ARMED CONFLICT AND THE CHANGING ROLE STRUCTURE OF WOMEN IN NEPAL

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Abstract

This paper is an attempt to understand the conflict that affected Nepal for a decade, with specific reference to the changing role structure of women. It explores the changes that have taken place in the society post conflict and the strategic roles that women can play. My focus on Nepal allows for an understanding of armed conflict and its repercussions through women's experiences of coping with the changes that they have to adapt to. It also highlights the past movements in Nepal led by women which defines the strength that women have as political and social agents.

KEY WORDS: conflict, gender, society, women, Nepal.

Resumen

Este artículo pretende analizar cómo el conflicto que ha afectado al Nepal durante una década ha podido afectar al papel de las mujeres en aquella sociedad. Explora los cambios que han tenido lugar y los papeles estratégicos que han asumido las mujeres. El enfoque permite una comprensión más amplia del conflicto armado y de sus repercusiones, a través de las experiencias de aceptación y adaptación a los cambios que han tenido que realizar las mujeres. Asimismo, llama la atención sobre movimientos nepalíes previos liderados por mujeres, que permiten definir la fuerza que éstas tienen como agentes sociales y políticos.

PALABRAS CLAVE: conflicto, género, sociedad, mujeres, Nepal.

INTRODUCTION

With a population of over 26 million, Nepal is located between the most populous and ever growing economies of China and India. Nepal is a culturally diverse country with about one hundred caste and ethnic groups, speaking over a hundred languages and dialects with a rich and diverse culture. This diversity has given rise to identity politics which can be can be linked to the fact that identities make cultures vulnerable. This feeling of vulnerability is reflected in the two broad autonomy movements in the easternmost districts of Nepal, the Rai groups demand a «Khambuvan» while the Limbu groups demand a «Limbuvan»; both regions they can

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claim as their own, demanding no direct control from the government in the capital, Kathmandu. Both these groups and the other ethnic groups in Nepal want to retain their identities by being represented in the political and economic domain. They also demand the right to practice their culture and the privileged rights to natural resources traditionally used by indigenous people. «The politics of identity guide us in this moment, not the politics of Marxism or capitalism. We believe identity politics is the stronger form of politics»¹. Here the attempt is to preserve cultural identities instead of being absorbed into a generic Nepali identity.

Since the overthrow of the monarchy in 2006, the elites in power are threatened by the expectations of a greater role for minorities. «For these elites, the recognition of greater diversity evokes a fear that they will be discriminated against in a Nepal organised on ethnic lines»². Nepal's first election was held in 1959 but King Mahindra dismissed the cabinet, dissolved the parliament, and banned political parties in 1960. «A new constitution creating a constitutional monarchy and a bicameral legislature became effective on November 9, 1990 largely in response to popular demand for democratization through the mass movement known as Janandolan I (People's Movement)»³. However, Nepal's young democracy suffered the development of a violent conflict due to the Maoist insurgency, a result of various factors especially social and cultural affecting the proper functioning of the government.

This has led to political insecurity resulting in hesitancy to invest, leading to high unemployment and lack of job opportunities. This has given rise to the migration of people to countries abroad in search for work. It is estimated that one half of the population between the ages of 15-34 years, majority of them men are currently out of the country. In a patriarchal society where men are considered to be the heads of the families, women have been left to don that responsibility in their absence. «Armed conflict is by no means always negative in its impact on women. Indeed for some women it can be a time of empowerment as they take over roles traditionally performed by men»⁴. Women now play the significant role as the heads of households; increased independence has also given rise to women as economic actors and social change makers.

«Women in Nepal have suffered disproportionately from the decade-long civil war and the continued waves of political, criminal, and ethnically driven violence, including in the country's southern Tarai region»⁵.Gender based discrimination deemed women socially, politically and financially excluded but, with the end of the 10 year conflict there has been an emerging scenario of women's changing roles

¹ J. GARDAM and H. CHARLESWORTH, «Protection of women in armed conflict». *Human Rights Quarterly*, vol. 12 (2000), p. 124.

² World Development Report, «Conflict, security and development», Washington, World Bank, p. 163.

