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**Social Exclusion and Conflict
Transformation in Nepal: Women,
Dalit and Ethnic Groups
FAST Country Risk Profile Nepal**

Alexandra Geiser

swisspeace

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Abstract/Zusammenfassung/Résumé

Nepalese society is characterized by social exclusion. To this day, women, ethnic groups and the low Hindu casts are subjected to widespread discrimination. The democratization process during the 1990s triggered hopes for improvement among these marginalized groups. However, those hopes were quickly dashed, the previous social structures were maintained, offering the perfect breeding ground for Maoists and their continued fight against the country's constitutional monarchy. During recent years, numerous organizations were created that support the rights, integration and improvement of the position of these marginalized groups. Moreover, on the level of international cooperation demands for social inclusion become more pronounced, as the peace process seems unsustainable without the participation and integration of all parts of the Nepalese population. The present study shows how social exclusion has been established throughout the process of nationbuilding, and how it has been manifested in actual terms in daily life. The study also offers an overview over the approaches, strategies and demands of local women's organizations, activists of ethnic groups and representatives of the Dalits. Furthermore, advantages and disadvantages in supporting discriminated groups will be presented in the broader context of conflict transformation in Nepal.

Die nepalesische Gesellschaft ist geprägt durch soziale Ausgrenzung. Bis heute sind Frauen, ethnische Gruppen und die niedrigen hinduistischen Kasten starker Diskriminierung ausgesetzt. Mit dem Demokratisierungsprozess, der in den 1990er Jahren einsetzte, wurden Hoffnungen der ausgeschlossenen Gruppen geweckt. Diese Träume zerbrachen jedoch schnell, die alten Gesellschaftsstrukturen blieben erhalten und boten sodann den Maoisten den geeigneten Nährboden für ihren bis heute andauernden Kampf gegen die konstitutionelle Monarchie. Gleichzeitig haben sich in den letzten Jahren viele Organisationen gebildet, die sich für die Rechte, die Integration und die Besserstellung der diskriminierten Bevölkerungssegmente einsetzen. Auch im Bereich der internationalen Zusammenarbeit wird die Forderung nach sozialer Inklusion immer lauter, da ohne die Partizipation und Integration aller Teile der nepalesischen Bevölkerung der Friedensprozess aussichtslos scheint. Die vorliegende Studie zeigt einerseits auf, wie sich soziale Exklusion im Laufe der Nationenbildung etabliert hat und konkret im Alltag manifestiert. Anderseits gibt es einen Überblick über die Ansätze, Strategien und Forderungen der lokalen Frauenorganisationen, Aktivisten und Aktivistinnen ethnischer Gruppen und VertreterInnen der Dalits. Zudem werden die Vorteile und der Nutzen einer Unterstützung der diskriminierten Gruppen in Bezug auf die Konflikttransformation in Nepal aufgezeigt.

La société Népalaise est marquée par l'exclusion sociale. Jusqu'à ce jour, les femmes, les groupes ethniques et les castes inférieures des Hindous sont exposés à des discriminations profondes. Le processus de démocratisation des années 1990 a suscité un certain espoir au sein de ces groupes marginalisés. Espoir qui s'est rapidement évanoui, les anciennes structures ayant été maintenues par les Maoïstes, qui y trouvaient un terrain fertile à la poursuite de leur combat contre la monarchie constitutionnelle du pays. Au cours des récentes années, de nombreuses organisations ont été créées visant à défendre les droits de ces groupes marginalisés, d'appuyer leur intégration et l'amélioration de leur position (sociale). Sur le plan de la coopération internationale, la demande de l'inclusion sociale de ces groupes s'est progressivement faite plus explicite, soulignant qu'il n'y aurait pas de paix durable sans la participation et l'intégration de toutes les composantes de la société Népalaise. L'analyse suivante porte sur l'établissement de l'exclusion sociale durant le processus de construction nationale. Elle montre comment cette exclusion sociale s'est traduite dans la vie de tous les jours pour les groupes concernés. L'étude donne en même temps une idée d'ensemble des différentes approches, stratégies et demandes d'organisations locales des femmes, de défenseurs des minorités ethniques et de représentants des Dalits. Finalement, l'intervention en faveur des groupes discriminés sera contextualisée dans le cadre plus large de la transformation du conflit au Népal.

1 Preface

The present report is part of a series of working papers published by FAST International, the Early Warning Program of swisspeace.

FAST's core task consists in the early warning of violent conflicts with the aim of initiating early action or response in order to prevent crisis situations from aggravating. Moreover, FAST also attempts to identify "windows of opportunity" to ensure peacebuilding. The combined methodology used by FAST applies several tools in order to analyze developments in the countries of concern. The core issues that influence the development of the country are analyzed by looking at root and proximate causes as well as intervening factors. This risk profile therefore aims at providing an in-depth study of the situation in Nepal and closely investigating selected core issues that shape the degree of conflict.

The underlying tool for this analysis is the analytical framework¹ pointing out the individual factors that cause the outbreak of a conflict and/or influence a conflictive situation. By applying this tool, FAST analysts continuously update the status of developments in the countries monitored. The analytical framework, hence, provides up-to-date information on the key issues that are critical for the further development of the country.

Because FAST International strives to link early warning with early action, this paper shall emphasize the discussion of strategic options. These options are directed particularly at end-users of FAST products and shall hopefully be incorporated into the ongoing decision-making process.

The author and the FAST team hope that this paper will provide readers with food for thought on the further developments and the necessary steps to be taken in order to resolve current problems and crises in Nepal by peaceful means.

¹ For further information on the analytical framework and the definition of root causes, proximate causes and intervening factors, please refer to <http://www.swisspeace.org/fast/2analytical.htm>. For information on the analytical framework, please refer to the document "FAST Analytical Framework", <http://www.swisspeace.org/uploads/FAST/AF/AnalyticalFramework.pdf>.

2 Introduction²

With the world's highest mountains, spectacular scenery, ancient religions and culture, Nepal has been a popular and even mystic destination for many foreign visitors. At the same time, however, Nepal is also one of the poorest countries in the world, and within the country, a Maoist struggle – which dates back to 1996 – is still being waged. After the introduction of democratic politics had failed to meet the hopes of many citizens, the Communist Party of Nepal (Maoist) (CPN-M) launched a campaign in 1996 against the constitutional monarchy. This led to a protracted conflict which left more than 11,000 people dead. The FAST Country Risk Profile Nepal will discuss in detail the social inequalities that exist within Nepal, as well as discrimination that is based on ethnic, caste, or gender lines. Many analytical works within the anthropological and sociological literature on conflict have focused on the subject of social inequality. Furthermore, research into the reasons why oppressed groups have turned to the Maoists is increasingly gaining in importance. However, only a few studies in the field of development and international cooperation have examined in any greater detail the context and history of social exclusion. Similarly, there is a paucity of research on the role of local Nepalese Civil Society Organizations (CSOs) as they work to combat inequalities and prevent the exclusion of specific groups, a process which supports peacebuilding and conflict transformation.

The above-mentioned issues were chosen for the following reasons:

Ethnicity, caste and gender inequalities are crucial aspects in the social, political, cultural and economic structures within Nepal. These structural inequalities, as well as the political oppression of a majority of the population and disparate access to economic resources, provided a fertile ground for the Maoists to encourage members of the lower castes, disparate ethnic groups, and women to participate in the People's War. Consequently, it is not surprising that an increasing number of Dalits, members of ethnic groups, and women are joining the Maoist People's Army. There appears to be a consensus within the literature that social exclusion – particularly caste, ethnic, and gender exclusion – constitutes the root cause of the ongoing conflict within Nepal. Therefore, caste, ethnic, and gender inequalities, which are strongly interlinked, were selected as the three core issues of the Nepal FAST Country Risk Profile. There is also the risk that other escalating armed conflicts may stem from the deep-rooted dissatisfaction of various groups within Nepalese society. Nevertheless, the democratization process at the beginning of the 1990s encouraged the creation of many local CSOs which now deal with ethnic, caste, and gender issues. Local CSOs are often said to be politicized and delineated along social and ethnic lines, but there are also many local CSOs that could become more important in the future as they influence conflict transformation and peacebuilding. However, this part of civil society has not (or only minimally) been included in either decision-making or in the peace process, nor has it to date been integrated in the peace talks between the Maoists and the King.

Consequently, the main goal of the FAST Country Risk Profile Nepal is to take a close look at social inequalities and exclusion in Nepal. This tentative analysis will primarily contribute to a better understanding of the prevailing inequalities within Nepal. After a brief overview of the current conflict and a discussion of the causes of the conflict, chapters 4, 5, and 6 will show how inequalities along caste, ethnic, and gender lines are manifested; the current situation of the ethnic groups, members of the lower castes, and women will also be examined. The subsequent chapter will provide a tentative analysis of how local Nepalese CSOs, working in the field of ethnic, caste, and gender issues, struggle for inclusion into Nepalese society. In the last chapter, recommendations will be made as to how the impact of local organizations can be fostered.

² The views expressed in this report are those of the author and do not necessarily reflect those of FAST International/swisspeace.

The author is well aware of the fact that the causes of the conflict in Nepal cannot be traced back exclusively to social exclusion. An overall assessment should also consider several other issues. The scope of this study does not cover in detail topics such as political processes, corruption, international responses, human-rights abuses, or economic context. For an overview of other relevant topics, please refer to the FAST Analytical Framework, which is attached to this paper as an appendix.

The King's seizure of power in February 2005 and the imposition of a state of emergency intensified the civil war. Currently, Nepal finds itself in a severe human-rights crisis that is spiraling ever upwards; fundamental rights have been suspended, and the resolution of the conflict continues to remain elusive. Despite the best efforts of the international community, the deterioration of the overall situation and the suspension of democracy have not been prevented. Because the government depends heavily on foreign aid, international actors have a powerful tool for exerting pressure on the King and his government. A coordinated international response is urgently needed in order to initiate a sustainable peace process. Both in the short and long term, the inclusion of all parts of Nepalese society in this process is of fundamental significance.

3 The Current Conflict

"We are in the French Revolution. It started with the People's Movement in 1990, which signaled springtime for Nepal, however, after the Maoist proclaimed the People's War, the situation escalated. Currently, nobody knows what the future will look like. People are left alone, neither the political parties, nor the King or the Maoists are on the side of the people...", a shopkeeper in Kathmandu stated in autumn 2004. The history of the Himalayan Kingdom of Nepal, whose spectacular scenery and friendly people have enchanted visitors for centuries, is characterized by repression, socio-political exclusion, economic disparity, regional inequality, and widespread poverty. The attempt to install democracy began in the 1990s and was accompanied by the emergence of a Maoist insurgency fighting the government over the last nine years. After the Royal takeover and another recent state of emergency, the democratization project has come to a standstill.

The next section will briefly discuss the synthesis of the contemporaneous conflicts in Nepal since the 1990s.³

3.1 High Aspirations, Deep Disappointments

The People's Movement of 1990 – where not only political parties but also civil society participated in demonstrations against the partyless, autocratic Panchayat system – and the consequential change of system to a multiparty democracy and a constitutional monarchy gave rise to high expectations among Nepal's population, mainly among the marginalized sections. However, the promised political, societal, or socio-economic improvements could not be brought about; the economic level of the excluded groups has remained very low. Traditional power relationships persist, the old elites have remained in power, and corruption and nepotism have not changed. Infighting among the political parties characterizes the politics on a daily basis and political instability has slowed down the democratic process from its very beginning. Constant political infighting led to ten different governments in Nepal between 1991 and 2002. Even the new 1990 constitution, drafted by the old elites, still contains several contradictions and is unable to define in any clear terms the limits of the power of the King.

