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The Quota Story: Reservation for Women in Parliament of Nepal

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Signed Declaration

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Abstract:

Women comprise half of the world's population but are still underrepresented in the government and have less access to the decisions related to policies that have a direct impact on their lives. Nepal has implemented the gender quota since 2008, the 33 percent reservation in some cases became an opportunity while in some a cap on the representation of women in Nepal. The 33 percent reservation has been interpreted differently by different actors in policy formulation. This paper will study the socio-political context behind the adoption of gender quota in Nepal and its impact both at the parliaments and at the grassroots level. The paper can be looked at two parts, the first part will look into the history of how gender quota and the issue of social inclusion and gender equality enter the political debate in Nepal. The second part is an attempt to see the gender quota beyond the parliament by looking at the districts that have directly elected women through First Past the Post. The paper covers only cover the two Constituent Assembly elections.

Chapter-1: Introduction: Research Aim and Objective, Research Question, Case Study and Methodology

1.1. Research Aim, Research Question, and Theoretical framework:

This paper aims to analyze the impact of electoral quota for women's political participation in Nepal. The paper will look into firstly the background and factors that led to the adoption of affirmative action in particular electoral quota for women in Nepal and secondly its impact both at the parliament level and grassroots. The research will study mainly the election results of the two Constituent Assembly (CA) elections that took place in 2008 and 2013 but will also include period and data before and after the CA elections especially while analyzing the policy formulation and the impact at the grassroots level. In the last decade there has been a significant increase in the number of women parliamentarians in Nepal, how has this increase in the numeric representation benefitted or impact the lives of everyday Nepali women. The research will look into the following research questions:

1.1.1. Research Question:

- Has the constitutional provision for women's representation in parliament transferred into practical protection for women in Nepal?
- Has the increase in the number of women in the parliament led to a higher literacy rate of women and political participation in their elected district?

1.1.2. Theoretical Framework:

“Quotas are a form of affirmative action or equal opportunity measure designed to address the slow pace change in the participation of women and minority groups in areas of society where they are historically under-represented, including employment, education and in political institutions.”- (McCann, 2014)

The Gender quotas are considered the most effective tool for “fast-tracking” increase in the number of women in government bodies and is drawn from the theory that the impact of having more women in the parliament will result in removing structural, institutional, and social barriers and promote gender equality (Drude al et., 2013). Having reservation quota for women that are legally binding guarantees the numerical representation and very less likely that the numbers will go down but to understand the real impact and achievements of the gender quota it is important to study the outcomes both intended such as policy formulation or unintended ones like changing social norms as the result of having more women in the parliament. Women parliamentarians could affect policy choices and result in policies that are more favorable to women.

Reservation is an important tool of redistribution, it increases access of groups who have been excluded in political decision making. The access to political decision making further opens up access to public goods like education, health, safe drinking water, social protection etc., for the community. Studies have shown that women politicians influence public expenditure decisions and social investments (Yáñez-Pagans 2014). Women’s political leaders tend to make policy investments that are more closely to women’s concerns such as

drinking water and road while men politicians tend to be concerned more about irrigation and education (Duflo & Chattopadhyaya, 2004). These results are difficult to measure in a short duration of time especially in countries where gender quotas are implemented for the first time like Nepal. But having seat reserve for women in the government from the national assembly to local bodies can have a positive impact on the lives of women.

In studying affirmative action in Nepal, it is important to keep in mind the socio-political history of the country. Especially given that the elections took place right after ten years-long armed conflict and regime change. The political transition and the presence of stronger civil society organizations and the presence of the international donor agencies and organizations like the United Nations (UN) did play important role in influencing the policy formation and its implementation. The adoption of gender quota in Nepal should also be analyzed from the domestic and international policy diffusion process. Gender quotas have spread around the world through the support of shared common international norms and campaigns across borders by different international organizations and actors (Krook, 2006, pp. 322). One of the important factors in the effectiveness of the quota is if they are binding and appropriately enforces. The role of a different institutions, legal instruments, actors, and policy brokers or policy entrepreneurs is important.

1.1.3. Hypothesis

The paper will test if having more women politicians in power will result in more women-friendly policies and lead to positive changes in the lives of women at the grass-root level. This paper will test the following hypothesis by examining the status of health, literacy, and political participation of the district that has directly elected women.

Hypothesis 1: District that has directly elected women will have an increase in the enrollment rate and completion rate of girls in the higher secondary level.

Hypothesis 2: District that has directly elected women will have a higher rate of women having access to reproductive health facilities

1.1.4. Methodology:

This paper will be both qualitative and quantitative studies. For the quantitative part, the electoral, demographic, and development data covering the period from 2006 to 2016 will be used. The two CA election data is used from the database of Election Commission Nepal (ECN). The household and demographic data are used from the 2011 Census and Nepal Demographic Health Survey (DHS) data of 2006, 2011, and 2016. The administrative data is used from the database of the Ministry of Federal Affairs and General Administration. Apart from the government data, reports, and studies done by development agencies like World Bank, DFID, NDI, IDEA international and IPU is used. But the primary data will be the Nepal DHS data which is a stratified sample survey across all 75 districts (now 77) of Nepal. The Nepal DHS survey is conducted every five years which helps us track the changes that occurred in our variables during the period of study. The study will compare the difference between districts that have elected women and those that have not through FPTP. For qualitative study literature on affirmative action, electoral reform, and political participation of women will be reviewed. Case studies from South Asia and another similar country will also be used. For case studies and stories from Nepal reports by different academic research, I/NGO and news-paper articles will be also reviewed.

The study of electoral quota can be studied into two schools; the first generation and the second generation, the first-generation studies focus on the electoral quota for women, the design, adoption and its numerical impact, while the second-generation research work on gender electoral quotas focuses on impacts of the quotas “beyond the numbers” on legislative diversity, policy-making process, public opinion and publication (Krook & Zetterberg, 2014. Pp. 5). Many countries have adopted Gender quotas on the electoral system to promote women’s political participation and representation. According to the Atlas for Electoral Gender Quota database which was jointly developed by Institute for Development and Electoral Assistance (IDEA) International, Stockholm University and Inter-parliamentary Union (IPU), 85 countries and territories/special areas have mandatory legislation at the national and sub-national level for implementation of the gender quota. Similarly, according to the IPU database on women in parliament, 21 percent of worldwide parliamentarians were women in 2013, compared to 15 and 13 percent in 2003 and 1998 respectively. 37 countries have 30 percent women in their lower house and 72 countries have 15 percent in lower houses and the Nordic countries have the highest average of women parliamentarian region wise.