³ S. HEISELBERG, S. LAMA, J. LARGE, G. BANIM and R. MARJAMAKI, *An Inclusive Peace Process in Nepal and the Role of EU*. Crisis Management Initiative Report, 2007, p. 6.

⁴ J. GARDAM and H. CHARLESWORTH, *op. cit.*, p. 124.

⁵ World Development Report, *op. cit.*, p. 163.

in the Nepali society. There has been a growing visibility of women empowerment and involvement towards the liberation of women and the nation from feudalism and patriarchy. However, the changing roles and responsibilities of the women have also impacted them at a deeper psychological level as well, with both the men and the women having to adapt to structures which are not conventional requiring for both to learn and get used to the situation. «War and terror have the effect, sometimes deliberately achieved, sometimes incidental, of rending apart the fine fabric of everyday life, its interlaced economies, its material, systems of care and support, its social networks, the roofs that shelter it»⁶.

1. NEPAL: THE COUNTRY IN CONFLICT

Nepal has suffered more than a decade of violent conflict due to the subsequent failures or inability of the government and elected leaders to deliver to the population. Once known as a peaceful destination and the world's only Hindu Monarchy one of the main reasons that gave rise to the conflict was the inability of those in power to reduce poverty and inequality. According to the World Bank Report 2011, there have been 11, 520 battle related deaths with 50,000 people being internally displaced⁷. In 1996, the Maoist launched their insurgency against the government leading to violent conflict and their «40 point demand called for the end of ethnic oppression in general and for a secular state, the equality of languages, and regional autonomy in particular»⁸.

On 1 February, 2005 the monarchy dissolved the parliament and the economic, social and political condition of the nation deteriorated even further. The situation led to the second people's movement —Janandolan II which started in April 2001. The citizens especially women faced human rights violations and violence due to the political instability after the monarchy was dissolved. Janandolan II resulted in the monarchy being stripped of official powers and special privileges. This led to the entry of the CPN (Maoist) into the government «...signing the Comprehensive Peace Agreement (CPA) in November 2006, the promulgation of the Interim Constitution in January 2007, and the formation of the interim legislature and interim government in March- April 2007»⁹. The Peace Agreement and the Interim constitution both reflected the demand for the social, political and economic transformation of Nepal. Despite the progress achieved in many fields, peace remains tentative and in June 2010, the Maoist pressured the Prime Minister to step down due to failure

⁷ World Development Report, *op. cit.*, p. 337.

⁶ C. COCKBURN, *Gender, Armed Conflict and Political Violence*, in http://www.genderand-peacekeeping.org/resources-e.asp, visited: April 2011.

⁸ INTERNATIONAL CRISIS GROUP, *Nepal: Identity Politics and Federalism, Asia Report No 199*, 13 January 2011, p. 5.

⁹ Ibidem, pp. 6-7.

to meet the agreed points. Former Maoist combatants were integrated into regular forces and the government but left the country without a ruler for over seven months.

«Amongst the traditionally marginalised groups in Nepal the following can be identified: Dalits, Janajatis, Madhesi, women and youth... The dimensions of exclusion in Nepal are gender, language, caste, ethnicity/ race, language, religion and geographical location»¹⁰. These socially excluded groups played a lead role in the social uprising. Both women and men spearheaded this movement and the Comprehensive Peace Agreement (CPA) signed between the CPN (Maoist) and the Government of Nepal (GON) in November 2006, emphasised the participation of excluded regions and groups in the nation-building process. The interim Constitution also emphasised the participation of this excluded group in national reconstruction movement.

There have been efforts to divide political and economic power more equitably between Nepal's many ethnic and caste groups after the Comprehensive Peace Agreement. However, «the notion of a 'peace dividend' has different meanings for the people for Nepal. In the urban, often activist setting of Kathmandu, it is articulated as democracy, constituent elections and multiparty government. For many of the rural poor it will mean the absence of fear, and provision for sustained livelihoods and functioning government services»¹¹. On February 4, 2011, after 16 attempts, the parliament elected Jhalanath Khanal but the political situation of Nepal is still unstable with the political parties not being able to unite for the betterment of the country.