It was from the Western part of Nepal that the Maoists launched the "People's War" in 1996. On 13 February 1996, the Communist Party of Nepal (Maoist)⁴ declared an armed struggle that has come to be known as the People's War – against the government by attacking police posts in Rukum and Rolpa. A few days prior to this date, on 4 February, they had posted a 40-point memorandum⁵ to the Prime Minister Sher Bahadur Deuba.

³ A large variety of reports and books deal with the course and the historic background of the conflict. See, for instance, Uwe Kievelitz and Tara Polzer 2002: Nepal Country Study on Conflict Transformation and Peace Building. Eschborn: Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ); Liz Philipson 2002: Conflict in Nepal: Perspectives on the Maoist Movement. London: London School of Economics and Political Science; Deepak Thapa and Bandita Sijapati 2003: A Kingdom under Siege, Nepal's Maoist Insurgency, 1996 to 2003. Kathmandu: Printhouse; Kanak Mani Dixit and Shastri Ramachandran 2002: State of Nepal. Lalitpur: Himal Books.

⁴ For the establishment of the Communist party of Nepal (Maoists), see: Arjun Karki and David Seddon 2003: The People's War in Nepal: Left Perspectives. Delhi: Adroit Publishers.

⁵ The 40 points demands of the Maoists broadly include demands concerning nationality, people's democracy and their livelihood, the further the abolition of the privileges of the King and his family as well as the draft of a new constitution by representatives elected for the establishment of a people's democratic system:
<http://www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm>

The demands were divided into three sections: one dealt with issues concerning nationalism and was mainly focused on the Indian influence over Nepal; the second referred to political demands related to democracy and the third dealt with the people's social and economic well-being. These demands correlated with demands expressed after the constitution was proclaimed in 1990. The Maoists stated the failure of the government to implement these 40 points to be the reason for their declaration of an armed struggle.

Only two years after the People's War began, local elites and landlords left rural areas. Since then, the armed struggle has spread to all of Nepal's 75 districts, virtually creating a parallel state. In 1997, the Maoists began to form Janasarkar (the People's Government) and Jana Adalt (People's Court) in their base districts. Today, the influence of the government does not extend beyond the Kathmandu Valley and certain district headquarters and sections of the highway – and even there, Maoists can move about more or less unhindered.

Initially, the government considered the Maoist movement to be an internal security problem and not a political problem. The police responded brutally to the movement, which led to even more local people joining and supporting the Maoists.

The conflict then escalated further in 2001. After the Royal Massacre in June 2001, the situation was very tense, because King Gyanendra claimed that he wanted to be an active King as soon as he ascended the throne. The conflict reached a peak in November 2001, when the Maoists withdrew from the first ceasefire, initiated in July 2001. They attacked several police posts and for the first time, they also attacked Royal Army Barracks, thereby impressively demonstrating that their strength was not solely focused on their strongholds in Western Nepal. The Prime Minister, Sher Bahadur Deuba, responded by declaring a state of emergency on 26 November 2001. Most civil rights were suspended and the army was ordered to fight the Maoists. The King issued the Terrorist and Destructive Activities Control and Punishment Act (TADA), allowing security forces to arrest, detain and use force against the Maoists. In October 2004, the King issued a new version of the TADA. The revised law allows security forces to hold individuals in detention for up to one year, without any recourse to the law.

After 11 September 2001 (9/11), Prime Minister Deuba tagged the Maoists as terrorists, hoping to obtain American military support in the fight to suppress the Maoists by force.⁶ The increasing American military assistance to Nepal has been strengthening the military approach the government chose. Even in 2004, although nobody believed that the conflict could be ended by military means, the US still supported the Royal Nepal Army with weapons and training. After 2001, the death rate of killed civilians, Maoists, and state forces increased dramatically and not only the violent conflict but also the political crisis escalated.

In spring 2002, when the parliament became entangled in the debate over the extension of the state of emergency, the King reacted by dissolving the parliament and calling for new elections. Deuba headed the interim government and renewed the state of emergency.

The next step against the democratization process was the postponement of the local elections. In July 2002, the elected local representatives were replaced by bureaucrats. Finally, King Gyanendra dissolved the parliament and interrupted the democratic process on 4 October 2002. After the Deuba Government had already dissolved parliament and done away with elected local representatives, King Gyanendra fired Deuba for his incompetence in not holding elections. The government the King

⁶ Karl-Heinz Krämer 2003: Equality and Participation: Preconditions for Ways out of Crisis. Paper presented at the conference on The Agenda of Transformation: Inclusion in Nepali Democracy organized by Social Science Baha, Kathmandu (24-26 April).

installed a few days later was not able to solve the Maoist conflict or to restore democracy. In lieu, the conflict escalated into a three-party struggle between the Maoists; the monarchy and the security forces; and the political parties. Dissolving parliament and doing away with local representatives resulted in a political vacuum on all levels, leaving citizens disempowered.

Since the dissolution of the local governments, on the local level the government is unable to provide services and, for many villagers, only exists in form of the security forces. Arbitrary arrests, an increasing number of disappearances, and violent, random searches all have a negative impact on the local communities.

After the end of the second ceasefire in August 2003, the violent conflict worsened even further and human rights are increasingly abused. The security forces have been accused of torture, rape, murder, and arbitrary arrests – but are under impunity. Political opponents are the Maoists' main targets who abduct teachers and students and bring them to indoctrination camps. The state is not able to ensure the safety and security of its citizens. The civil war even came to Kathmandu in 2004, when the city was shook by bomb explosions and suffered from strikes (Bandhs) and blockades the Maoists initiated in August and December. The blockade of the Kathmandu Valley impressively demonstrated the Maoist's psychological power: it was enforced solely by intimidation.

Since King Gyanendra fired the elected Prime Minister Deuba and took control of the government, he has appointed two successive governments. The first under Prime Minister Lokendra Bahadur Chand (October 2002) and the second under Surya Bahadur Thapa (June 2003), both failed because they lacked competence and the support of the political parties. At the beginning of 2004, members of the political parties, civil society and student organizations joined in the streets to protest against the King and call for the restoration of democracy. These demonstrations led to the resignation of Thapa and King Gyanendra's reappointment of Sher Bahadur Deuba as Prime Minister in June 2004. The new cabinet included members of Deuba's Nepali Congress (D) Party, the UML, and some smaller parties.⁷ The main Nepali Congress Party, in a coalition of four parties,⁸ stayed out of government and remained on the streets. Deuba's main agenda has been the negotiating a settlement of the conflict and conducting elections. Deuba set mid-January 2005 as a deadline for the Maoist's agreement to negotiate. The Maoist leadership, however, demanded that the Deuba government provide proof for its authority and announced that they would only negotiate with the King.⁹ The deadline passed and Deuba announced that he would call elections shortly.

As early as at the end of 2004, analysts warned that the King might opt in favor of a more autocratic ruling style.¹⁰ On 1 February, King Gyanendra finally dismissed the government. In his broadcast to the nation, he declared he would assume power for three years and install a Council of Ministers, all supporters of the Panchayat system. He asserted that he was forced to take this step to defend multiparty democracy. However, he basically suspended all aspects of a democratic state and installed military rule. Immediately after his announcement, the army occupied the streets of Kathmandu; political leaders were put under house arrest or detention; telephone and Internet communications were interrupted for several days; and the international airport was shut down. Fundamental rights, such as freedom of speech and assembly, were abrogated under the proclaimed state of emergency.

⁷ Nepali Congress (Democratic), Communist Party of Nepal – Unified Marxist Leninist (CPN-UML), Rastriya Pratijatantra Party (RPP), Nepal Sadbhavana Party (NSP).

⁸ Nepali Congress (NC), Nepal Workers and Peasants Party (NeWPP), Nepal Sadbhavana Party (Anandi Devi), People's Front Nepal (PFN).

⁹ International Crisis Group 2005: Nepal's Royal Coup: Making a Bad Situation Worse. Asia Report M 91. Kathmandu/Brussels (9 February).

¹⁰ Liz Philipson 2004: FAST Update Nepal. swisspeace.: http://www.swisspeace.org/fast/asia_nepal.htm.

The prospects for the future are bleak: Civil population is enclosed between two sets of guns and the security situation will continue to worsen. Nepal is sliding into an alarming human rights and security crisis. Multi-party democratic actors who could have been acted as buffers between the Maoists and the King have been rendered powerless. For the time being, the Maoists seem to be the only organized political force in the country. Several analysts have pointed out the danger of other political forces lacking the confidence to stand up for themselves and therefore possibly developing stronger ties with the Maoists.¹¹ Now is the time for the international community to take active steps to support the restoration of democracy. The international community did not, at the time, hesitate to criticize the royal coup. In particular India responded harshly.¹² It remains to be seen, however, if the international actors will be able to define a common basis and a method in which to deal with the situation.

The costs provoked by the conflict are difficult to measure. By 2004, more than 10,000¹³ persons had lost their lives in the conflict. All 75 districts of Nepal are subject to Maoist pressure; government structures do not reach beyond district headquarters; civilians are either abducted by Maoists or thrown in prison by state forces. According to Amnesty International, Nepal holds the worldwide record of disappearances. At night, villagers are hassled by the Maoists; during the day, by the army. Human rights violations are alarming: According to reports, both the rebels and the army are guilty of executions, torture, abductions, and disappearances.¹⁴ According to an international organization, more than 34,600 persons have been abducted by the Maoists since the end of the last ceasefire in August 2003.¹⁵

For a least developed country such as Nepal – one of the poorest countries in the world – in which over 42 percent of the population lives below the poverty line, the economic costs of the conflict are disastrous.¹⁶ The decline of economic growth and the destruction of infrastructure have further hampered the provision of services for the most needy and those most seriously affected by the conflict. Living conditions in the countryside are disastrous. Thousands of young persons have migrated to the cities and to Kathmandu in order to look for work in an increasingly weak economic environment. International attention focused on Nepal when, on 1 September 2004, a mob of young frustrated persons looted the Mosque in Kathmandu and destroyed employment agency offices after twelve Nepalese workers were murdered in Iraq. Presently, Nepal faces a political deadlock with a king who has dissolved all democratic institutions, installed military rule and contributed substantially to a downward spiraling human rights crisis.

¹¹ Liz Philipson 2005: FAST Special Update. Royal Roulette in Kathmandu. swisspeace (February), 3. <http://www.swisspeace.org/uploads/FAST/updates/FAST%20Nepal%20Special%20Update.pdf>

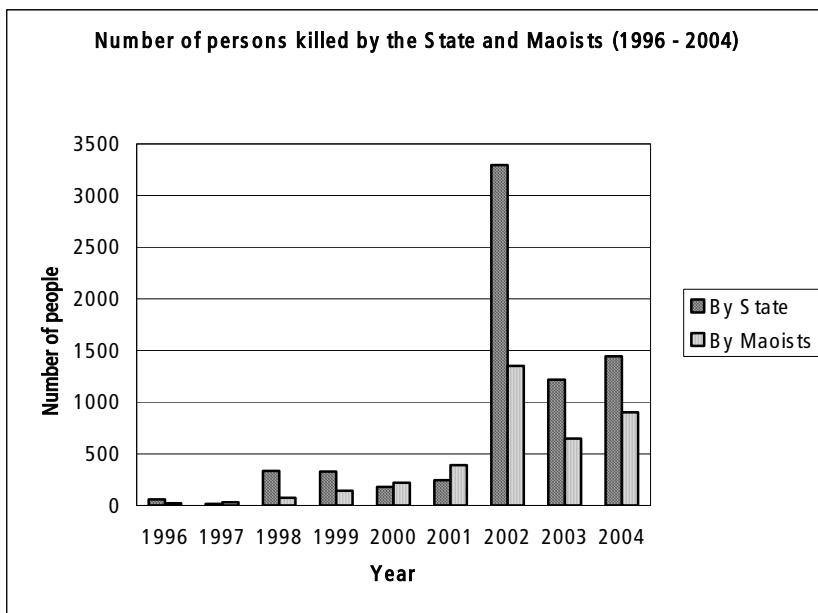
¹² Philipson 2005: FAST Special Update, Royal Roulette in Kathmandu.