Legal or voluntary electoral quotas are being adopted by many countries to promote women’s political participation and representation. According to the Atlas for Electoral Gender Quota database jointly developed by Institute for Development and Electoral Assistance (IDEA) International, Stockholm University and Inter-parliamentary Union (IPU), 85 countries and territories/special areas have mandatory legislation at the national and sub-national level for the implementation of the gender quota. According to the IPU data on

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Gender quotas regulate political parties' action, as the "gatekeeper" to promote opportunities for political leadership for all citizens (Dhalerup 2006). Gender electoral quotas are also considered effective policy tools to increase the number of women in politics because without special reservation for women it would take a long time to overcome the gender gap in parliament across the globe. Research has shown that having more women in parliament will result in more gender-friendly policies and more social funding on issues related to women, children, and social protection (Yáñez-Pagans 2014, Duflo 2005, Drude, Hilal, Kalandadze and Kandawasvika-Nhundu, 2013). But there is no clear answer whether having more women in parliament will affect the policy choices, it is possible that the elected candidates to act according to their personal interest or party interest over that of the voters (Yáñez-Pagans 2014).

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To answer the questions, “why we need more women in parliament?” scholars have tried to analyze the difference in policy choices in municipalities that have elected women in comparison to those that have not by examining the investment in public goods (Esther Duflo (2003), education, health and environment protection over infrastructure (Patricia Yanez-Pagans (2014)), increase in women’s electoral participation and voter’s preference in the following election (Sonio Bhalotra, Irma Clot-Figueras and Laksmi Iyer’s (2017)) and the increase in girls education attainment (Beaman, Lori, Esther Duflo, Rohini Pande, and Petia Topalova (2012)). As mentioned above the flow of any policy development and outcome is unpredictable but these relations could to policy choices can gives a strong evidence of the impact of policy implementation at the grass-root level.

The foundation of academic work for debate around affirmative action in Nepal was laid by the different anthropological studies conducted during the nineties. During the nineties, Nepal opened its door in receiving foreign -aid cooperation from countries like the USA, UK, Norway, Japan, China, Australia etc. Given the strong censorship before the democracy, the reports by these development agencies and the anthropological studies are the bases to understand Nepali society at that time. In 2004 the Social Inclusion Research Fund

(SIRF)¹ was established by the initiation of the Royal Norwegian Embassy in Nepal, during that period multiple research was conducted on social inclusion in Nepal by students and researchers. But most of these studies were more focus on building the profile of different caste and ethnic groups. It was during the beginning of the twenty-first century with the Maoist led people's war at the peak that research by both international scholars and native scholars emerged on social inclusion and federalism.

One of the most significant report is by Lynn Bennett for world bank, based on the assessment of the Nepal Gender and Social Exclusion Assessment (GSEA), the paper highlights the diversity of Nepali society and the policy measures that need to be considered while designing a policy and addressing the existing "implementation gap" for more effective and inclusive society. The world Bank and DFID conducted the "Nepal Gender and Social Exclusion Assessment (GESA), as a resulted in Social Exclusion Action Programme (SEAP), a three years project.

The relation between having more women in parliament and its impact on their policy choices is not easy to established. Lynn Bennett in the report "Gender, Caste and Ethnic exclusion in Nepal; Following the Policy Process from Analysis to Action" examines the policy formulation in Nepal using the finding from GESA report. The report has a very comprehensive report that includes brief history and background of Nepal as well as the policy discourse in Nepal. The paper also includes key policy suggestions from the prospective of gender and social inclusion. Bennett in the paper argues, that policy outcomes are not easily predictable and that the successful policy is when there is behavioral change.

¹ <https://cdsatu.edu.np/completion-of-research-project/>

She also highlights the importance of understanding the different informal and social institutions that play major role in the negotiation of policy formulation.

Native scholars like Om Gurung, Mahendra Lawoti, Krishna Bhattachan, Krishna Hatechu have written extensively on the importance of social inclusion and federalism. The Central Department of Sociology and Anthropology (CDSA)², Tribhuwan University published two series of compilation of essays on the topic. But these studies were more from anthropological and sociological perspectives rather than a policy lens. The pattern of policy design or its impacts are not always predictable, especially on topics like social inclusion. The research so far has been advocating for affirmative action for more inclusive society but studies on the outcome or impact of these policies are very few especially as a qualitative study.

² The Central Department of Sociology and Anthropology has now separated into two different department since

Chapter 3: Case Study Nepal:

3.1. Background:

Women make up of 49.5 percent of world population but still are underrepresented in the government and other work forces. The gender gap between men and women is high not just in recruitment, participation and representation but also in remuneration. For many decade efforts have been made to bridge the gap and one of the most effective tools adopted by different countries are the gender quotas for women to increase their participation and representation in different professions. For a strong democracy equal representation of all of its population should be ensured in the political decision making. Having access to policy formulation and its implementation helps end the discrimination against marginalized groups and aim towards for equitable society. Having more women at the policy making level can lead to more women friendly policies and in ending any forms of discrimination against women at the same time creating platforms for women to raise their own issue and influence policies that directly affect their lives. In 2016 women's participation in parliamentary structure globally was 23.9 percent compare to 76.03 percent male³. In order to overcome this gap many countries adopted gender quotas, reformed and introduced policies that catered favorable environment for more women to join politics. The 1990's saw a great shift in countries aiming towards gender equality, 131 countries passed 247 legal reforms and increase in number of women leaders globally. This was also the time when Beijing Platform for Action (1995) and United Nations Security Resolution 1325 (2000) were introduced both advocated for women's role in political process and decision making. But now as of 2019,

³ <http://archive.ipu.org/parline-e/WomenInParliament.asp?REGION=All&typesearch=1&LANG=ENG>

according to the UN women data and Inter-Parliamentary Union (IPU) database, there are 10 head of states, 13 Heads of governments across 22 countries are women⁴.

Nepal is an interesting case for adopting gender quota to increase women's representation in the parliament and other government structures. The 2008 Constituent Assembly election in Nepal was historical in many ways. It was the first election after Nepal became a republic and the end of 240 years of monarchy rule. It was also the first constitution in Nepal drafted by the people's representatives. When the left powers were falling globally in Nepal the left political party especially the Communist Party Nepal-Maoist (CPN-Maoist) achieved a landslide victory during the 2008 CA election with 229 seats out of the total 601 seats. Most important achievement of this election was 33 percent of parliamentarian elected were women which is significant jump from 5.9 percent in 2005 (See Annex.1). Since then the percentage of women in the parliaments in Nepal have been consistence and currently Nepal has 32.7 percent women in lower house and 37.3 percent in the upper house and ranks 37th globally on percentage of women in parliament⁵. There are many factors that led to increase of women in the Parliament in Nepal, but what implications does it have in everyday lives of women in Nepal?

