Chapter VI
Summary and Conclusion
Chapter VI
Summary and Conclusion

The study has shown that in many conflicts across the world, although women are placed in a disadvantaged position and the impact on them is more because of the patriarchal social structure yet; they have been the conscience keepers of society and their voices have risen out stronger and louder. They are the mothers grieving for sons dead or missing or the widows struggling to keep the family and community alive. Even those women who have become refugees as a consequence of the conflict or war have not remained silent victims. They have often broken the passivity of victimhood, and the conflict has in fact seen women come out to mobilise resistance, confront the security forces, the administration and the courts. Women have thus emerged as peace negotiators, and help resolve conflict.

It is in this context that one attempt to understand armed conflicts, which open up for women the 'public space' largely controlled by men and how they took up new and additional responsibilities during and in the aftermath for the survival of their families and communities. The focus of study has been Maoist insurgency in Nepal.

For this purpose, an attempt to understand Nepalese women's experience of conflict and addressing the dualism of women either turning towards violence or towards peace requires innovative tools of analyses. In giving primacy to women's voices, one has learned to listen to women's language of resistance encoded in their cultural space of being.

The study has shown that post-conflict situation was equally challenging for Nepalese women especially those who became heads of the family and primary bread earner during the conflict. Since women are constantly exposed to sexual harassment and exploitation, preyed on by employers, traffickers, etc. they are forced into prostitution, moreover, women admit to rape by the 'enemy', lose the respect and protection of their family and community.
The study has shown that in Nepal, 'People’s War' has severely curbed human interaction both within and outside the community and has destroyed the social system to a considerable degree where women and children are affected the most. This armed conflict forced more and more Nepalese people to migrate in search of new opportunities and for a better life, and in the process, women and children were separated from their families.

From the historical record it is confirmed that societies neither defend the space women create during conflict nor acknowledge the ingenious way in which women bear new and additional responsibilities. Despite this, one has seen that women play the key role in reconstruction and consolidation of peace once the arms go silent.

In an attempt to delineate broad theoretical argument in the context, one can argue that the hypothesis put to test does get established. By examining the relevant experiences one has seen that the State has failed to ensure changes in laws for women; under oppressive patriarchal structures and ensure their rights of property after the deaths of their husbands or other family members in war. Such discriminatory laws led to a massive mobilisation of women in the Maoists movement.

What can be further argued is that, the new phase of mass movement and women activism provides an opportunity to mobilised women for asserting and lifting their position to a higher plane within the current phase of the struggle as well as in the long term sense. To begin with, to have women representatives in all the decision making bodies and to provide space for sensitising the larger public towards humane handling of conflict and post-conflict situation concerning women and children. It is not just a question of equity or fairness. One has seen from experience that bringing women to the peace table improves the quality of agreements that are reached and increases the chance of success in implementation because of women’s experiences during and after post-conflict.

In Nepal, the Maoists claimed that the introduction of a ‘New Democratic System’ through ‘People’s War’ was inescapable because all the attempts to carry out reforms within the old ‘feudal’ and ‘semi-colonial’ system had failed. That such an assertion could be made at all was a definite indication that the Maoists movement was no longer a temporary phenomenon without social bases but had (and has) roots deep in the country’s social and economic order, and is a by-product of Nepal’s unsuccessful development
endeavours. That the Maoist insurgency was able to survive and grow for decade was a clear indication of this.

After the two rounds of failed negotiations in 2001 and 2003, the Government of Nepal and the Communists Party of Nepal (Maoists) signed a Comprehensive Peace Agreement in November 2006. With the success of people's uprising in April-May 2006, there seems to have a strong level of political will to end the armed conflict. With CPN (Maoist) emerging as a biggest political party in constituent assembly election held on April 10, 2008, it is now certain that the formal rebels are now transformed into legitimate a political party and it pursue their political goals openly and peacefully with the post-conflict political system. However, this transformation will succeed only if it leads towards the peace building process which addresses the root causes of conflict, and creates a vision for a future Nepal without resorting to violence.

Today, 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 in such a transitory 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. One can point out that, in the next few years, the political situation in the country will be marked by the work of the Constituent Assembly that needs to be capable of laying the basis for re-founding the country on principles of democracy, fairness and justice.