¹³ Informal Sector Service Centre (INSEC): <http://www.insec.org.np/>

¹⁴ Amnesty International reports that Nepal has the highest number of disappearances in the world, see: <http://www.amnestynepal.org/>

¹⁵ For the count of Maoist abductions since the end of the ceasefire in August 2003, see: <http://www.satp.org/satporgtp/countries/nepal/database/abduction.htm>

¹⁶ Human Development Report 2005, Country Fact Sheet of United Nations Development Programme (UNDP), see: http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_NPL.html



Source: Informal Sector Service Center (INSEC): <http://www.insec.org.np/>

3.2 Causes of the Conflict

Various authors have analyzed the causes of the violent conflict in Nepal. Many see its evolution as a manifestation of Maoist ideology, which emerged from a long history of communist activity in the region, intertwined with old grievances resulting from social inequality and exclusion of a majority of the population from political power, resources or education.¹⁷ Structural inequalities can be traced back to caste, ethnic, or gender discrimination embedded in the Nepali social structure. Further inequities stem from widespread poverty, political and social oppression of a large part of the Nepalese society, regional disparities, and failed decentralization as well as corruption and nepotism among local elites.

Additionally, the failure of the political establishment to include Dalits,¹⁸ ethnic groups, women, and other underprivileged groups into the political mainstream after 1990 deepened the disappointment in large sections of the society. The problems faced in remote areas remained unaddressed: locals were excluded from development processes and the gap between the more urban and the rural population has been broadening. The political parties were mainly occupied with power seeking and maintaining, so that the failure to deliver basic services and ensure security increased frustration and created space for the Maoists in which to operate. Un- and underemployment, especially among the youth in the countryside, is another factor that has fueled the conflict.

¹⁷ See: Arjun Karki and Binod Bhattacharai 2004: Whose War? Economic and Socio-Cultural Impacts on Nepal's Maoist-Government Conflict. Kathmandu: NGO Federation; Michael Hutt 2004: Himalayan 'People's War', Nepals Maoist Rebellion. London: C. Hurst & Co.; Deepak Thapa 2003: Understanding the Maoist Movement of Nepal. Kathmandu: Martin Chautari Center for Social Research and Development; Bishnu Raj Upreti 2004: The Price of the Neglect. From Resources Conflict to Maoist Insurgency in the Himalayan Kingdom. Kathmandu: Bhrikuti Academic Publications.

¹⁸ For the definition of the term Dalit, see chapter 7.1.

There are different and interlinked factors which have contributed to the ongoing conflict. According to Bishnu Raj Upreti, they can be summarized in three groups; i.e. structural, contemporary and external factors:¹⁹

Summary of major factors contributing to the crisis		
Structural factors	Contemporary factors	External factors
Political factors Socio-economic factors Geographical factors Constitutional and legal factors Ideological factors	Irresponsibility factor Culture of denial Leadership failure	Change in international contexts Interest of powerful nations

Seen from this perspective, the structural factors combine the failure of the political elite to overthrow the autocratic political system and to restore multiparty democracy; the ongoing practice of social or regional discrimination; the maintenance of legal discrimination in favor of the ruling classes; and the influence of revolutionary communist organizations. Upreti mainly describes the contemporary factors pertaining to the widespread corruption within the political parties, "the strange culture of denial",²⁰ and a lack of clear visions and internal democratization of the political parties. Considering the external factors, Upreti mainly refers to the influence of India and the United States. India has been active in preventing Nepal from participating in third party mediation as the Maoists are seen as a potential threat to India's internal security system, and the American strategy for Nepal is to suppress the Maoists by military means.

Not only the failure of reforms and integration but also positive improvements initiated under Panchayat contributed to the conflict. Thapa points out that Panchayat had ensured development in the form of highways and schools for the rural population, allowing the youth to "understand, compare and contrast their lives with life in the outside world".²¹ The multiparty democracy initiated in the 1990s gave the people of Nepal the opportunity to organize themselves and demand rights. Several ethnic organizations were established in the form of NGOs, thus improving awareness among stakeholders. Upreti explains that growing awareness and empowerment of the Nepalese people during the initial years of democracy also contributed to the emergence of the Maoist conflict at that particular time. "People became more aware about poverty, inequality, discrimination, corruption and lack of employment opportunities. They were empowered to raise their voices against injustice, poverty and social exclusion. Therefore, paradoxically, the current crisis is not only the syndrome of system failure but also an indicator of social awareness and people's empowerment".²²

The masses have been deeply disappointed by the political parties and the government. When asked in the streets of Kathmandu, most people no longer trust the political parties, the government, the King, or the Maoists.²³

¹⁹ Bishnu Raj Upreti 2004: Political and Democratic Future of Nepal at Crossroad, Reflections on the Peace Process and Negotiations, Draft. Presented at the international conference 'Nepal in Conflict' organized by Danish Association for International Cooperation (MS), Amnesty International and Danish Ministry for Foreign Affairs, Copenhagen (18-19 November).

²⁰ Upreti 2004: The Price of the Neglect. 7.

²¹ Thapa and Sijapati 2003: A Kingdom under Siege. 80.

²² Upreti 2004: The Price of the Neglect. 271.

²³ Interviews in Nepal in September/October 2004.

4 Social Exclusion

As described in the previous chapter, social exclusion on the basis of caste, ethnicity and gender are among the structural causes of the Maoist conflict. Ethnic groups (referred to as Janajatis or Nationalities), Dalits, and women hoped that the establishment of a democracy would help to combat inequity and the domination of the higher castes. The democratization process at the beginning of the 1990s fostered the creation of many local NGOs dealing with ethnic, caste and gender issues, thus raising awareness among the oppressed groups. The situation for the excluded groups did not change and the dominance of the old elites did not only remain intact but grew even firmer over the years. Thapa highlighted this by pointing out that, according to the representation in parliament and civil service, "In the two elected Panchayat legislatures (of the 1980s), the share of Bahuns and Chhetris was 50 percent. This proportion increased to 55, 63, and 63 percent respectively in the 1991, 1994, and 1999 parliaments. (Most strikingly only one Dalit was elected MP in these three elections). The imbalance has been even more striking in the bureaucracy. Between 1983 and 1985, 69 percent of those who passed the civil service examinations were Bahuns and Chhetris. This figure rose to 81 per cent in 1992/93, and by 2001 it stood at 98 per cent".²⁴

These structured inequalities, the political oppression of a major part of the population, and disparate access to economic resources provided a fertile ground for the Maoists, who had been encouraging members of the lower castes, ethnic groups, and women to take part in the People's War. Accordingly, it is not surprising that a rising number of Dalits, members of ethnic groups, and women are joining the Maoist People's Army.

To understand the background and mechanisms of exclusion in Nepal, it is necessary to look back over the last two centuries to see how these inequalities have manifested themselves. In section 5, exclusion along ethnic and caste lines will be discussed, to be followed by an analysis of gender exclusion. In addition to the historical context, the impact of development on social structures must also be examined critically. Seira Tamang, for instance, points out that "the particular project of Bikas – development – has compounded the structured inequalities relating to class and ethnicity, and it has erased the heterogeneity of women's lived experience in Nepal".²⁵ Therefore, before discussing the historical context of exclusion, certain insights into the impact of development will be presented.

4.1 Exclusion and international aid

"Forty years of international aid has widened the gap between the rich and the poor and has not prevented Nepal from sliding into this deteriorating situation." Statements similar to this are often heard in Kathmandu from people not active in the development business.

Since 1970, foreign aid has increased substantially and Nepal has received more financial aid per capita than any other country of the world.²⁶ However, as early as 1990, Macfarlane described the contradiction between impressively improving development indication statistics, e.g. growing literacy and improved health rates as well as better situations with regard to water, trade or roads on the one hand, and the growing impoverishment and nutritional situation of the majority of the

²⁴ Thapa and Sijapati 2003: A Kingdom under Siege. 77. The reported data is based on: Enabling State Programme 2001: Pro-Poor Governance Assessment Nepal. 13; and Kanak Mani Dixit 2001: Bahun and the Nepali State. Nepali Times (19-25 October).

²⁵ Seira Tamang 2002: The Politics of 'Developing Nepali Women'. In: Kanak Mani Dixit and Shastri Ramachandaran: State of Nepal. Lalitpur: Himal Books: 161.

²⁶ Alan Macfarlane 1993: Development and Fatalism. In: Michael Hutt: Nepal in the Nineties. New Delhi: Oxford University Press. 111.

population on the other hand. Additionally, Macfarlane referred to the increasingly larger gap between small minority living in Kathmandu and a few other urban centers, as compared to the vast majority living in poverty.²⁷ Currently, the differences in terms of development are obvious, with disparity clearly noticeable in several different areas. Obviously there is a huge gap between Kathmandu and the rural areas, between the urban and rural areas in general, within regions as well as between the elites and the ordinary people. Apparently, over the decades, mainly the elites profited from foreign aid, so that the gap between them and the poor and marginalized increased even further. In order for new projects to be successful, however, more research in this field is called for.

There are different possible explanations for why international aid has not been as successful as desired. Often, it seems as if international agencies are insufficiently informed about the needs of and conditions in the rural areas. It is too often that donor agencies rely on Kathmandu-based elites for information as well as with regard to project implementation.²⁸ In most cases, the gap between the international agencies and the beneficiaries is enormous. As an example, Saubhagya Shah mentions the distance between the World Bank and their target groups: "The World Bank, the major driver in the global poverty alleviation mission and a major champion of the NGO mode of development intervention, is now found ensconced in the regal wing of a premier luxury-cum-casino complex in Kathmandu's most expensive neighborhood. The absolute distance from local poverty could not be starker than the seamless blending of the Bretton Woods institution with the ritzy hotel and casino. Physically and metaphorically, it is difficult to distinguish where the bank begins and the opulence and decadence of the casino ends".²⁹

Analyzing the impact of the international aid community, Shambu Ram Simkhada points out that most of the development programs failed to deliver consistently. But he also sees that, especially since the ceasefire in 2002, the donor community has become increasingly sensitive to the effectiveness and the impact of the projects they implement. The escalation of the conflict led to a process of assessments of the impact of the conflict on development policy and programs. At this time, the donors started to show a heightened concern for the level of coherence and consistency of their programs, and began to readjust activities and develop new strategies.³⁰ An increasing number of international donors chose conflict-sensitive approaches, organized seminars on "Do no harm" or conducted peace and conflict impact assessments.