Scholars have argued that women parliamentarian's policy choices differ and are more women oriented compared to their male counterparts (Duflo, 2005, Yáñez-Pagans 2014 & Bhalotra et al. 2014), studies have also revealed that women parliamentarians act as role model for more women to pursue higher education and career in politics (Beaman et al.

⁴ <https://www.unwomen.org/en/digital-library/multimedia/2020/2/infographic-visualizing-the-data-womens-representation>

⁵ <http://archive.ipu.org/wmn-e/arc/classif010219.htm>

2012). In case of Nepal the first step of having large number of women in the parliament have been ensured which is guaranteed in law, backed by strong network of civil society organization and electoral system (Bennett, 2005 & Tamang, 2009). But the bigger question remains how have the lives of women in Nepal benefitted from increase in the number of women in parliament? Most of the studies in gender quota in Nepal have been focused more on advocating the need of reservation for women and other marginalized groups (Bennett, 2005, Middleton al et. 2008) but studies on the impact of gender quota beyond electoral representation have not been analyzed. It has been almost decade since the gender quota was implemented in Nepal now with the local elections being held after almost 15 years and locally elected governments in place opens up more avenues for women parliamentarians to influence and shape the lives of many Nepali women. This paper is divided into two parts, first part will look at process of adoption of gender quota in Nepal and the second part will look at its impact till the local elections in 2017. The study will be looking at the election results of the two Constituent Assembly elections was held on 2008 and 2013.

3.2. Political History of Nepal:

In the last 70 years Nepal has undergone many political changes. Although the political history of Nepal can be dated longer back in the region but it was only after 1950 that Nepal was open to the larger world⁶. Prior to 1950 Nepal only had political and trade relations with Tibet and India. Even today Nepal's political landscape is very much influenced by its two big neighbors. The modern Nepal was formed after Prithvi Narayan Shah unified the smaller

⁶ <https://www.bbc.com/news/world-south-asia-12499391>

kingdoms in 1769 and thus establishing the rule of Shah Dynasty in Nepal who ruled over Nepal for 240 years. Between 1986 to 1951 Nepal was under the autocratic rule of the Rana Regime until democracy was first established in 1951. In 1960, King Mahendra overtook the power and established the Panchayat system dissolving the parliaments and the first elected government body. The Panchayat system which lasted from 1960 to 1990 was based on self-governance system that gave the king absolute power and banned political parties. In 1990 democracy was re-established in Nepal putting an end to the Panchayat system and multi-party system was restored.

During the 1990's the Maoist started an armed insurgency that led the country into a decade long conflict. In 2006 the Comprehensive Peace Accord was signed between the government and the Maoist ended the armed conflict, ended the 240 years of Monarchy and Nepal became a Federal Democratic Republic. In addition to the internal political events Nepal is also geographically located between two power neighbors; China and India. Being a buffer state in between two emerging economic power house, Nepal's political and economic affairs are always influenced and closely watched by both the countries.

3.3. History of Affirmative action and GESI in Nepal

To understand affirmative action and gender quotas in Nepal it is important to look at it from the political history and socio-cultural aspect. Politically Nepal in the past three decades underwent a lot of political change including a big regime change and a decade long armed conflict. Secondly socio-culturally, Nepal is very diverse for a small nation both geographically as well as demographically. Nepal was the only Hindu Kingdom in the world until 2006 and had four caste groups, 59 indigenous groups, religious minority groups,

regional groups and sexual minorities. The group identity played key role traditionally in determining the social status of a person and his/her occupation. Gender norms were very strong with inheritance and decent through patriarchy. All these factors defined the Nepalese society which had to be reflected and considered while designing and adopting the policies for equal representation.

In Nepal the topic of social inclusion and gender equality took center stage only after the People's war⁷. Nepal was a Hindu kingdom and practiced caste system even though now it is a federal republic and caste-based discrimination is punishable by law the gap among the upper caste community versus the marginalize communities is huge. Affirmative action and reservation for marginalized groups⁸ like Dalits, Janjati, Madeshi, muslims and women were adopted to overcome the past inequality and to build more just and "New Nepal". The legal history of Nepal can be traced back to 750 BC but the codified law started from 1854 AD with the Muluki ain or the country code. Prior to 1854 the legal system in Nepal was uncoded and heavily based on religious and philosophical scripts with the king or the ruler as the ultimate source of justice (Joshi & Katuwal, 2014, pp:64). Being based on religious beliefs the Muluki ain was favorable of upper castes and patriarchy. The interim constitution 2007 is considered important document that laid the foundation for the adoption of affirmative action and ensuring representation of marginalized groups like; Dalits, indigenous groups, Madeshis, Muslim and women. In 2005 World Bank and Department of International Development (DFID) jointly collaborated with the National Planning Commission for the

⁷ "People's war" is referred to the period of 1995 to 2006 of armed conflict led by the then rebel Maoist party who are current part of the government as a part of the left alliance.

⁸ Dalits are groups that are lowest in the caste system and are considered untouchables by the upper castes. Janajati is a term used for ethnic groups in Nepal. Madeshi are group from southern low-lands that share border to India and are linguistically and culturally closer to India.

“Nepal Gender and Social Exclusion Assessment (GSEA)”. The report examined three interlocking institutions that determined individual groups access to assets, capabilities and voice based on gender caste and ethnicity. The GSEA findings and reports became the foundation for many research and development projects that followed in Nepal for the study for gender and ethnic studies.

In 2005, 85 laws and 137 legal provisions in Nepal’s legal system were identified as discriminatory towards women. The interim constitution (2007) Article 63 (5) guarantees one third of total number nominated be women. Furthermore, Article 142 (3) (c) directs the political parties for compulsory representation of women in executive posts as a mandatory requirement for contesting in the elections. Prior to 2008, the 1991 Constitution, Article 114 reserved three seats in the upper house for women and five percent in the lower house of parliament. In the new Constitution, Article 86 on “*Composition of National Assembly and term of office of its member*” states:

Article 86(2)(a) “Fifty six elected members consisting of at least three women one Dalit and one from person with disabilities or minorities, from each state by an electoral college composed of members of the State Assembly, chairperson and vice-chairperson of the Village Bodies, and Mayor and Deputy-Mayor of Municipalities, with different weightage of vote by members of the State Assembly, chairperson and vice-chairperson of the village bodies and Mayor and Deputy Mayor of the Municipalities as provided in the Federal law”

Similarly, Article 38 (4) (5) states women to have rights to participate in all bodies of the state on the basis of principle of proportional inclusion and to have rights to obtain special

opportunity in education, health, employment and social security on the basis of positive discrimination. Many of these legal provisions took place after there was a political regime

3.4. History of Gender electoral quota in Nepal

Nepal has a mixed electoral system and inclusion quotas (See Annex-2) to form its federal parliament. The current federal parliaments of Nepal consist of National Assembly (Upper House) and House of Representatives (Lower House) and total 334 members, 275 members in the House of Representatives and 59 members in National Assembly⁹. The Sixty percent of the parliament. Forty percent of the provincial and federal representatives are elected through the Proportional Presentation (PR) from the closed party list and remaining sixty percent directly elected via First Past the Post (FPTP)¹⁰. The Article 83 and 84 of the Constitution has provision about the Federal Parliament and House of Representative respectively.