«The first four years of democracy in Nepal were a bitter disappointment to many who participated in the Jana Andolan...the Nepali government was unable to deliver even a fraction of what was expected of it...»¹². One of the main contributing factors to the ten years armed conflict in Nepal was the failure of the government policies and programs to deliver social justice. Many women took up arms and sacrificed their lives against the government joining the armed struggle by the Communist Party of Nepal (CPN Maoist). As per the CPN Maoist's ideology, the struggle was against feudalism, the patriarchal system, and class, caste and gender based discrimination and inequality. The whole of Nepal was 'affected by the fighting between the Royal Nepal Army (RNA) and the forces of the Communist Party of Nepal (CPN Maoist) over the past decade. Estimates vary between 11,000 and 13000 people killed in the violence in Nepal since the insurgency began'¹³. Sadly enough, as with all conflicts, it was the civilians especially, women and children who were affected the most.

¹⁰ DFID & World Bank, Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal, p. 5.

¹¹ U. KIEVELITZ, Post- Conflict Peace Building and Social Integration in Nepal: Immediate Priorities and a Three Year Interim Plan, Kathmandu, GTZ, 2006, p. 10.

¹² T.L. BROWN, *The Challenge to Democracy in Nepal: A Political History*. London, Routledge, 1996, p. 167.

¹³ S. Heiselberg, S. Lama, J. Large, G. Banim and R. Marjamaki, op. cit., p. 6.

2. WOMEN'S MOVEMENTS IN NEPAL

Nepali women have played a strong role in the social movements in the past. Despite a patriarchal society there have been evidences of revolution by women against the diktats of society and the ruling powers. The courageous sacrifice and revolt led by Yogmaya Neupane in July 1932 AD can be taken as the start of the women's movement in Nepal. «In the era of the autocratic Rana rule, Yogmaya Neupane of Bhojpur Majuwabeshi initiated a peculiar and courageous sacrifice. She submitted a list of 268 demands to the government in the name of 'Satya Dharma Bhiksha' (truthfulness, duty, alms), including the elimination of all injustice and suppression»¹⁴. She and her supporters demanded social reforms pertaining to widow's rights and «the end of practices that create social disharmony and disorder such as superstition, the caste system and untouchability. When the Ranas detained her, she and her 68 followers committed suicide by drowning in the Arun River»¹⁵. Neupane and her followers were fighting for the rights of women especially against the practice of Sati which allowed for a woman to be burnt alive after her husband's death. In today's world this would have been a gross violation of the human rights of a woman. Many women died because of social practices such as Sati and they did not have the right or independence to voice their disagreement once their husband died. The women were suppressed and had to tolerate a lot of injustice and subordination leading to the revolt in 1932. The sacrifice by Neupane and her successors remains a turning point in the history of women's struggles in Nepal against atrocities in the name of tradition and religion.

In 1947 the Nepal Mahila Sangh (Nepal Women's Organisation) was established as a response against the societal issues of child marriage, lack of education for girls and various other discriminatory practices against women. Around 1950, the Akhil Nepal Mahila Sanghathan (All Nepal Women's Organisation) was established and led by Punya Prabha Devi Dhungana. In 1951, Akhil Nepal Mahila Sangh was founded and the first organisation headed by a woman from the royal family, Mahila Swayam Sewa (Women's Voluntary Services) was established in 1952. «These various organisations raised the issues of or for political representation of women in high offices»¹⁶. The abolition of the Rana regime in 1951 ended the autocratic rule however Nepal's democratic existence ended in 1960 when the king took back the powers and introduced the Panchayat system.

The government made changes in 1962 to increase women's income, security and literacy through the formation of Nepal Mahila Sanggathan, during the Panchayat Era. In 1972, Nari Sewa Samiti was formed as an effort to bring women within

¹⁴ WOMEN'S CAUCUS OF THE CONSTITUENT ASSEMBLY, *Women's Rights and Agenda to Be Incorporated in the New Constitution*. Translated by International IDEA from the original Nepali version, 2009, p. 6, at http://www.idea.int/asia_pacific/nepal/womens_rights_incorporat.cfm, visited: April 2011.

¹⁵ Ibidem.