At the meeting of the Nepal Development Forum 2004, the donor community placed emphasis on the restoration of the democratic process both on national and local level. Furthermore, the Forum emphasized certain factors as "requirements" for Nepal. These included political stability and peace, the protection and promotion of human rights as well as partnership among stakeholders.³¹ How the donors will react to the current situation remains to be seen. Considering the pronounced dependence of Nepal on foreign aid, donor agencies and international organizations would have the possibility to exercise pressure on the King to return to democracy and initiate a sustainable peace progress.

²⁷ Ibid. 108-109.

²⁸ Interviews Kathmandu, Nepalganj and Dang, September/October 2004.

²⁹ Saubhagya Shah 2002: Development Critique – From Evil State to Civil Society. In: Kanak Mani Dixit and Shastri Ramachandan 2002: State of Nepal. Lalitpur: Himal Books. 150-151.

³⁰ Shambu Ram Simkhada, Daniel Warner and Fabio Olivia 2004: Causes of Internal Conflicts and Means to Resolve them, Nepal: A Case Study. Geneva: Institut des Hautes Etudes Internationales (HEI). 32.

³¹ The Kathmandu Post 2004: NDF Meet Concludes, Donors Promise 'Tentative' Assistance of \$ 560m (6 May): http://www.nepalnews.com.np/archive/2004/may/arc_may04_06.htm

The growth of NGOs in Nepal is fundamentally linked with the development discourse. While only a few NGOs began to contribute to "development" in the 1980s, their growth in the 1990s was phenomenal. In 2000, over 11,000 NGOs were registered.³²

Nepalese intellectuals are quite cynical with regard to NGOs, which they characterize more as private family businesses rather than philanthropic organizations. Nevertheless, there are a large number of organizations that are truly committed to their target groups and are doing remarkable work on the grassroots level. They mobilize on issues such as education, human rights, social inclusion, or peace building. Some of these include Dalit groups' initiatives for dignity and equality, and ethnic activists fighting for cultural remembrance and the representation of women initiatives.

Since 1996, the internal conflict has additionally impeded the performance of development projects and programs. Foreign development agency and INGO projects have been limited to areas around headquarters, because they often go through government channels – and the government is limited to the area around the District headquarters.

In various districts, the Maoists have ordered local NGOs and INGOs to register with the "new government". Agencies that have subscribed to the Basic Operation Guidelines defining the neutrality of development agencies vehemently deny registering with the Maoists. However, in practice, it is an open secret that local staff must constantly deal with the Maoists.³³ The Maoist attitude towards NGOs and INGOs seems to differ from region to region; obviously much depends on the local commanders and the relations they have with the local staff. Due to the unstable situation, different projects launched by the major agencies have already been disrupted and suspended. According to the current development, it would not be surprising if further projects were to be abandoned.

³² Shah 2002: Development Critique. 144.

³³ Interviews in Nepal September/October 2004.

5 Exclusion of Caste and Ethnic Groups

The 2001 census of Nepal recorded 100 ethnic and caste groups.³⁴ To put it in a nutshell, the population of Nepal can be divided into the Indo-Aryan caste groups and the Tibeto-Burman ethnic groups. The large variety of ethnic and caste groups is a consequence of several waves of migration over the centuries. Until the second half of the 18th century, different political units, chiefdoms and principalities were established around the plains, hills and mountains of present-day Nepal. In the second half of the 18th century, Prithvi Narayan Shah, the King of the tiny state of Gorkha and ancestor of present King Gyanendra and his successors, conquered and annexed these different units to form the Gorkhali Empire, now known as Nepal. To understand the status of caste and ethnic groups today, it is important to look at the different models of this pluralist society and their integration in the state system over the past two centuries. Joanna Paff-Czarnecka identified three periods on the basis of three different models showing how nationalism and integration were promoted in Nepal by its leaders.³⁵

5.1 The Empire Model

"The Empire Model" includes the establishment of the Gorkhali Empire up to the end of the Rana Regime (1769-1950). This period was marked by the forceful unification under the Shah Dynasty (1768-1846), followed by a period of consolidation (1846-1951) under the rule of the Ranas. The Hill Hindus (Parbatiya) migrated and conquered Nepal from the West, spreading and imposing their language, Nepali, as well as their religion and ideology, i.e. the Hindu caste system. In 1854, the first Muluki Ain (civil code) was released: it dealt with different issues such as land tenure or inheritance. The most important part dealt with inter-community relations. The rulers, upper caste Hindus belonging to the Brahmans (priests) and Chhetris (warriors), integrated all different ethnic groups and castes into one single hierarchical system. In this sense, all groups living in the territory of Nepal were integrated into a system based on the ideology of the Hindu caste system. The first, fourth and fifth categories incorporated only Hindu caste groups, with the exception of Muslims and Europeans. The ethnic groups were incorporated into the second and third categories. Some of them were declared to be enslavable while others were not, depending on their military and political powers at the time. Different laws, obligations and privileges were assigned to each category, with the higher castes holding most privileges and the lower castes bearing most obligations. The following table shows the social hierarchy according to the Muluki Ain of 1854.³⁶

³⁴ Referring to Harka Gurung, this paper uses the same definition of caste and ethnic groups as Gurung: Caste is defined "as a social group within the Hindu caste system, and ethnic or nationality (Janajati) as a social group with its own mother tongue, native area and religious tradition. In other word, caste groups are vertically stratified by ritual status while ethnic groups are horizontally distributed in space". Harka Gurung 2003: Social Demography of Nepal, Census 2001. Patan: Himal Books.

³⁵ The following three subchapters mainly refer to: Joanna Pfaff-Czarnecka 1997: Vestiges and Visions: Cultural Change in the Process of Nation-Building in Nepal. In: David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton (eds): Nationalism and Ethnicity in a Hindu Kingdom. Amsterdam: Overseas Publishers Association. 419-470.

³⁶ Lynn Bennet, L. 2003: Nepal, Gender and Social Exclusion Assessment. Concept Note. Kathmandu: World Bank. Retrieved on 24 November 2004 from: <http://www.genderatwork.org/updir/NepalGenderandSocialExclusionAssessment-ConceptNote.doc>. 28. The tables were adapted from Harka Gurung 2002: Janajati and Dalit: The subjugated in Governance. Presented at a seminar on 'Policy Inputs for SDCs Governance Concept', Kathmandu.

Hierarchy	Traditional Habitat	Belief/Religion
Water acceptable (pure)		
1. Wearers of the sacred thread/Tagadhari (Superior)		
Upper Caste (Parbatiya)	Hill	Hinduism
Upper Caste (Madhise)	Tarai	Hinduism
Upper Caste (Newar)	Kathmandu Valley	Hinduism
2. Matwali Alcohol Drinkers (Not enslavable)		
Gurung, Magar, Sunuwar, Thakali, Rai, Limbu	Hill	Tribal/Shamanism
Newar	Kathmandu Valley	Buddhism
3. Matawali Alcohol Drinkers (Enslavable)		
Bhote (Including Tamang)	Mountain/Hill	Buddhism
Chepang, Gharti, Hayu	Hill	
Kumal, Tharu	Inner Tarai/Tarai	Animism
Water unacceptable/ Pani Nachalne (Impure)		
4. Touchable		
Dhobi, Kasai, Kusale, Kulu	Kathmandu Valley	Hinduism
Musalman	Tarai	Islam
Mlechha (White Man)	Europe	Christianity
5. Untouchable (Achhut)		
Badi, Damai, Gaine, Kadara, Kami, Sarki (Parabatiya)	Hill	Hinduism
Chyame, Pode	Kathmandu Valley	Hinduism

Joanna Pfaff-Czarnecka describes this first model arranging the pluralist Nepali society as follows: "Rather than enforcing Hinduization, they linked specific cultural elements to political power and created a ritual framework, a hierarchically differentiated Hindu Kingdom, with which aspirants to powerful positions could orient themselves" ³⁷

5.2 The Nationalistic Model

"The Nationalistic Model" was applied during the Panchayat Period (1961-1990). After the Rana Regime was overthrown in 1951, and following a decade of different political arrangements, Nepal experienced a short period of multi-party democracy (1959-1960). Finally, King Mihendra implemented a system known as the Partyless Panchayat Democracy. This time was characterized by the attempt of the rulers, the King and the high-caste Parbatiya officials – generally all men – to establish national unity with distinctive national characteristics such as the Nepali language, Nepalese dress, and Hinduism as the state religion. Together with the promotion of national unity, the Panchayat elite wanted to achieve development and modernization. They started to act as brokers between international groups and donors and the Nepalese society. On the one hand, they declared the villagers in the periphery as being backward, living in traditional social structures as non-Hindus and being opposed to progress; and on the other, they saw their own cultural symbols as a successful means of progress. "Imposing Nepalization has been understood, among other

³⁷ Pfaff-Czarnecka 1997: Vestiges and Visions: Cultural Change in the Process of Nation-Building in Nepal. 422.

things, as a process of civilizing a backward population".³⁸ Caste and ethnicity were no longer legally significant categories; the caste system was abolished in the Muluki Ain of 1963, due to the fact that cultural diversity was seen as an obstacle to nation-building, development and modernization. Moreover, homogenization of the population was prioritized.

With booming international aid and the development of other industries, Kathmandu became the economic center of Nepal, and the existing economic disparities became more pronounced. In the course of the homogenization project of the high-caste Parbatyia, the assimilation of the Madhesi population (people living in the lowlands of Nepal, Terai) posed a challenge. Along the open border to India, the Madhesi had developed strong cultural, economic and kinship relations across the border, allowing them to resist assimilation into the dominant national Nepali culture. After the eradication of malaria, the clearing of forests and finally, the establishment of new farmland, the state encouraged Pahadi (Hill People) to migrate to the Terai to hinder too many people from the Indian side of the border from moving in.

Ethnic activists have always attempted to preserve their space in Nepal. Particularly after the 1980s, the number of ethnic organizations grew. Towards the end of the Panchayat reign, ethnic activists made their demands and claims public, e.g. their inaccessibility to resources or their lacking a political voice. They were not, however, allowed to become overtly political, as political parties were prohibited during the Panchayat Period.

5.3 The Patchwork of Minorities Model

"The 'Patchwork of Minorities' Model" has officially accompanied the democratization process since 1990.³⁹ After the restoration of democracy in 1990, which can be led back to the People's Movement or what is also referred to as Kathmandu Spring, ethnic and caste groups began to organize themselves overtly. Pradhan describes the hopes and wishes of the oppressed groups right at the beginning of the 1990s as follows: "The long-suffering ethnic, linguistic and religious communities hoped for an egalitarian, pluralistic society in which they would be treated as equals by the dominant Parbatiyas, where cultural differences would be accepted and valued, and where their cultures and languages would receive state recognition and support".⁴⁰ The Constitution of 1990 granted equal rights for all citizens and prohibited any form of discrimination based on religion, race, caste, or ethnicity. Furthermore it granted the non-Hindu communities the right to practice their traditional religion, to protect and preserve their culture and language, and to educate their children in their native language up to primary level. Nevertheless, Nepal – according to the 1990 constitution – remained a "Hindu and constitutional monarchical kingdom" and Nepali was declared the nation's official language. The Parbatiya high-caste Hindus therefore continue to dominate.