This paper will be looking at the Constituent Assembly elections of 2008 and 2013, which was based on the provisions laid by the Interim Constitution (2007) Article 63 and the “Election to the Members of the Constitution Assemble Act, 2064 (2007). The Constituent Assembly comprised of total 604 members; 240 members from FPTP, 335 from PR and 26 members nominated by the council of ministers on the basis of reputation and significant contribution in national life¹¹. The Interim Constitution Article 63 (4) & (5) has provision for proportional representation of women, Dalits, Oppressed communities/ indigenous people,

⁹ <https://nepal.ec-undp-electoralassistance.org/wp-content/uploads/sites/16/2018/12/ec-undp-jtf-nepal-resources-publications-electoral-provisions-in-constitution.pdf>

¹⁰ <https://www.ifes.org/news/year-elections-nepal-implementing-federal-and-inclusive-constitution>

¹¹ <http://www.lawcommission.gov.np/en/wp-content/uploads/2018/10/election-to-the-members-of-constituent-assembly-act-2064-2007.pdf>

backward religions, Madhesi and other class as provided by law that the political parties have to consider the principle of inclusiveness while selection of the candidate. The Chapter 2 of Election to the Members of the Constitution Assembly Act, 2064 (2007) specifies that there must be at least one-third women candidate of the total number of candidates filed under the PR. In the parties failed to meet one-third women candidates for the elections, the parties automatically meet the number are not allowed to participate in the elections.

Chapter 4: Impact of affirmative action/Gender quota

4.1. Direct Impact of gender quota- Parliament

The 2008 CA elections were held after nine years since the last general elections in 1999, it was the first elections after the decade long armed conflict. The local elections took even longer, it wasn't until the new constitution was promulgated and local elections were held in three phases in 2017. The 2008 CA elections showed the immediate impact of the electoral quotas with 33.3 percent of women in the parliament which is huge leap from 16 percent in 2005. The second CA elections that took place in 2014 after the political parties failed come to consensus to promulgate the constitution and the first CA was dissolved in May 2012¹².

Table 1 Gender wise data of Candidates contested versus elected through FPTP

	Election Year									
	1999			2008			2013			
	Men	Women	Total	Men	Women	Total	Men	Women	Third Gender	Total
Candidates	2095	143	2238	3577	369	3946	5458	667	1	5886
Elected	193	12	205	209	30	239	230	10	0	240

Source: IDEA International, 2011/ Didi Bahini (2008) *Rajnitima Mahila Sahabhagiya*. (3rd Revised Edition)

Kathmandu: Didi Bahini and UNIFRM, p.10/ Election Commission Nepal election results database.

¹² <https://www.bbc.com/news/world-asia-18196179>

4.1.1. 2008 Constituent Assembly Elections:

The first CA elections took place on 10 April 2008, as a result 30 women were directly elected through FPTP, 161 through PR and six women were nominated by the cabinet. The result of the 2008 CA elections was celebrated by women in Nepal as well as internationally, it also received well by the international communities. It was the first time in Nepal, women from Janjati, Madhesi, Muslim and other marginalized groups were represented in the parliaments (Table.3). The Maoist had the largest number of women from their party representing in the parliaments with 79 in total and 24 women elected through FPTP which is far more than Nepali congress who had the second highest number of women parliamentarian but only two out of 39 members were elected from FPTP (Idea International, 2011, Table.11. pp. 68). The 2008 CA election followed right after the end of the armed conflict and the abolition of the monarchy, it was the period of major political transition for Nepal. The CA elections following by the constitution drafting process was an important step to draft a constitution that is inclusive and well represented of the people in Nepal. Different working committees were formed for the constitution writing process and women were represented in all the committees (Table.2).

Table 2 Women in the committee of Constituent Assembly

S.No	Committee of CA	Number of Women
1	Constitutional Committee	16
2	Committee on Fundamental Rights and Directive Principles	15
3	Committee on Protection on the Rights of Minority and Marginalized Communities	17
4	Committee on State Restructuring and Distributional of State Power	12
5	Committee for Determining the Structure of Legislative Bodies	11
6	Committee for Determining the Form of the Government of State	12
7	Judicial System Committee	16
8	Committee for Determining the Structure of Constitutional Bodies	15
9	Committee on natural Resources, Financial Rights & Revenue Sharing	7
10	Committee for Determining the Base of Cultural and Social Solidarity	19
11	National Interest Preservation Committee	9
12	Civic Relations Committee	15
13	Public View Collection and Coordination Committee	14
14	Capacity Building & Resource Management Committee	18

Source: *Women Members of the Constituent Assembly: A Study on Contribution of Women in Constitution*

Making in Nepal.” (2011). Pp.62

The political environment during the 2008 CA elections was very charged up and dominated by the agenda of federalism and social inclusion. The armed conflict that ended in 2006 after the Comprehensive Peace Agreement (CPA) was signed between the Maoist and the Seven Party Alliance¹³ with the primary agenda of state restructuring and constitution writing. The CPN-Maoist had an upper hand having the maximum number of seats in the parliament and their political agenda since the people's war of social transformation. The CPN-Maoists have come forward very strong as the need of gender equality for social and political transformation of the society. Following the 2008 election women's caucus was registered with the CA, which comprises of the women parliament member and the caucus raised issues and lobbied in the parliament policies related to women.