¹⁶ B. KUMAR, *Encyclopedia of Women in South Asia: Nepal.* Delhi, Kalpaz Publications, 2004, p. 10.

one umbrella organisation. «Women's units were established in various ministries. In 1982, women's development sections were opened in the districts and women's training centres were opened in some areas to broaden women's participation in development under the Ministry of Panchayat and Local Development»¹⁷. However, «The partyless Panchayat political system fell apart in 1990 due to an unprecedented people's movement. After the re-establishment of multi-party political system, women's rights activists raised issues such as equal property rights and reservation of seats in different political positions, jobs and education»¹⁸.

In the 1980's Akhil NepalMahila Sangh and Prajatantrik Mahila Sanggathan, were formed and played a significant role in the people's movement against the Panchayat system. These organisations focused on restoring democracy in the country along with fighting for the civil rights and liberation of women. 1990 saw the reinstatement of the multiparty system of politics in Nepal as a result of the people's movement. The movement saw a strong and vital presence of women where they participated in rallies and sacrificed their lives or were wounded. After strong protests, democracy was finally restored in Nepal on 8 April 1990.An interim government was formed as a result of the success of the people's movement however, women lacked representation in the Constitution Recommendation Commission. Only one woman was included and reflected on the lack of equal representation on the basis of gender. The first women's caucus was established in 2002 and the second in 2009 which consists of the 197 women from the Constituent Assembly. They form 32.78 percent of the total 601 members elected and nominated. The main focus of the caucus was to start the process of having a say in the state policies and programs. «The Caucus was formed to unite the efforts of women members; provide them with a common mechanism to ensure that women's rights are included in the new constitution; and to enable them to play an effective role in the Constituent Assembly and its committees»¹⁹. The presence of women from all walks of life in the Constituent Assembly and the new Constitution making body ensures that issues of equality, representation and gender are being taken into consideration.

3. THE CHANGING ROLES OF WOMEN IN NEPAL

«Women face discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names»²⁰. However, over the years there have been some positive changes in the roles of women in the Nepali society. Women now play significant roles in the social and political spheres of the country.

¹⁷ Women's Caucus of the Constituent Assembly, *op. cit.*, p. 7.

¹⁸ B. KUMAR, *op. cit.*, p. 10.

¹⁹ Women's Caucus of the Constituent Assembly, *op. cit.*, p. 12.

²⁰ Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

The 1990 Constitution of the Kingdom of Nepal emphasised the equality of all citizens before the law. The Constitution also focused on gender representation by ensuring that 5 percent of the party seats were reserved for women in the House of Representatives and 3 percent in the National Assembly. «The Parliament passed the Local Self-Governance Act in 1999 AD which recognized the necessity for women to participate in politics at the national level and made provision for the mandatory election of one woman member in each ward of each village development committee and municipality»²¹. Due to this Act, women have become active in the local governance bodies playing an active role.

The presence of women in governing bodies has resulted in the increasing empowerment and involvement of women at all levels. There has also been a growing rise in women oriented organisations dealing with the social issues limiting the progress of women. Organisations have been established to deal with the human rights of women, health, enterprise development, education, skills for employment, trafficking of women and various such issues which violate them physically and psychologically. There has also been a growth in foreign organisations focusing on mobilizing women through leadership development programs and other training empowering them to become political and social change makers.

The recent years have also seen various legal reforms protecting the rights of the women. «A bill relating to women's property rights was tabled in Parliament in 1991 AD (2048 BS). In the same year, Nepal signed the Convention on the Elimination of All Types of Discrimination against Women (CEDAW), 1967»²². In 1995, the Government was asked by the Supreme Court to make changes to the legal rights of the daughters and women with regards to property and partition rights. Women were given more rights with regards to their marital status, abortion rights and rights against physical or sexual abuse. These reforms including the changes in ownership of land and property has impacted women in great ways especially psychologically giving them independence and strength. Various avenues of employment were also opened for women with the government raising the age limit of women to 40 for entering services or the provision for women to join the military services coupled with the various employment opportunities initiated by non-government organisations as well.

In recent years there has also been a growth in the enrolment of females in education. «In the early 1990s, a direct correlation existed between the level of education and status. Educated women had access to relatively high-status positions in the government and private service sectors, and they had a much higher status than uneducated women. This general rule was more applicable at the societal level than at the household level»²³. In the past the level of education was higher among female children from wealthy and educated families. However, today education is no

²¹ Women's Caucus of the Constituent Assembly, *op. cit.*, p. 8.