Although there has been an enormous increase of ethnic and caste organizations working for the interests of Dalits and ethnic groups since 1990, fighting against discrimination and for inclusion, there have not been significant changes in terms of equality and inclusion. Although the caste system was formally abolished in 1963, the laws have not been able to eliminate the caste system, as it is deeply entrenched in Nepali culture. Even today, Hindu ideology and the caste system prescribe which kind of work Nepali Hindus should carry out, whom they should marry, what they should eat and which roles they should play in ceremonies. In addition to institutional exclusion,

³⁸ Pfaff-Czarnecka (1997): Vestiges and Visions: Cultural Change in the process of Nation-Building in Nepal. 436.

³⁹ Ibid.; and Rajendra Pradhan (2002): Ethnicity, Caste and a Pluralist Society. In Kanak Mani Dixit and Shastri Ramachandaran (eds.): State of Nepal. Lalitpur: Himal Books. 1-21.

⁴⁰ Pradhan 2002: Ethnicity, Caste and a Pluralist Society. 13.

Dalits, for example, have to carry litter for non-Dalits, are hindered from entering temples or from fetching water from wells, because of the rules of purity and impurity.⁴¹

Along with other analysts, Lawoti also argues that the 1990 constitution, in addition to other social and historical factors, plays a significant role in the continued exclusion of marginalized socio-cultural groups. He names the adoption of the unitary state instead of federal structures as the major reason for exclusion, as the system does not address cultural cleavages.⁴²

According to the data on Human Development from 1996, at the time when the Maoist conflict erupted, it was already obvious that the living conditions of the ethnic and low caste groups had not come any closer to those of the high caste groups. Harka Gurung showed that, according to data on life expectancy, adult literacy ratio, per capita income, and the human development index (HDI), there is a consistent pattern in the status of human development. Those who rank low in the caste hierarchy, i.e. the Dalits and the ethnic groups, are also placed at the bottom of human development indicators.

Human Development by Ethnicity/Caste 1996 Adapted from Gurung 2004:⁴³

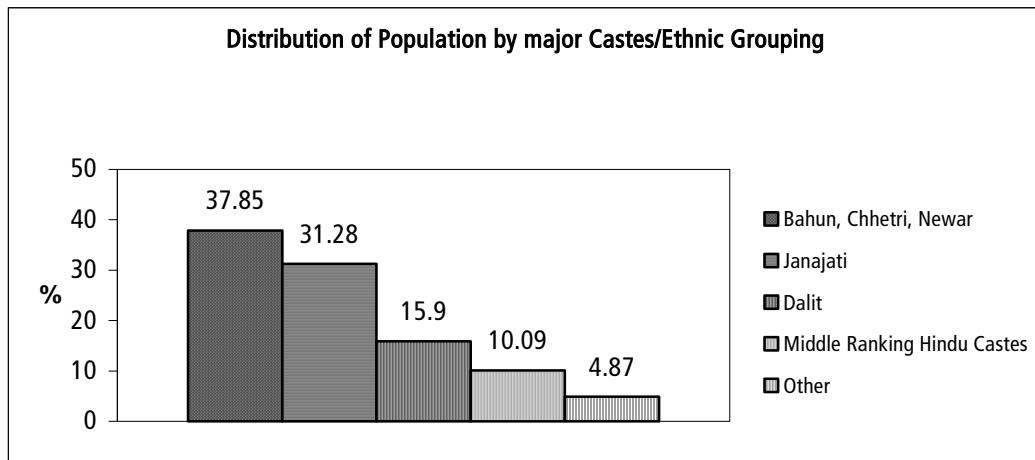
Social Group	Life Expectancy	Adult Literacy Ratio	Per Capita Income Rs	HDI
Caste Group				
Hill Bahun	60.8	58.0	9'921	0.441
Hill Chhetri	56.3	42.0	7'744	0.348
Tarai Castes	58.4	27.5	6.911	0.333
Artisan Castes (Dalits)	50.3	23.8	4'940	0.239
Ethnic Groups				
Gurung, Rai, Magar, Limbu, Sherpa	53.0	35.2	6.607	0.299
Newar	62.2	54.8	11.953	0.457

The last census data from 2001 shows that only one third of the population belongs to the socially, politically and economically privileged population group.

⁴¹ According to interviews with Dalit activists in Nepal, September 2004.

⁴² Mahendra Lawoti 2003: The Constitution as the Source of Exclusion. Conference Presentation.

⁴³ Harka Gurung 2004: Affirmative Action in the Nepalese Context, National Dialogue on Affirmative Action and Electoral System in Nepal. Kathmandu.



According to Census 2001

Source: Bennet 2003: Nepal, Gender and Social Exclusion Assessment.

Due to the structural oppression described above, the Maoists found fertile ground for support. Karki argues as follows: "As successive governments failed to take seriously the demands of the minorities, the Maoists stepped in and backed the demands of the people of the "lower" rungs of the caste/class ladder and those of the ethnic groups. Not all may have actually believed the Maoists rhetoric but there was optimism that the rebels would at least treat them as equals. This thinking provided the Maoists with some willing volunteers for the 'People's War'.⁴⁴ Right from the beginning of the People's War, the Maoists tried to obtain support from the excluded groups. In their forty demands to the government in 1996, they mentioned both, ethnic and caste exclusion:⁴⁵

"All racial exploitation and suppression should be stopped. Where ethnic communities are in the majority, they should be allowed to form their own autonomous governments." [Demand # 20]

"Discrimination against downtrodden and backward people should be stopped. The system of untouchability should be eliminated." [Demand # 21]

To this day, exclusion, discrimination and suppression along caste and ethnic lines have been a significant feature of Nepalese society since Nepal's unification process began in 1743.

⁴⁴ Karki and Bhattachari 2004: Whose War? 39.

⁴⁵ For a list of the 40 demands of the Maoists, see:
<http://www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm>

6 Exclusion of Women

"If my next life is to be a dog's life and I can choose, I'd rather be a dog than a bitch".⁴⁶ This saying gives a foretaste of the condition and status of women in Nepal.

Women in Nepal suffer from many obstacles, such as a lack of economic resources, dowry demands, polygamy, alcoholic husbands and domestic violence, a lack of education and political representation, or accusations of witchcraft or trafficking – just to state a few examples. Discrimination against women with regard to marriage, inheritance, of the transmission of citizenship to children, divorce, protection against violence, criminal justice, etc. can be found in all public and private spheres.

6.1 The Nepali Woman Does Not Exist

The degree and the form of discrimination Nepali women face vary according to factors such as caste and ethnicity. To put it simply, women belonging to indigenous groups have more rights within the private sphere, whereas Hindu women are restricted by the Hindu ideology of purity and impurity. In the public field, the situation is reversed. Here women with an ethnic background face (due to additional ethnic discrimination) greater economic and political disadvantages than women who belong to higher castes. Obviously, it is not possible to make any general statements about Nepali women, as there are many different social constellations that define gender roles. In her article, "The politics of developing Nepali women", Seira Tamang stated that the image of "Nepali women", i.e. that of uniformly poor, illiterate and oppressed (by Hindu patriarchal domination) individuals in need of empowerment was constructed within the development discourse by and for Kathmandu-based high-caste Hindus. "The creation of 'the Nepali woman' was as much the work of development agencies in search of 'the Nepali woman' to develop as it was the result of the active dissemination of state-sponsored ideology. The patriarchally oppressed, uniformly disadvantaged, Hindu 'Nepali woman' as a category did not pre-exist the development project. She had to be constructed by ignoring the heterogeneous forms of community, social relations, and gendered realities of the various peoples inhabiting Nepal".⁴⁷

Since the 1970s, women in Nepal have become an issue in development, where they have primarily been declared as additional consumers of welfare who need to be integrated into development.⁴⁸ During the following two decades women were mainly encouraged to take part in development; however, changes in women's status and rights have been minimal. Today, as recent research indicates,⁴⁹ this gap has broadened even further. Only recently were the major variations in gender relations between Indo-Aryan and Tibeto-Burman groups recognized. Gender relations are seen as the result of socially constructed unequal power relations – a crucial aspect for understanding gender relations in its specific context, and not only in Nepal. It is no longer adequate to talk about the Nepali women as such. Brahman women, for example, do not experience the same kind of social constellations as Tamang or Dalit women.

As mentioned, gender inequalities vary according to different social groups and regions. Hindu women, for example, are especially subjugated to religiously sanctified exclusion, according to concepts of purity and impurity. These concepts have also been transferred to political, social,

⁴⁶ Rita Manchanda 2004: Maoist Insurgency in Nepal, Radicalizing Gendered Narratives. Nepal: South Asia Forum For Human Rights. <http://cdy.sagepub.com/cgi/reprint/16/2-3/237>

⁴⁷ Seira Tamang 2002: The Politics of 'Developing Nepali Women'. In Kanki Mani Dixit and Shastri Ramachandran (eds.): State of Nepal. Lalitpur: Himal Books. 163.

⁴⁸ Meena Acharya 2003: Efforts at Promoting Women in Nepal. Kathmandu: Tanka Prasad Memorial Foundation, Friedrich-Ebert-Stiftung (FES). http://www.fesnepal.org/publications/list_publications.htm

⁴⁹ Lynn Bennett 2004: Draft Chapters Gender and Social Exclusion Assessment, DfID/World Bank.

economic and cultural domains. For example, even today, menstruating women are often supposed to stay in sheds, because they are judged as being impure. Manchanda points out that due to the geographic and economic isolation of the hill districts, the acculturation to dominant Hindu values within Tibeto-Burman communities such as the Magar, the Gurungs, and the Rais has been slow.⁵⁰

6.2 Aspects of Discrimination and Exclusion

Health and education indicators clearly show the disparities between men and women. Although Nepal has made progress in increasing female life expectancy and improving female literacy rates, major gender gaps remain.⁵¹

Indicators	1981	1991	2001
Health			
Sex ratio (men per 100 women)	105.0	99.5	99.8
Average age of marriage (men)	20.7	21.4	22.9
Average age of marriage (women)	17.2	21.4	22.9
Life expectancy (women)	48.1	53.5	61.0
Life expectancy (men)	50.9	55.0	60.8

Indicators	1981	1991	2001
Education			
Literacy, in percent (men)	34	51.1	65.1
Literacy, in percent (women)	12.0	24.7	42.5
Literacy ratio (literate women/100 literate men)	33.8	46.3	65.8
Total percentage of women enrolled in primary school	--	37.2	44.1
Total percentage of women enrolled in secondary school	--	31.5	41.5
Total percentage of women enrolled in high school	--	28.7	40.6
Percentage of full-time female students	27.2	34.7	43
University graduates (women / 100 men)	18.4	22.5	22.9

According to these indicators, over the last two decades, achievements in social development have been significant. Nevertheless, with regard to literacy and education, gender disparities are only decreasing slowly.

From the economic perspective, women also suffer gender discrimination in many respects. According to the results of the 2001 census, women account for 42 percent of the work force, i.e. 48 percent in agriculture and 34 percent in the non-agriculture sector. However, in the agricultural sector, men earn 25 percent more than women, and in the non-agricultural sector, they are paid one third more than women. Although the law provides easier access to land and economic resources, it

⁵⁰ Manchanda 2004: Maoist Insurgency in Nepal, Radicalizing Gendered Narratives.

⁵¹ Acharya 2003: Efforts of Promotion of Women in Nepal. 43. Sources: (1) CBS: Population Census, 2001; (2) CBS: Population Monograph, 1995; (3) UNDP: HDR, 1995 and 2002.

remains to be seen whether women actually possess more today. According to the 2001 census, only 5 percent of the households reported land in legal female ownership or, as another example, only 0.8 percent of the houses are owned by women.⁵² Despite activities to generate income, e.g. credit and savings groups formed during the last 20 years, the economic situation of women has not changed effectively.

