House bill on gender equality which allows amendment of the discriminatory provisions in nineteen existing laws. The dual elections system, furthermore, provided a women's quota of 50 per cent of seats through the proportional representation (PR) system, although not in the FPTP system.¹⁴

14 A mixed electoral system was adopted for the CA elections, with an FPTP system and a proportional electoral process

(PR). Of 601 members of the CA, 240 were elected under the FPTP, 335 under the PR and an additional 26 were nominated.

15 According to a gender officer in the UNMIN, initial inquiries into the reasons for high turnout rates among women revealed such factors as mobilizations and awareness programmes by political parties and NGOs, as well as an overall absence of men, with women voting in their place.

Nepal's CA elections saw an overall high voter turnout of 60 per cent, with women's voter turnout estimated by international election observers to be around 53 per cent¹⁵ (OHCHR Nepal). One hundred and ninety-one women were elected to the constitution making body; thirty women were directly elected to the CA under the FPTP system, while 161 were allocated seats through the PR system. In all in the CA, 33.22 per cent of elected members are women. In terms of excluded groups, 33.39 per cent are Janajati, 34.09 per cent are Madhesi and 8.17 per cent are Dalit (Ajit, 2008).

Despite these clear gains, recent experience in the transition period has demonstrated the need for vigilance. For example, not a week had passed since the announcement of 33 per cent reservations for women in all state bodies, when a six member interim constitution-making team was formed under the leadership of a former Supreme Court Judge. The committee did not include any women, Janajatis or Dalits. Following massive criticisms and sit-down protest programmes from women's and other organizations, the number of committee members was raised to fifteen to be more inclusive, albeit selected by political parties according to party affiliations. Furthermore, amidst the congratulatory atmosphere of getting 33 per cent women into the CA, the fact that all the parties refused to commit to the 33 per cent reservation for women in the CA as guaranteed by the resolution on state bodies and as demanded by women politicians and activists, has been forgotten. None of the parties, including the CPN-M who had the highest number of candidates and elected CA members who are women or who are from other excluded groups, put forward 33 per cent female candidates from their parties in the FPTP system. Furthermore, women who did run in the CA have stated that women were only given candidacies to meet quotas, and did not receive the same level of support as their male counterparts (IDEA, 2008).

The above reflects the continuing influence of male-dominated political parties in the transitional period and the marginalization of other groups, including civil society. Mainstream politics of negotiating power between the CPN-M and the other major political parties rendered the interim government dysfunctional, the CA inactive and resulted in the selection of a Prime Minister (CPN-M leader Pushpa Kamal Dahal aka Prachanda) over four months after the CA elections. The real work of the CA, including that of activists for the rights of women in Nepal, has yet to begin.

conclusion

In the contemporary Nepali context, and given the history of their marginalization from the mainstream 'political' as well as women's movement, it is not surprising that many Janajati, Dalit and Madhesi women are choosing to heighten their

ethnic and caste identities and are aligning themselves according to such categories. On a much more theoretical register than this article has attempted, such a response would be described as 'strategic essentialism'. Their current reactions are a result of the disappearance of the category 'woman' in mainstream masculinist political discourse (from both the left and the right) in this country, mirrored by the single-issue feminist wish for a universalized Nepali woman (under which all different ethnic and caste groups can be subsumed). In both these moves, a systematic denial of historical difference is involved.

It is apparent that Nepal's current political predicament demands a choice of options (however flawed) for strategic alliances and constructive engagement. While various networks between excluded and other groups of women have become established – including the Women's Alliance for Peace, Power, Democracy and the Constituent Assembly (WAPPDCA) – it is unclear what affect this will have on these divisions. Indeed, WAPPDCA has already come under criticism – heavily funded by foreign aid, it is headed by elite women from high-caste, Dalit, Janajati and Madhesi groups, most of whom have already been criticized in their individual capacities for being urban-centred and removed from the grassroots. The politics of difference in Nepal has always been contoured by foreign aid, and, as explained, this contouring has managed, and continues to manage, caste/class/ethnic difference among women so as to mainstream commonality in the name of immediate instrumental efficacy and short-term development gains.

Furthermore, the demand for difference, disaggregation and diversity, though crucial, is not as simple as an insistence on Dalit, Janajati, and Madhesi representation, or even women's representations within these categories as stipulated in certain election laws. The point is that even within these disadvantaged categories there will still remain homogenization and elite normativity, which requires constant vigilance. It is ultimately in the fraught space of multiple marginalizations that the women's movement should seek to facilitate representation and sustained engagement.

However, current attention on already established and thus hegemonic categories of identities, combined with the focus on the 'national' task of constitution writing and the 'New Nepal' nation building, leaves little room for such reflexivity. Indeed, the major concerns of excluded groups, including women, have focused on the ability of women, Janajatis, Madhesis and Dalits to be able to go beyond party affiliations, in order to 'represent' their identity groups. That 'speaking for' and 'representing' is both philosophically and politically problematic whether it be men on behalf of women, or elite women on behalf of non-elite women, and that this issue needs to be constantly confronted if the women's movement is not to become debilitatingly essentialist, is of little priority for the women's movement in Nepal today.

Consequently, it is the untheorized, non-theoretical, radically localized interventions of marginalized women's groups that appear, paradoxically, to provide a critical alternative to the centralization of party-based politics and alliance-making within the national women's movement in Nepal.

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