Table 3 Caste/ Ethnicity of Women Constituent Assembly Members (2008)

S.No	Caste/Ethnicity	Percentage
1	Janajati	35.7 %
2	Brahmin	22.4%
3	Madeshi	15.8%
4	Dalit	10.7%
5	Chettri	10&
6	Muslim	2.6%
7	Others	2%

Source: *Women Members of the Constituent Assembly: A Study on Contribution of Women in Constitution Making in Nepal.* (2011). Pp.63

¹³ <http://archive.nepalitimes.com/news.php?id=9190#.X0wZtGczbOQ>

2013 Constituent Assembly Election:

The 2013 CA elections saw less women elected through the FPTF, compared to 2008 only 10 women were elected through FPTF. The Nepali Congress won majority of votes in the 2013 elections with six out of the ten elected members representing the Nepali Congress. The High-Level Political Committee (HLPC) which was formed after the first CA dissolved and comprises of leaders from four major political parties, announced in March 2013 to reduce the seats for the 2014 CA elections from 601 to 491¹⁴. This decision reduced the PR seats from 335 to 240 and nomination by the cabinet to 11 from 26. Because of this the percentage of women on the second CA elections reduced to 29.5 percent. Compared to the first CA election, the Maoist has struggle with the split within the party just before the election in 2012 and the issue of federalism which was the deal breaker for the CPN-Maoist led to the lack of consensus between the parties and ultimately dissolving of the first CA (Jha, 2012). During the 2013 CA election out of the ten constituency where women were elected through the FPTF three constituency of Kaski, Udaypur and Dang re-elected women.

Table 4 Composition of the 2008 & 2013 Constituent Assembly

Year	2008			2013		
	Total	Men	Women	Total	Men	Women
FPTF	240	210	30	240	230	10
PR	335	174	161	240	74	166

¹⁴ <https://www.ndi.org/nepal-women-fight-to-maintain-seats-in-parliament>

Nomination	26	20	6	11	11	0
Total	601	404	197	491	315	176

Source: Election Commission Nepal

Backdrop of Social movement:

The People's war definitely stirred things up for social transformation in Nepal. The dominant Hindu beliefs and caste system definitely gave a certain population of people to discriminate against others based on his/her caste. Nepal which is home to many ethnic and indigenous population only recognized Nepali as the official language and celebrated only certain Hindu festivals as its national festivals. Women were strictly bonded by traditional gender norms; the citizenship rights and inheritance rights were favorable and in support of the men. All these factors pile up to the injustice and social discrimination and the Maoist challenging this status quo became a strong basis for many members of these community to join the Maoist during the people's war. Many women saw this as an opportunity to challenge the existing societal norm and escape from the gender-based oppression of domestic violence, stigma against widowhood, polygamy, forced and early marriage (Goswami, 2015, pp. 4).

After the royal massacre in 2001 which killed the entire family of then King Birendra and his younger brother the last Shah rule Gyanendra became the king¹⁵. Nepal enter into political limbo with the Maoist controlling most part of the rural Nepal and in the capital the king dissolving the government and took seized the power¹⁶. This led to the Maoist and the seven major political parties joining hands and from 6th to 24th April of 2006 staged a mass

¹⁵ <https://nepalitimes.atavist.com/three-kings-in-four-days-nepal-massacre>

¹⁶ <https://www.theguardian.com/world/2005/feb/02/nepal>

protest against the royal takeover, it is also called “the nineteen days of mass revolution”. Following this event on 14th April there was pressure from the international community, Secretary General Kofi Annan released a statement urging the King not to deteriorate the situation further. On 19th April special envoy from India, Karan Singh arrived in Kathmandu. The presence of international donor agencies and human rights organizations were already present in Kathmandu that were playing active role in getting the situation under control and push for democracy. The political shift with these socio-political turnovers in the background gave an avenue for state restructuring, drafting new policies and establishing new institutions and structure ensure its effective implementation. It was the perfect combination of political opportunities for regime change as well as peace and democracy, involvement of both formal and informal organizations collectively engaging in the process of social and political transformation.

The role of the international community and Treaties:

There is a huge presence of the international community in Nepal. A large portion of Nepal’s budget is foreign aid, it was reported that \$1.62 billions of Nepal’s budget in fiscal year of 2019 was foreign aid¹⁷. Not just multilateral organizations like the World bank and the Asian Development bank but Nepal has bilateral financial support from neighboring countries like China and India. In 2005 the Office of the High Commission for Human Rights (OHCHR-Nepal) was established in Nepal after an agreement with the government of Nepal¹⁸. After the CPA was signed the UN was given the role of and the United Nations Mission in Nepal (UNMIN) was established. The UNMIN’s work mandate was to monitor

¹⁷ <https://kathmandupost.com/money/2019/01/17/foreign-aid-disbursement-up-16pc>

¹⁸ <https://www.ohchr.org/EN/Countries/AsiaRegion/Pages/NPSummary.aspx>

the commitment of the peace agreements regarding the army integration and weapon disarmaments and in assisting the electoral process and Constitution drafting.

One of the spillover effects of having more women in the parliament definitely boosted the moral of many women in Nepal. The backdrop of the armed conflict when the Maoist had already laid the seeds gender transformation and successfully portrait women as strong combatants, the adoption of gender quota and the election results only made were signs of better days for women in Nepal. The role and existence of different international development agencies and donors along with Non-Governmental Organization (NGO) in Nepal also played important role in increasing the political empowerment of women in Nepal¹⁹. Nepal became the signatory and ratified the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) in 1991²⁰. The 1990 was also the period when foreign aid assistance was channeled into civil society and the NGOs in Nepal was becoming important development and political agencies, especially during the armed conflict the NGOs in Nepal began to take more political responsibilities (Tamang, 2009, pp. 69-69). The Eight five-year plan (1997-2002) and the Ninth five-year plan (1997-2002) emphasized on increasing women's participation in public sector by allocating 20 percent reservation for women. The Tenth five-year plan was the first time "social inclusion" was regarded as one off the pillar for poverty reduction and issue of women and marginalized communities were at the center of the development agenda (Baniya et al. 2017, pp. 13).

In 2000, Nepal adopted UN Security Council Resolution (UNSCR) 1325 to increase women's participation in peacebuilding and secure protection of women from human rights

¹⁹ In 2016 260 I/NGOs were working in Nepal. <http://www.swc.org.np/wp-content/uploads/2017/06/INGO-brief-information2073.pdf>

²⁰ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN

violation from both state and insurgent parties. The violence from both the state and the Maoist and the issue of women combatants and child soldiers were raised a lot by international media and human rights organizations. In 2008 Nepal also adopted the UN Security Council Resolution 1820 which reinforces UNSCR 1325 and demands parties to armed conflict to take appropriate measures to protect civilian from sexual violence, including training troops and enforcing disciplinary measures. Since 2006 Nepal has ratified the five international treaties (Table.5) and most important was the Optional Protocol to CEDAW²¹, which established complaint and inquiry mechanism related to discrimination and violation against women.