Another area where women are treated unequally to men is the field of land tenure. In Nepal, a country with strong feudalist norms and values, land is an important and valuable asset. According to Hindu ideology, women have no property rights.⁵³ Despite the constitution that guarantees women equal rights, Nepal still has several laws that explicitly discriminate women. In 1995, the Supreme Court issued a directive to introduce a bill in Parliament to combat the legal discrimination of women. It was seven years later, in 2002, after a long struggle undertaken by women rights activists, that a law recognizing property rights was passed by the Nepali government. This law, the 11th amendment to the Civil Code, creates certain rights for women to inherit property as well as establishing a right for women to divorce; it provides equality at the age of marriage and increases penalties for polygamy and rape. Furthermore, it establishes the right to abortion. But while the law is a step forward for widows and divorced women, it is a step backward for daughters: the law does not allow married women to inherit from her own family and requires a married daughter to return her inherited share, should she marry afterwards. The passing of the 11th amendment is a step towards gender equality, but many Nepali women activists report that the laws and regulations are no more than lip service and do not reach the grassroots level where people – women and even judicial officials and legal practitioners – are not informed about or aware of the laws whose implementation remains flawed.⁵⁴

Since the 1990s, a plethora of women's groups and organizations have emerged, focusing on issues ranging from trafficking to property rights. Many women have been engaged in the struggle to end discrimination and exploitation, both in the public and private spheres. The issues include affirmative action in educational and political institutions, the recognition and fulfillment of women's human rights, equal inheritance, initiatives against child marriage, domestic violence, trafficking of young women and girls, and advocacy at the grassroots level.

At the same time (since the 1990s), the government initiated many changes. The ninth Five Year Plan (1997-2002) adopted mainstreaming, eliminating gender inequality and empowerment as its major policies for women. Despite powerful international agreements (Nepal has adopted virtually all of the international conventions designed to protect women's rights) such as the Convention on Elimination of All Forms of discrimination Against Women (CEDAW), substantial improvement has not been seen in the position of women in Nepal.

Thus, many good approaches have been made towards gender equality on paper, but the implementation of these strategies remains very weak, and the ongoing political conflict additionally worsens the situation of women in Nepal.

6.3 Women in Conflict

Mainly rural women are heavily affected by the conflict due to human rights abuses by the security forces and the Maoists in an increasingly lawless and violent society. Often, women suspected of

⁵² Acharya 2003: Efforts of Promotion of Women in Nepal.

⁵³ Seira Tamang points out that this fact cannot be generalized to the Tibeto-Burman women. Tamang 2002: The Politics of 'Developing Nepali Women'.

⁵⁴ Interviews with women activists in Nepal, September/October 2004.

supporting the Maoists have been killed, tortured, or raped by security forces. The human rights violations against women are further fueled by the impunity of the security forces. The workload of women has increased dramatically, as many male family members have left the villages in order to find work or to escape from the security forces and the Maoists. Entire villages are left to women, who have to perform men's work or conduct rituals previously carried out by the men. Therefore, in addition to the constraints of the conflict, some analysts have spoken of a shift to more equality in gender relations as based on the conflict.⁵⁵ This must be investigated and validated further as various studies have indicated. The Nepal Safermotherhood⁵⁶ Project, for instance, found that women are still very hesitant to make decisions and still seek advice or approval from male relatives or neighbors on health issues. No signs were found of a potentially empowering effect of the absence of men from the household, notwithstanding Maoist propaganda for women rights.

The Maoists claim that they have put the elimination of gender-based discrimination on their agenda. The gender issue has also been dealt with in their Forty Demands.⁵⁷ "Patriarchal exploitation and discrimination against women should be stopped. Daughters should be allowed access to paternal property."

Although the high level of female participation in the Maoist People's War receives a lot of attention (it is reported that every third guerilla is a woman) there are other observers who suggest that these figures are exaggerated.⁵⁸ In an article about the Maoist's claim of radical social change in gender relations, the two anthropologists Judith Pettigrew and Sara Shneiderman highlight women's experiences at grassroots level. Based on fieldwork in different areas, the authors found a large variety of experiences and motivations of women at different levels and positions within the Maoists movement. They concluded that the Maoists' attitude towards gender relations is contradictory. "Despite an ideological commitment to gender equality, there is a clear gap between rhetoric and practice. The position of the male leadership on women's issues remains largely unstated, and their commitment to bettering women's position is unclear".⁵⁹ Ultimately, they conclude that although the People's War has precipitated new experiences for Nepali women of all backgrounds, whether in living in the battlefield as combatants or negotiating with Maoists or security forces as civilians, the shifts cannot be claimed entirely to be the intentional achievements of the Maoist's policy, but rather the largely unintended consequences of the overall conflict.

⁵⁵ Interviews in Nepal, September/October 2004.

⁵⁶ Monique Beun and Basu Dev Neupane 2003: Impact of Conflict on Accessibility of EOC Health Services. Nepal: DFID.

⁵⁷ No 19, of 40 Demands of the Maoists, 1996, see:
<http://www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm>

⁵⁸ Manjushree Thapa 2003: Girls in the War. Nepal: Himal South Asian. <http://www.himalmag.com/2003/june/report.htm>

⁵⁹ Judith Pettigrew, and Sara Shneiderman 2004: Women and Maobaadi, Ideology and Agency in Nepal's Maoist Movement. Nepal: Himal South Asian. 9. <http://www.himalmag.com/2004/january/essay.htm>

7 The Struggle of Excluded Groups

Many individuals marginalized because of their social, economic or regional status have been willing to support the Maoists who promised them an alternative to an economically, socially, culturally and politically flawed system. The attraction of mainly poor and illiterate villagers to join the Maoists cannot be led back to Maoist political theory, but rather to the promises of a better future.⁶⁰ Accordingly, it is not surprising to state that a rising number of Dalits, members of ethnic groups and women, have been joining the Maoist People's Army.

Different analysts point to the additional risk of other escalating armed conflicts due to the deep dissatisfaction among various groups of the Nepalese society. They define the Maoist insurgency as only one eruption of a general discontent; countless latent conflicts, particularly caste and ethnic differences, could also escalate into armed conflict. The decision of the CPN (M) to establish regional autonomous governments along ethnic lines indicates a further ethnic escalation of the struggle. The recent split of ethnic liberation fronts, e.g. the Tarai Liberation Front and the Kirat Workers Party from the CPN (M), refers to a struggle within the movement along ethnic lines.⁶¹

Nevertheless, the democratization process at the beginning of the 1990s fostered the creation of many local civil society organizations (CSOs) dealing with ethnic, caste and gender issues. Local CSOs are often said to be politicized, profit-oriented, and greedy to receive their share of international money with no altruistic interests.⁶² Among intellectuals in Kathmandu, the Kathmandu-based CSOs have a bad reputation and are considered to be money development industries who misuse funds for their own personal interests. NGOs are often blamed for being insufficiently transparent, for taking up programs that fail to address the needs of the people and try too hard to meet the interests of the donors, for spending the funds on seminars in nice hotels, etc.⁶³ However, there are also many local CSOs, especially such working on caste, ethnic and gender issues, that are doing important work and could become more important in the future with regard to influencing conflict transformation and peace building.

The following sections will provide insight into the work of local organizations in the fields of ethnicity, caste, and women.

7.1 Dalit Movement

To better understand the context of Dalits in Nepal, the double meaning of the word "Dalit" must be explained in greater detail. On the one hand, "Dalit" has political connotations and literally means "poor and oppressed persons". It expresses the rejection of the discrimination, as embedded in the caste system and focuses on the lack of justice in Hindu society.

On the other hand, the term is used to describe the untouchables as explained in the Legal Code of 1854: "Pani nacalne choit chito halnu parne jat" ("caste from whom water is not accepted and whose touch requires the subsequent sprinkling of holy water").⁶⁴

⁶⁰ Interviews in Nepal, September/October 2004.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Dilli Ram Dahal, Yogendra Bahadur Gurung, Bidhan Acharya, Kamala Hemchuri and Dharma Swarnakar 2002: National Dalit Strategy Report, Part I: Situational Analysis of Dalits in Nepal. Kathmandu: National Planning Commission. <http://www.nepaldalitinfo.20m.com/archives/analyse2002.pdf>

Therefore, the term is very ambiguous: On the one hand, it is used by Dalit activists to characterize themselves as oppressed and not as untouchables, while on the other hand, the term is mainly connected to untouchability.⁶⁵

Although the Dalits are the most discriminated group, they received fairly little attention until 1990. With the restoration of democracy, the Dalit movement experienced tremendous momentum. Today, several different Dalit organizations are active on national as well as on grassroots level. Dalit organizations mainly focus on doing away with the practice of untouchability, e.g. attempts to ensure that Dalits are able to enter into temples, to sell milk in various parts of the country, to eat together with others, to draw water and pass it to others.

In addition to raising awareness among Dalit and non-Dalits on discrimination, Dalit NGOs also conduct empowerment programs for Dalits. In this respect, programs to promote income generating, literacy classes, child education, saving and credit programs, or efforts to provide the Dalits access to land or education are widespread. On a political level, various Dalit organizations are involved in the struggle to eliminate practices and forms of caste-based untouchability. To reach this goal, they demand a secular state, free access to public spaces, affirmative action and positive discrimination as well as the modernization of traditional professions.⁶⁶

As practices of untouchability and discrimination vary from region to region, grassroots organizations have different agendas, depending on the local agenda. It is important to be aware that the Dalit are not a homogenous group and that their heterogeneity refers to language, religion, culture, and region. Landlessness is, for example, an acute problem for various Dalit groups as well as being especially widespread and severe among Tarai Dalit communities.

Under the pressure of Dalit activists in the wake of the awareness-raising process, in 1997, the government established the Committee for the Upliftment of Depressed Communities, however this body has remained ineffective. In 2002, the government established the National Dalit Commission. This body, however, was also inactive and was therefore dissolved in 2004.

Despite all efforts, the gains have been minimal. Not only in rural areas but also in urban centers, caste-based discrimination, the practice of untouchability, and mistreatment prevail.⁶⁷ To date, the Dalits remain oppressed and experience widespread discrimination.

To obtain an impression of the variety of discriminatory practices, Bhattachan et al. (2002) listed a total of 205 existing caste-based discrimination practices as exercised by the high caste Hindus and indigenous nationalities. These discriminatory practices against Dalits were categorized into nine broad social fields, i.e.:⁶⁸

- Denial of entry into the house, hotel/restaurants, and temples.

⁶⁵ Dahal et al. 2002: National Dalit Strategy Report. See also: Lynn Bennet and Ian Bannon 2004: Social Development Notes, Conflict Prevention and Reconstruction: Social Changes in Conflict-Affected Areas of Nepal. Nepal: The World Bank. No.15 (January). 2.

⁶⁶ [http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/BuildingCapacityinPostConflictCountries/\\$FILE/CPRNote15Iegal.pdf](http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/BuildingCapacityinPostConflictCountries/$FILE/CPRNote15Iegal.pdf)

⁶⁷ Interviews, Kathmandu, Nepalganj, September/October 2004.

⁶⁸ Ibid.

⁶⁹ Krishna Bhattachan, Kamla Hemchuri, Yogendra B. Gurung and Chakra M. Bishwokarma 2002: Existing Practices of Caste-based Untouchability in Nepal and Strategy for a Campaign for its Elimination (Final Report). Kathmandu: Action-aid Nepal. quoted in: Dahal et al. 2002: National Dalit Strategy Report. 31.