²² *Ibidem*, p. 9.

²³ J.J. LEWIS, *Women's Status and Role in Society*, 1991, p. 21, at http://womenshistory.about. com/library/ency/blwh_nepal_women.htm.

longer governed by wealth or status as it was before. The data provided by UNESCO Institute of Statistics states that, 57. 9 percent of adults are literate as compared to 80.8 percent of literate youth in Nepal. The female literacy rate has grown from 17.4 percent in 1991 to 45.4 percent in 2008 amongst the female adults in Nepal and 32.7 percent in 1991 to 75 percent amongst female youth in Nepal²⁴. The statistics clearly indicates the changes in the Nepali society with regards to the need to educate the female as well.

From a society which once considered education as the birth right of only the male members the society has indeed gone through a dramatic shift of acknowledging the importance of educating females as well. The education of females has led not just to secularization but has also impacted in changing the conditioned mind set of the literate. Due to the growth in education the social evils of caste, class system, religion, community and gender seems to be gradually losing its hold on the societal fabric of Nepal. However, there is a lot that is still desired in reducing such discriminations in all parts of Nepal. Education however has opened new opportunities for women by providing them with various options of employment which guarantees them independence as compared to the traditional roles that they had to live up to.

«In the past, women have had little opportunity to participate actively in public life or elected office. The advent of the Maoists into the Legislature-Parliament in January 2007 produced a significant change in the make-up of the legislature, and a departure from the past. The 1999 elections led to a House of Representatives in which 5.8 per cent of the members were women»²⁵.

As with many countries emerging from armed conflict, Nepal has also decided to adopt a new Constitution which aims to reduce societal and gender inequalities by providing equal political, economic and social rights to all the citizens. The Constituent Assembly which has the daunting task of forming the Constitution has a representation of 197 women out of the 601 members. The women members along with all members of the Constituent Assembly have the opportunity of «... making a new constitution 'by the people of Nepal themselves... And the process is envisaged as involving the restructuring of the state (of which a major part is the adoption of a federal system) and to bring an end to discrimination based on class, caste, language, gender, culture, religion and region»²⁶. The growing presence of women in the political arena of Nepal is itself indicative of the changing roles that women have embraced with regards to decision making and playing an impactful role in the changes affecting the country.

There has been a growth in women led enterprise developments spearheaded by women through activities initiated by organisations working in Nepal. Women have started becoming financially independent due to which there has been a growth

²⁴ http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_ Language=eng&BR_Country=5240- visited: April, 2011.

²⁵ J. COTTRELL and C. BYLESJO, «The Constituent Assembly of Nepal: An agenda for women», 2nd June 2008, IDEA, pp. 1-15, p. 12.

²⁶ *Ibidem*, p. 3.

in confidence for them to join all types of work force. There has been a definite change in the possibilities that women now see which is beyond their traditional roles as home makers, «the traditional division of labour within a family maybe under pressure. Survival strategies often necessitate change in the gender division of labour. Women may become responsible for an increased number of dependents»²⁷. The growth in migration of the male members of the family has led to women having to adapt to role structures which demand them to be responsible for their families and at times additional income earners.

With the advent of education and the traditional roles broken there has also been a rise in the migration of women abroad in search of employment. «Foreign labour migration has made a significant impact on the socio-economic fabric of Nepal... approximately 4 million Nepali migrants work in India alone and around 3.2 million workers in other countries... women comprise approximately up to 15% of the migrant labour force»²⁸. The Foreign Employment Act of 2007 focuses on special protection and benefits for women, removing gender- discriminatory provisions. This Act has led to more women looking for possibilities of employment not just in Nepal but wherever the opportunities are available. In the past, migrations for employment would have been considered a male domain but in recent years it has changed to include women.

Nepal therefore has seen a vast change in the traditional role structures. Women in the society are now breaking the stereotypes that they were bound to. There has been a definite shift in the structures of society including the practices in the name of religion and culture. Like all developing economies, the women in Nepal are now on the path of liberation and independence. The women led movements of the past and the present are now finally seeing the changes that they desired for.