Table 5 International Treaties Ratified after 2006

International Treaties	Date of Ratification
Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed Conflict	2 Jan 2007
Optional Protocol to the Convention on the Rights of the Child on the Sales of Child Prostitution and Child Pornography	20 Jan 2006
Convention on the Rights of Person with Disabilities	7 May 2010
Optional protocol to the Convention on Elimination of All Forms of Discrimination Against Women	15 June 2007
Optional Protocol to the Convention on the Rights of Person with Disabilities	7 May 2010

Source: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=122&Lang=EN

²¹ <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCEDAW.aspx>

NGO, Civil Society Network and Alliances:

Following the 2008 CA elections the women caucus was formed in the parliament. Other alliances formed for women's political participation were the Inter-party women's Alliance (IPWA, 2005), Women's Alliance for Peace, Power, Democracy and Constituent Assembly (WAPPDCA, 2006). These women networks were key in harmonizing the women related agendas to discuss in the parliament at the same time, also building the capacity of women parliamentarians. Because the politics in Nepal was so male dominated for many women parliamentarian it was the first their first time in politics without prior experience. For some of the members especially representing the marginalized community, had lower education and economic status, in such cases women alliances played key role in acting as a moderator between the members to united for women's issue overcoming the party divide at the same time build a comradery.

The nature of NGOs post- 1990 have emerged as an important development and political organization. The new democratic setting opened up avenues for flow of foreign aid and consequently emerging of NGOs in Nepal and regarded as "development laboratory" (Action Aid, 2015, pp. 20) and "third wave of democratization" (Tamang, 2009 pp. 69). The nature of NGO work in Nepal initially started off as delivery of service especially during the conflict but begun to be more political. The NGOs and the development organizations working in Nepal have contributed a lot in raising the awareness of the general public and contributes largely to the development budget, but the NGO led movements sometimes accused of carrying donor agenda due to the funding dependency and time-bonded projects.

Political Parties:

The Election Commission of Nepal made it mandatory for the for women's representation at all level of political party as one of the preconditions to register to contest in the election. In 2005 women constituted less than 10 percent of the central committee members of the major political parties. Political parties were crucial in selection of the candidates as well as passing any policies proposed in the parliament. Women parliamentarians are always in a dilemma between political party whip versus women's agenda. The candidacy nomination, selection of constituency, financial support during the election and campaigning, in all of these factors the role of political parties is important. Most of the time men candidates contest from the pocket areas of the party where they have strong vote banks and women candidates are given weaker constituencies, in some cases women who have won in the 2008 elections are not even given tickets by the party in the 2013 CA elections (Dhakal, 2015, pp. 43-44).

4.2. Impact of Gender Quota Beyond the Parliament:

Political Participation:

After the constitution mandate the reservation for women and other marginalized communities were adopted by other government bodies from village level forest committees to seats for the public service. Selection of Ambassadors to National Human Rights Commission, the social inclusion and gender balance became one of the main criteria. In the 2017 federal and provincial election seats were reserved by the Local Level Election Act, where out of 33,420 elected ward members 13,368 will be women and out of that 6684 must

be Dalit²². One of the immediate outcomes that we saw was the increase in the membership of women in the political parties and its central committee. As explained in Table 6, the number of women increased from ten percent in 2005. However, the minimum mandate for the women's reservation in political is not as well defined as for the parliament.

Table 6 Representation of women in the central committee of Political parties

Party	Total	Female	%
Nepali Congress	80	17	21.789
Communist Party of Nepal- Unified Marxist Leninist (CPN_UML)	116	21	13.10
Unified Communist Party of Nepal- Maoist (UCPN-M)	236	31	13.95
Madheshi Parties (Cumulative)	97	15	10-15

Source: IDEA International/ Nepal Law Society, 2015

The political party are the starting point or gateway to enter politics. If are the not enough women who are in the political party or even in a significant position to be able to be nominated to contest the election, the shortage on the supply side could lead to gap in delivering the desired outcomes. The data on number of political party membership is not as organized and easily available to measure the increased of women membership and the representation of women at the central committee of the political parties. Based on the reports of IDEA International, Elections Commission of Nepal and the Electoral Atlas of UNDP, we can assume that due to the constitution mandate there has been increase in the number but

²² https://www.ifes.org/sites/default/files/2017_ifes_nepal_local_elections_faqs.pdf

lack stronger evidence to claim that the increase in directly elected women is the main causal link, it could be the other way around.

Education:

The Hypothesis-2 of the research was to analyze of the district with directly elected women parliamentarian will have higher education and political participation of women. Table 7 represents the data of eight districts where women was election during the 2013 CA elections. Only two districts Dang and Kaski have two women members elected while the rest elected one each. The District wise literacy rate during the 2001 census shows that the highest literacy rate was 13.95 percent of Mahottari district followed by Bara with 11.17 percent and Rolpa had the lowest of 2.4 percent. One of the explanations of Rolpa's lowest rate could be it was one of the most affected districts with strong hold of the Maoist during the armed conflict.

Table 7 Literacy rate (2001 & 2013) of District that elected women through FPTP in 2013

S.No	District	No of women elected	Literacy Rate 2001	District Literacy rate 2013	Literacy rate of female 2013
1	Baglung	1	8	71.9	65.3
2	Bara	1	11.17	52.1	46.7
3	Dang	2	4.73	70.3	62.8
4	Kaski	2	9.42	82.4	75.4
5	Rolpa	1	2.4	60	50.5

6	Mahottari	1	13.95	46.4	36.6
7	Siraja	1	8.52	50.21	39.2
8	Udaypur	1	8.5		61.5

Source: Census 2011/Census 2001/ Open Data Nepal

In comparison the district literacy rate in 2013 has significantly increased over the decades. Just the female literacy rate is higher than the total literacy rate in 2001. Interestingly, the literacy rate of Mahottari which was the highest during 2001 is the lowest in 2013 and Rolpa has higher literacy rate than three of the other districts where women were elected. In 2013, constituent 2 of Udaypur, constituent 4 of Kaski and constituent 2 of Dang district have reelected women through FPTP (See Annex 3 & 4). There has been significant increase in the literacy rate in all eight districts but to solely credit the election of women lacks stronger evidence. The 2011 census was conducted after the armed conflict ended and efforts on reconstruction and human development was on priority of the government. However, it was also time when there were large number of women in the parliaments and contesting elections which could cater to role model for girls to pursue education and career in politics.

Comparing the mean number of votes per candidate the data of the 2013 elections revealed that only 968 number of votes has been casted per woman candidate compared to 1539 votes per man candidate (See Table 8). The independent t-test between men and women was found to be statistically significant at $p < 0.001$. This shows that women are bound to get less votes while contesting against their men counterpart by almost 36 percent. This also indicates that voter's preference for men candidate is higher given that they are more known face and active in politics. This data is from the second CA election, after women

parliamentarians had been in the office for five years, still if the preference is high on male candidate, this indicates that without the quota women have very less chance of being represented in the parliament and have access to policy making process.