- Services during which the wearing of the sacred thread is not permitted; worship conducted by Dalits is not acceptable.
- Access to common resources such as using the water tap, pond, etc. is denied.
- Denial to participate in public activities or entry into public places such as religious or governmental functions, etc.
- Forced labor or discriminatory practice of labor, bonded labor, or the carrying of dead animals.
- Dominance to Dalits in behavior such as Jadau system (practice of obeisance).
- Atrocities, more cases of Dalit women raped than others.
- Social boycott – if a “high caste Hindu”/member of an indigenous nationality marries a Dalit of either sex, he/she will be boycotted from the society.
- Attitudinal untouchability – children of higher caste groups will not attend a school if a Dalit teacher is teaching there.

In addition to the untouchable status in the larger Hindu model, Dalits themselves practice untouchability among themselves. According to Dahal et al., social discrimination within Dalits is distinctly observed in eating food and drinking and while performing life cycle rituals. Moreover, marriage is strictly endogamous.⁶⁹ This hierarchical structure within Dalit communities and the rivalries among them can be seen as one of the explanations as to why the Dalit Movement has not been successful to date. Although the Dalit CSOs share the vision of an equitable society, they are split among themselves as well as by inter-caste hierarchies. Discrimination hampers the formation of a united Dalit movement.

Another factor that is often said to split the Dalit movement is the struggle for donor funds.⁷⁰ Additionally, not only the coordination within the Dalit Movement, but also collaboration with other social movements, such as women’s groups or ethnic organizations, have been minimal.

Dalit activists often mention the big gap between the center and the periphery as another obstacle to the Dalit movement. Although a variety of programs and plans to empower the Dalit communities exist, on grassroots level, people are unable to benefit from such activities. They are often not aware of them. Furthermore, apparently many such programs and plans are no more than lip-service.⁷¹ Dalits activists living and working outside of Kathmandu frequently describe a hopeless feeling of being neglected, forgotten, and not taken seriously. Many Dalits have lost the faith not only in governmental institutions but also in the international organizations.⁷²

7.2 Ethnic Movement

It was not until the end of the seventies that ethnic organizations started to be formed. The political changes of 1990 have opened a wider scope in which the ethnic groups may become active, and numerous ethnic organizations have been established since then. Their two main fields of activities are the preservation of their own culture and the struggle for equal rights and participation in the Nepali state. While the Dalits have been discriminated on the basis of ritual status, the ethnic groups

⁶⁹ Dahal et al. 2002: National Dalit Strategy Report. 33.

⁷⁰ Interviews Nepal, September/October 2004.

⁷¹ Ibid.

⁷² Interviews Kathmandu, Nepalgunj, September/October 2004.

are discriminated for cultural reasons. This is one of the reasons why ethnic organizations stress their own cultural and historic background and are very active in the preservation and revitalization of their cultural practices; e.g. their specific medical treatments, music, and dress.⁷³ Krämer explains how the ethnic groups are attempting to reconcile themselves with their cultural values as well as describing which new arguments they have found to interpret tradition:⁷⁴

- Race: Most of Nepal's ethnic groups are of Tibeto-Mongolian origin. By stressing this common race, they accentuate not only their difference from the high Hindu castes but also provide common racial bonds for Nepal's divergent ethnic groups.
- Religion: Although a large variety of religious thoughts and practices, e.g. animism, shamanism, and several Hindu elements have been adapted from the distinct ethnic groups, to not be Hindu has become an important means of ethnic identification. Ethnic leaders consider Buddhism an important distinguishing factor from the Hindu elites.
- Language: The focus on Tibeto-Burman languages additionally distinguishes the ethnic groups from Indo-Aryan Hindu population speaking Nepali. Since the 1990s, the revival of the mother tongues of the ethnic groups has been of extraordinary importance.

Finally, Krämer states history as a further argument: The Nepali history is one of ruling elites and reflects the prevailing social order. Therefore, ethnic activists demand that Nepali history be reviewed and the history of the ethnic groups included. Krämer explains this as follows: "By setting the classical ethnic arguments – like race, language and religion – into the historical framework they loose their exclusively cultural aspects and become a political issue. It is in the historical context that ethnic groups change from cultural entities to nationalities, Janajati, as they are called by the current ethnic leaders".⁷⁵

As Krämer explains, most ethnic activists in Nepal prefer being referred to as "nationalities" rather than "ethnic groups". They believe they fulfill typical criteria of a nation, such as language, religion, culture, territory, and history. Since the 1990s, the Nepali term Janajati (nationality) is commonly accepted when talking about ethnic groups.

As mentioned, the Janajati concerns relate to cultural and political rights. In the cultural domain specifically, the discourse on the use of indigenous languages is an important issue. On political level, the demand for representation and more autonomy are central. In order to establish an equitable and democratic Nepalese society, ethnic activists have requested a secular state, equal language status, right to self-determination, more ethnic autonomy, or proportional representation. To reach these goals, they demand, for example, affirmative action or positive discrimination, transformation of the Upper House into a House of Nationalities, and the protection and promotion of their cultural heritage.

According to the 1990 constitution, the Nepali state formally recognizes the multiethnicity of its society. However, institutions and regulations fostering the participation of the excluded groups have been unsuccessful to date. While the Nepali state failed to integrate the ethnic groups in politics, the Maoists have been successful in mobilizing people from ethnic backgrounds.

⁷³ Interviews Nepal, September/October 2004.

⁷⁴ Karl-Heinz Krämer 1998: The Janajati and the Nepali State: Aspects of Identity and Integration. Report to the First Annual Workshop of the Himalayan Studies Network, Meudon, C.N.R.S. (25-26 September).

⁷⁵ Krämer 1998: The Janajati and the Nepali State.

The agenda of the Maoists includes the promotion of the rights of indigenous ethnic groups and even exceeds to self-determination and the establishment of autonomous regions along ethnic lines. At the beginning of 2003, the Maoists declared autonomy for different regions, e.g. for the Autonomous Region for the Tamang. Right from the beginning of the Maoist war, the Maoists have been able to mobilize liberation fronts along ethnic lines, e.g. the Magarat Liberation Front or the Tharuwan Liberation Front, which control their respective regions. After the split of several Maoist affiliated liberation fronts, many analysts have observed that the Maoist People's War is developing an increasingly ethnic dimension.⁷⁶

Nevertheless, despite the Maoists' rhetoric on equity, Mukta Lama et al. concluded that indigenous people have not been able to assume high leadership positions within the movement nor have there been visible positive changes in the livelihoods of indigenous populations.⁷⁷

Although the Maoists promote the revival of indigenous people's culture and language, they campaign against traditional cultural ceremonies as economically wasteful and socially unprogressive, replacing them with more secular festivals such as May Day or the People's War Day. Also. Furthermore, their campaign against drinking locally produced alcohol can be seen as an act against cultural traditions.⁷⁸

Contrary to the Dalit Movement and the Women's Movement, the Ethnic Movement has been more successful in establishing a united agenda and an umbrella organization. Nepal Janjati Mahasamgha, the Nepal Federation of Indigenous Nationalities, was founded in 1990. The corresponding mission statement well summarizes the main goals of the Janajati activists, i.e. "The mission of the NEFIN is to acquire social equality and justice for Indigenous Nationalities by preserving their distinct social, political, cultural and linguistic identities and by promoting their representation in every aspect of national life." NEFIN's aims are the recognition of "the inherent strength of Indigenous Nationalities in the unity of diverse groups with their distinct language, ethnicity, religion, culture and territory", to foster the understanding "that every Indigenous Nationality is sovereign and rich in its cultural identity and traditional practice", and finally to promote "the principle of the right to self-determination, Indigenous Nationalities are empowered to make their own decisions regarding their lives".⁷⁹

Ethnic organizations and their umbrella organization - in addition to working in cultural awareness-raising are mainly involved in political issues. NEFIN prioritizes the following matters on their agenda as follows:⁸⁰

- Recognition of cultural pluralism as a means of nation integrity and unity and striving towards the declaration of the State as secular.
- Acknowledgement of all languages and cultures of Indigenous Nationalities as equal and the provision of education in Indigenous Languages.
- Re-structuring of local level political units according to communities providing them with self-rule and autonomy.

⁷⁶ Interviews Nepal, September/October 2004.

⁷⁷ Mukta S. Lama-Tamang, Sumitra M. Gurung, Dharma Swarnakar, Sita Rana Magar 2003: Social Changes in Conflict Areas: Assessment Report. Kathmandu: DFID Nepal. 25.

⁷⁸ Lama-Tamang et al. 2003: Social Changes in Conflict Areas. 27.

⁷⁹ See: <http://www.nefin.org.np/mainsite/content/view/17/48/>

⁸⁰ See: <http://www.nefin.org.np/mainsite/content/view/17/48/>

- Establishment of a National Development Commission of Indigenous Nationalities.
- Affirmative action for the development of Indigenous Nationalities in employment and education.
- Respecting the rights of Indigenous Nationalities to own land and have access to natural resources as well as recognition of the necessity to protect and preserve bio-diversity.
- Making resources available to Indigenous Nationalities and their organizations to assist the empowerment of their communities.

At first sight, ethnic organizations and their coordinative body are more successful in lobbying their demands as well as being better organized than other movements. However, fundamental cooperation with other Nepalese social movements is practically nonexistent. An obstacle could be that the NEFIN positions itself as an anti-Hindu, and more specifically, as an anti-Brahman organization.

7.3 Women's Movement

A large number of national and local NGOs in Nepal are very active on gender issues. Despite the diverse nature of implemented activities, they focus mainly on gender equity and equality. Many are active in group organization, women networking, awareness-raising, or saving and credit endeavors. In addition to this, activities involving gender and human rights training, literacy programs, advocacy against trafficking, affirmative action, positive discrimination, access and resource control, stopping violence against women, community development, and the environment are also undertaken. The impact of these programs on the situation of women is difficult to evaluate, mainly because of a lack of corresponding evaluation systems. Any existing kind of evaluation procedure is primarily quantitative and lacks a corresponding context.

Although various studies on the causes of the conflict have been carried out, explorations as to how the conflict has influenced social norms and values, especially with regard to changes in gender, caste, and ethnic relations were only launched during the ceasefire in 2003.

One of these explorations on social change in Maoist affected areas was commissioned by the DFID in 2003.⁸¹ This report describes women and girls who joined the Maoists as wearing combat dress, having discarded their jewelry and cut their hair short. They rebel against traditional Hindu symbols which reinforce the subordination of women. In this sense, they reject the tradition of untouchability during menstruation or do not use Sindur (red vermillion) to mark their status as married women. The research team identified a decrease in polygamy and as well a decrease in domestic violence. One of the most striking changes mentioned in women in Maoist occupied areas is the ban of the uncontrolled sale and public use of alcohol. With the control of alcohol consumption, domestic violence has decreased. Due to male migration and egalitarian values proclaimed by the Maoists, women even plough fields – something that is forbidden by tradition.

Also the research team could determine some positive change, it remains to be seen if the norms and values have changed fundamentally or whether the changes are mainly based on threats and fear.⁸²

⁸¹ Lama-Tamang et al. 2003: Social Changes in Conflict Areas. For this report, fieldwork was carried out in five districts of mid-western and central Nepal during the 2003 ceasefire, some of the communities were under the control of the security forces, some were in buffer areas, and some were under the control of the Maoists.