To achieve permanent peace, security and stability there are number of challenges that lie ahead of Nepal; first, the Government has to work out a way in which different communities, castes, ethnic groups, regions can live together as the marginalised groups w demand their rightful place in the political system. For that, Government has to genuinely and carefully carry out with transformation policies in a more democratic manner.

Second, it is appropriate to note that not only must under-representation in the political arena be tackled, but it is also important to make clear that the exclusion of Nepalese 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. 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.

Third, in order to guarantee that women's participation in politics is effective, a process of empowerment and training of future women parliamentarians is necessary in order to make their presence a significant 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 a result of 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 context, 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 percent of seats were occupied by women, a figure slightly higher than that established by the Interim Constitution, which indicated that women's representation must be 33 percent. So, although they are fewer in numerical terms, their presence was an appreciable one.

Fourth, the Government should repeal all the discriminatory laws. It has been one of the main obstacles perpetuating the denial of full citizenship to Nepalese 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. So, putting an end to existing discriminatory laws and begin new legislative development that would safeguard and promote the exercise of women's human rights is an urgent requirement.

Fifth, 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 (more than 30 percent) is a significant one and, because
of this, regardless of the decisions finally taken 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 is 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 gender 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 particular attention must be paid to ensure equality and non-exclusion.

Thus, it should be ensured 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. And,
the reform of this sector must be designed taking into account the special needs of women
not only combatants but also civilians.

Sixth, violence against women is another important factor that Government has to
tackle when it talks about the security of its country. Many Nepalese women experienced
brutal sexual violence during conflict and post-conflict period from the Maoists, police and
security forces. This issue was raised by women’s organisations when they mentioned the
main challenges in the post-war rehabilitation process 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'. Government and local non-governmental organisations should implement appropriate psychological programs for those who have suffered sexual violence.

Seventh, land reforms and women rights to inheritance to parental property should be ensured through proper legislations as more than 70 percent of the Nepalese women are engaged in agriculture (which is the main economy of the state). It must include the lawful redistribution of land and 'land to the tiller', to provide the basis for a new structure of land tenure and relations within the agricultural community.

Eighth, the state must take responsibility for providing a basic welfare framework – in peace and security, education, health, employment and social security as part of social contract with the people of Nepal.

Lastly, to ensure the impact of legal rights - citizenship, property, trafficking, and sexual abuse, education, employment, health including reproductive health, marriage and family, child marriage, etc. - authorities should be delegated in a practical way and the implementing machinery should be correctly managed. Women's organisation can play an important role in leading the campaign to make people aware and to check that the law is implemented properly. One can be proved that legal instruments are important tools and play a crucial role in creating gender equality in society.

There are many challenges for achieving real transition in Nepal, not just in military and political terms but, fundamentally, in social and economic terms. The exclusion of women, socially backward people, ethnic groups, lower caste, etc. in the 'elite' political system is the main root cause that gave rise to 'People's War' in 1996.

The study has shown that armed conflict no longer belong solely to men as women from different segments of society. Active participation of Nepalese women in the 'People's War' 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. The prominent active participation of Nepalese women in Maoist movement – most of them dalit or belonging to excluded ethnic groups has provided evidence of the fallacy of this dominant view of women as passive, defenceless
victims of armed violence. The presence of women in the Maoist ranks in significant number 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.

Far from the political game and power wrestling, women in Nepal fight for their survival and for the protection of their children – the future generation of Nepal. The time has come for the country to recognise the importance of the role played by women who have encountered the police, security forces and the Maoists armed forces in their daily life. The courage women have shown to defend their children and families in these difficult situations and the wisdom and skills they used in negotiating with the Government Unified Command of the Army and the Maoists PLA must be recognised, appreciated and respected.

Democracy cannot be sustainable if women are discriminated against in the development process. Women can participate in public affairs only when the mass realise their potential and vital role. Unless the women, half of the nation’s total population, exercise their power in development and decision-making mechanism, democracy cannot be a viable system. Women cannot feel equal unless the issue of power relation is settled by bringing change in all structures of power. All kinds of oppression and inequalities must be addressed together at the same time taking into account that women’s needs and problems cannot be addressed properly only through individual programs but through mainstreaming approach.

Thus, the role that Nepalese women played in conflict situation is important as they not only were involved in the Maoist armed struggle but also practiced negotiations between the conflicting parties in their day-to-day life.