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
TOTALVOTE	Equal variances assumed	46.036	.000	3.922	6123	.000	570.849	145.540	285.539	856.159
	Equal variances not assumed			5.077	1014.705	.000	570.849	112.448	350.192	791.506

Table 8 Independent Sample t-Test of voter's preference (2013)

4.3. Limitations:

One of the big limitations in studying the impact of electoral quota at the grassroots level and beyond the numerical representation in the parliaments is the availability and uniformity of the data. Although it has been almost ten years since the gender quota was implemented the local elections was not held until 2017. During the same period there were frequent change in the government, new structures and bodies were formed and some old ones dissolved. Many data from this transition period are missing as no one held accountability of it, for instance the Elections Commission of Nepal's old website with all the data of the CA elections have been replaced by a new website that only has data from 2017 onwards. Most of the data that are available and well-structured are from 2008 onwards which makes it hard to analyze and compare before that period. Another limitation in seeking the causal linkage between constituency that elected women and that didn't is, the census and DHS data are district or ecological zone wise, whereas the electoral constituencies comprises of number of wards within the districts. But without this clear data set any causal claim is weak.

Due to the constitutional mandate the number of women in parliament will not go beyond 33 percent it is guaranteed. The role of the parliaments is limited to policy formulation, but the implementation is done at the grassroots. Now with locally elected government bodies are in place, further study should be done to see the impact at the grassroots level. Now with provincial and federal structures in place the decision-making process should also be decentralized and analyzed at the local level. When the decision for resource allocation and public investments are made at the local level the preferences changes compared to national level decision making. Reservations have causal shift in the allocation

of public goods depending on the preferences expressed by the member of the groups who benefit from the quota (Duflo, 2005, pp.671).

With the Constitution in place, stable government for five consequent year and local governing bodies in place, the impact of the gender quota at the local level can also be studies by the policy preference of the women representatives at the village level.

The quota for women in Nepal has been successful in achieving increasing the number of women's representation in the parliament, but almost for ten years since its implementation the number of women has not exceeded the 33 percent. The delay in holding local level elections further added to the political instability. The gender quota for women is a stepping stone for women to get access to the policy making table but that alone doesn't ensure that the decision taken will be in favor for women and the participation of women is more than just a token representation. To make the gender quota more effective in Nepal following some policy recommendations:

1. Minimum representation of women in political parties: The current mandate of the Election Commission of Nepal holds the mandate that political parties should ensure proportional representation of women and other marginalized groups while submitting the candidates for the election. In order to meet the number many political parties have increased their number of memberships for women, this could be interpreted different by different political parties. It would also hold the risk of approaching women members only during the election time and use them to fill the require number. In order to ensure women are equally empowered within their party and not depend on the goodwill of their male counterpart of the leader, there should be minimum threshold on women represented at different levels of political parties for it to qualify to contest in the elections.
2. Women candidate only reservation at specific constituencies on rotation basis: The current mandate for women at the municipality and village committee states that either Mayor or Deputy Mayor should be women. It is most likely that women will be

elected in Mayor position let alone both being women. To make sure that women are at the elected as the head of a municipality or a village ward, and that every village or municipality gets a women head, there should be reservation where only women can compete with each other. The reservation of women only constituencies should be selected on rotation basis and similar policy could be implemented for other marginalized groups (Dalit, Janajati, religious minority etc.) like they India has done with its Gram Panchayat elections (Chattopadhaya & Duflo, 2004)

3. Stronger implementation of election budget: The Election Commission of Nepal has a threshold on the amount of money a candidate can spend on the election campaign, but this should be strictly implemented as elections in Nepal depend on “man, money and muscles”. The showcase of money and strength could affect the women candidates who are new in the political scene firstly, chances are that it could influence the voters second it affects the confidence and moral of opponents. Strict implementation of election campaign budget monitoring and if found guilty suspension and further action should be taken to the concern candidate.

Apart from the policy side there are other barriers that are problematic in the current context:

- following the pattern of in the parliament, there are higher risks that the quotas could act as a threshold for women in the parliament. Only time will tell if the quota for women in the parliament is 33 percent for women or 67 percent for men
- The impact on the grass-roots level is hard to analyze yet as the local election just took place and it will take some years to see the impact or outcomes of women in leadership

- Many women who are member of the parliament now are new in the political field and are there due to the quota and party. It will be hard for women members to overcome party whip over issues of women, especially in terms of inheritance and citizenship which are most controversial bill at the moment
- Women need to build stronger political profile and their pocket area in order to negotiate within their party. Many male politicians and party have pocket areas where they have a strong hold and voter bank.
- One of the drawbacks of the gender quota and women movement is, it is regarding as one unit. Nepal is a culturally and ethnically diverse group but the quota reserved are for women and there are other quotas reserved for other marginalized groups like Dalit, Janajati, Madeshi, and Muslim. If within the quota reserved for women it is not spelled out that certain number of representations from women of other groups should also be represented, this could lead to underrepresentation of women within women in the parliament.
- A strong data management and documentation is important for generating evidence. Without proper data and evidence, it will be hard to show the progress or even identify the gaps in the implementation. Documentation and digitalization both are important now that decentralized of state.

To conclude, the gender quota is an important and effective tool that has no doubt increased the political representation of women in the parliament in Nepal but there is lack of stronger evidence to show the causal relation between gender quota and the changes in lives of women in Nepal. In order to achieve the desire outcome of really changing the lives of women through reservation, firstly, there should be more women in politics to overcome the gap in the supply side of the equation. Secondly,

strong evidence needs to be produced in order to see if decisions made by the women leaders are improving the lives of the women or only benefitting the party. Now that local elections have taken place and women are in the offices at the local level, this is a good opportunity for women leaders to establish themselves as good leader and strong political candidate. Social transformation is gradual, the choices and decisions made by the women leaders at the local level will test in time if quotas are effective in overcoming the discrimination and improving the lives of socially excluded groups.