⁸² Lama-Tamang et al. 2003: Social Changes in Conflict Areas. 20-23.

In spite of the large number of women's organizations, women's wings of the political parties, and women's NGOs, a national women movement has yet to manifest itself. The women's movement is highly fragmented: different interests result in different approaches. It is often said that women's activists in the political parties mainly prioritize issues according to the party's agendas and that women's activists affiliated to NGOs prioritize working areas according to the possibilities in order to obtain funding.⁸³

In general, women's organizations also lack contacts to other actors campaigning for inclusion. In Kathmandu, women's organizations are better connected to the government and other institutions than organizations on grassroots level. On grassroots level, according to reports, women's groups frequently have to negotiate with the Maoists on the conditions to implement their projects. Moreover, it was often reported that the Maoists even attended human rights training, whereas the security forces were kept away from corresponding programs.

As the efforts of women's activists are scattered and their interests diverse, pressure exercised on the government has proven to be insufficient. Nevertheless, the demand for equality and inclusion has led to various concessions since 1990. In 1997, the Ministry for Women was set up and in 2002, the Women's Commission was formed. However, both institutions have been blamed for being inactive or insufficiently active. "They just write papers but nothing happens", several activists agreed.⁸⁴

Although the women's movement has been only partially successful, the potential for women's groups to contribute to the conflict transformation process is pronounced. Currently, several women's groups on grassroots level primarily attempt to fulfill the basic needs of women in conflict situations. Nevertheless, in addition to activities to generate income, e.g. the keeping of domestic animals, weaving, sewing, or vegetable growing – all activities linked with awareness-raising and empowerment – a large number of women are also involved in peacebuilding. On the one hand, peace rallies are organized. On the other hand, given their experience in negotiating with both the Maoists as well as the government, women's groups play an important role as potential local intermediaries. To date, however, relations between the local and national level organizations are insufficiently developed.

⁸³ Interview with a women's activist in Kathmandu, October 2004.

⁸⁴ Interviews in Nepal, September/October 2004.

8 Conclusions

As this analysis has shown, Nepal faces severe problems, especially in the social field. The Royal Coup d'Etat of 1 February 2005 has led to a worsening of the situation. Currently, Nepal is facing a profound human rights crisis, which eventually could develop into a humanitarian crisis. Various analysts advise international actors to coordinate their efforts in view of agreeing on short-term measures directed towards long-term conflict transformation.⁸⁵ For the long-term approach to conflict transformation, it seems to be essential to promote people's participation in the peace process. Local CSOs have a great potential for contributing to conflict transformation, because they are in close contact with the conflict parties as well as the local population. Furthermore, their activities immediately and directly focus on the root causes of the conflict.

Notably, in the case of Nepal, conflict transformation has to be seen as a long-term process, not only including activities such as negotiations between the parties in conflict but also integrating activities undertaken by CSOs dealing with the underlying causes of the ongoing crisis. Thus, it is of utmost importance to strengthen the commitment towards the social inclusion of all segments of Nepalese society.

At present, legal or institutional changes in favor of the excluded groups seem to be unlikely, due to the current conflict situation. In this context, the continued support for the present King's Regime is highly questionable. Only in a future stage, in a less autocratic environment, both pressure on and cooperation with the government will be essential to prompt changes to the administrative, political and legal framework. In this case, constitutional, legislative and judiciary reforms, transparency and the promotion of participation of all Nepalese people will become central issues on behalf of social inclusion in Nepal.

Therefore, at present, the focus of international organizations working in the field of social exclusion should be directly focused on local organizations attempting to lobby for excluded groups. This tentative analysis has shown that there are several issues upon which local CSOs can be supported by the international community. Capacity building within the excluded groups should be a major task. In this realm, the support for networking and coordinating activities are fundamental issues – given the often fragmented social movements and obviously missing ties between the individual organizations:

- Support for networking, coordination and cooperation within the Dalit, ethnic and women's movements, so that their influence and position can be strengthened.
- Support for networking and coordination between the Dalit, ethnic and women's movements.
- Support for networking and coordination of excluded groups with other organizations, e.g. human rights NGOs or the Federation of Nepali Journalists.

⁸⁵ International Crisis Group 2005: Nepal: Responding to the Royal Coup. Asia Briefing N°36. Kathmandu/Brussels (24 February). <http://www.icg.org/home/index.cfm?id=3291&l=1>

In this briefing, the ICG recommends establishing an international contact group of the major powers and institutions that have been active in Nepal. The ICG further recommends coordinating international activities to pressure the royal government to re-establish constitutional rule and restore all suspended rights. According to the ICG, the international actors could initiate measures, e.g. the suspension of all military assistance or the suspension of direct bilateral and multilateral budgetary support to achieve their goals. Another significant issue the international community has to deal with is the human rights crisis. In this field as well, the ICG has made valuable recommendations on how to deal with this issue.

See also: International Crisis Group 2005: Nepal: Dealing with a Human Rights Crisis. Asia Report N°94. Kathmandu/Brussels (24 March). <http://www.icg.org/home/index.cfm?id=3337&l=1>

- Support for networking and information exchange between local grassroots organizations and international organizations to avoid a too large number of intermediaries.
- Support for networking and providing linkages between rural and urban areas. Often, the rural population benefits little from many programs. In this respect, attempts to close or at least not additionally widen the gap between rural and urban areas and between different regions are significant.

In the field of capacity building, focus should be placed on grassroots organizations. Such, however, are often too far away from the centers where decisions are made. It is crucial to inform the local organizations of existing rules and regulations, programs and projects so that they may obtain access and are able to benefit from ongoing processes and programs. There are some additional issues that are essential for promoting excluded groups in Nepal:

- Within the international organizations working with excluded groups, equality and equal representation should be promoted and established. Otherwise, their efforts will remain questionable.
- In general, more responsibility should be given to local organizations. It is important to integrate them into project planning and implementation.
- As social inclusion is a very slow process, more long-term oriented projects should be implemented.

International organizations as well as Kathmandu-based organizations working with excluded groups have to be made aware of the large diversity of exclusionary practices and the distinctions of social settings, which can differ from village to village:

- In order to work with excluded groups, additional in-depth research is indispensable to understand the context and occurrence of exclusion, so that the danger of unintentional widening of gaps can be limited. Therefore, more qualitative analysis showing the different realities on the grassroots level in Nepal is necessary.

Although first attempts to promote peace advocacy and lobbying among local NGOs have been initiated, to date, civic engagement in conflict transformation did not receive sufficient attention in Nepal. Especially now, while the conflict deteriorates, local CSOs working in the field of social exclusion should receive additional support in their peacebuilding and conflict transformation efforts.

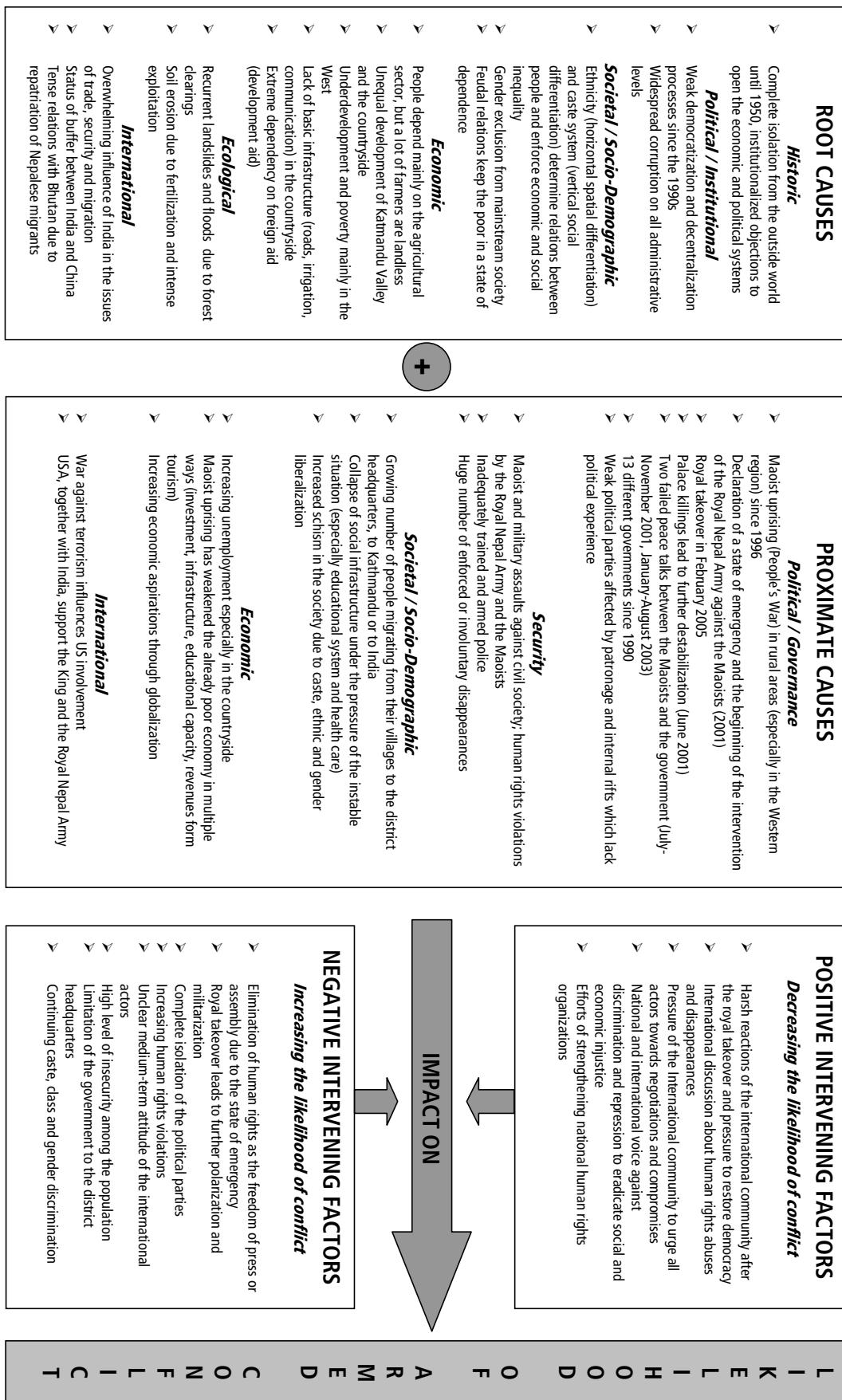
At present, at a time when Nepal is on the verge of a humanitarian crisis, it is crucial to recognize that cooperation with local organizations is essential, as grassroots organizations are often the only channels for service delivery and the support of the local population:

- For conflict transformation in Nepal, a multi-track approach must be chosen of all actors must be combined. To date, the integration of the broader civil society in the peace process, e.g. during the peace negotiations, has been minimal. and the efforts.
- Further support for the integration of grassroots organizations in conflict transformation is very important.
- Qualitative research is needed to analyze the manner in which excluded groups could participate in conflict transformation and what their capacities could be.

CSOs in Nepal, and especially organizations working with excluded groups, could play a much more significant role in conflict transformation and peacebuilding, because they enjoy access to and influence on grassroots/micro level. Excluded groups and their organizations have a major potential of becoming an important force, if they could agree on their core demands and elaborate a common agenda for social equality and inclusive democracy.

Appendix

FAST Analytical Framework Nepal



Map of Nepal



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