4. CONCLUSION

«The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all people»²⁹. Despite the reservation for women in the political functions there is hardly any presence of women in local governance programs making them just users with no access to resource, service or local governance. There should be more awareness programs

²⁷ B. WORONUIK, *Gender Equality: An Operational Framework*. Gender Equality Division and Peacebuilding Unit, from CIDA's Policy on Gender Equality, Gatineau, 1998, p. 52.

²⁸ http://www.migration-unifem-apas.org/nepal/index.html, visited: April 2011.

²⁹ Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONE.177/20 (1995) and A/CONE.177/20/Add.1 (1995), p. 27.

regarding the important roles that women can play in order to make them a part of the decision making process.

Women from marginalized groups like the Dalits and Janjatis should also be encouraged to get involved in decision making bodies to bring about transformative changes. There is a lot that is left to be achieved in terms of the roles that women in Nepal can play as strategic players in the social and political spheres. In order to achieve more participation and opportunities for women, the government policies need to incorporate certain constitutional and legal changes to empower women through special reservations for them especially in the field of primary school teachers and community health workers. Amongst other, these are fields which will give them the opportunity of being respected along with being financially independent. «Promoting training and business mentoring opportunities that reach women entrepreneurs (in Iraq and Jordan) and using legal reform initiatives as in the Democratic Republic of Congo or helping financial institutions to bank on women entrepreneurs such as in Afghanistan»³⁰, are all lessons that can be learnt for Nepal.

The policy and legal framework of the government should be implemented rather than being just in theory. «Peacebuilding refers to those initiatives which foster and support sustainable structures and processes which strengthen the prospects for peaceful coexistence and decrease the likelihood of the outbreak, reoccurrence or continuation of violent conflict... a two-fold process requiring both the deconstruction of the structures of violence and the construction of the structures of peace»³¹. At present, the political situation of Nepal is still unstable due to the differences in the political parties. Most of the legislations and policies have not been able to satisfy the citizens and there are inequalities and disparities still being felt by the communities. If the government fails to implement its promises, there is a possibility of another breakdown of the structures. However, the presence of 167 women in the Constituent Assembly is also an opportunity for them to prove the capability of all women by ensuring a Constitution which is impactful in dealing with gender issues.

There has also been increasing Donor concerns and interventions with regards to the post conflict situation and problems affecting Nepal. «There is however also recognition that providing development assistance in itself does not necessarily contribute towards a peaceful resolution of the conflict and that any efforts need to be assessed on their individual merits»³². The Donor agencies, non-governmental organisations and government should work together to bring about positive policy and legal change. At the moment, organisations and agencies have limited say in such matters. On the other hand, apart from the changes in policies, gender strategies followed should also be measured for consistency. There is a definite need to understand gender roles while dealing with policy formulation. «If violence is a

³⁰ World Development Report, op. cit., p. 164.

³¹ K. BUSH, A Measure of Peace: Peace and Conflict Assessment (PCIA) of Development Projects in Conflict Zones, Working Paper No. 1. The Peacebuilding and Reconstruction Program Initiative & Evaluation Unit, Ottawa, IDRC, 1998.

³² S. Heiselberg, S. Lama, J. Large, G. Banim and R. Marjamaki, *op. cit.*, pp. 6-8.

continuum, understanding it call for an integrated theory... it requires a coherent strategy linking... funders, ...and other international agencies, policy makers in lending and borrowing states, and NGOs...what has been learned in 'women and development' should inform 'gender and conflict policy'³³.

Women have always played significant roles in conflicts across the world either as protestors, combatants or peace makers. The situation is the same in Nepal however; the women need to realize their roles in bringing about a change for the betterment of the country. Nepali women need to break through the remaining social bindings and become more aware of the various roles they can play as change makers. Nepali women in the past have been able to make a difference by impacting various policies and reforms, the women in the present are also trying to make a difference. In terms of gender awareness and sensitivity even women play a significant role in proving their capabilities as strategic planners and decision makers. Therefore, the roles that Nepali women play are very crucial to the social and political structure of the country.

³³ C. Cockburn, *op. cit.*, p. 19.