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Annex

Annex.1 This statistic shows the proportion of seats held by women in national parliaments in Nepal from 2005 to 2017

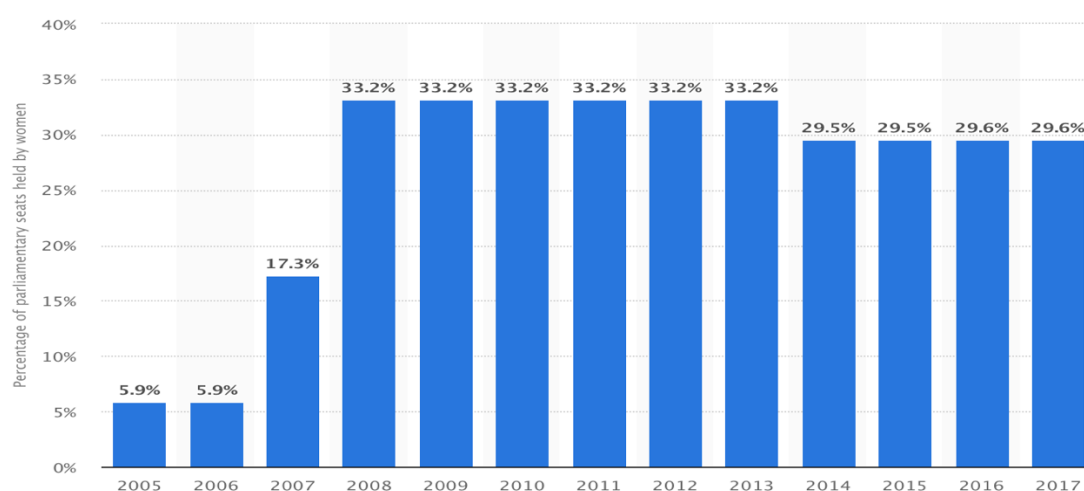


Figure. 1: This statistic shows the proportion of seats held by women in national parliaments in Nepal from 2005 to 2017. In 2017, the female representation in national parliament in Nepal consisted of 29.6 percentage of available seats, up from about 5.9 percentage in 2005

Source: <https://www.statista.com/statistics/730577/nepal-proportion-of-seats-held-by-women-in-national-parliament/>

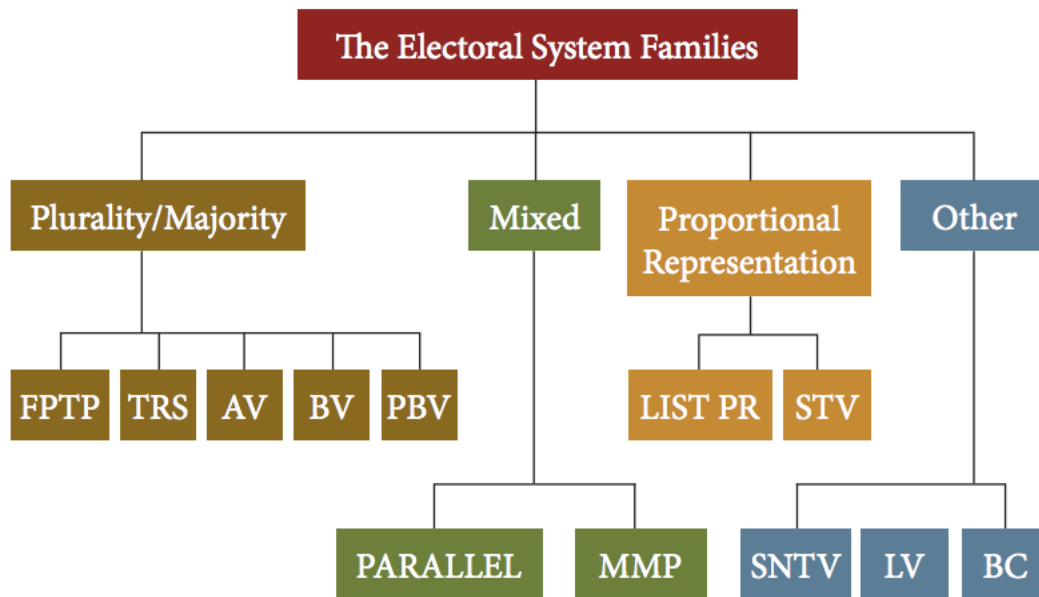


Table 9 List of women elected from FPTP in 2008

Age	Name	Constituency	District	Party
35	Dharma Sila Chapagain	4	Jhapa	Communist Party of Nepal (Maoists)
28	Samita Karki	2	Khotang	Communist Party of Nepal (Maoists)
28	Mani Khambu Kirati	2	Udaypur	Communist Party of Nepal (Maoists)
39	Renu Kumari Yadav	4	Saptari	Madhesi People's Rights Forum, Nepal
28	Devi Khadka	1	Dolakha	Communist Party of Nepal (Maoists)
38	Neer Kumari Kunwar	3	Sindhuli	Communist Party of Nepal (Maoists)
53	Ram Kumari Devi Yadav	6	Dhanusha	Communist Party of Nepal (Maoists)
	Sumitra Devi Raya			
47	Yadav	3	Sarlahi	Tarai Madhes Loktantrik Party
33	Kalpana Dhamala	2	Dhading	Communist Party of Nepal (Maoists)
28	Bimala Subedi	1	Nuwakot	Communist Party of Nepal (Maoists)
66	Suprabha Ghimire	4	Kathmandu	Nepali Congress
48	Hisila Yami (Bhattarai)	7	Kathmandu	Communist Party of Nepal (Maoists)
45	Pampha Bhushal	3	Lalitpur	Communist Party of Nepal (Maoists)
28	Kumari Moktan	4	Makwanpur	Communist Party of Nepal (Maoists)
32	Karima Begam	1	Parsa	Madhesi People's Rights Forum, Nepal
29	Parbati Thapa Shrestha	1	Gorkha	Communist Party of Nepal (Maoists)
26	Durga Kumari B.K	4	Kaski	Communist Party of Nepal (Maoists)
	Mrs. Lila Kumari Bagale			
32	Somai	2	Palpa	Communist Party of Nepal (Maoists)
46	Puspa Bhusal	2	Arghakhanchi	Nepali Congress
30	Sita Devi Boudel	3	Nawalparasi	Communist Party of Nepal (Maoists)
30	Jun Kumari Roka (Oli)	1	Rukum	Communist Party of Nepal (Maoists)
34	Jaypuri Gharti	1	Rolpa	Communist Party of Nepal (Maoists)
36	Dama Kumari Sharma	2	Dang	Communist Party of Nepal (Maoists)
41	Sushma Sharma Ghimire	5	Dang	Communist Party of Nepal (Maoists)
45	Kamala Sharma	1	Surkhet	Communist Party of Nepal (UML)
48	Purna Kumari Subedi	4	Banke	Communist Party of Nepal (Maoists)
38	Sarala Regmi	1	Bardiya	Communist Party of Nepal (Maoists)
29	Rupa So.Si. Chaudhari	1	Kailali	Communist Party of Nepal (Maoists)
31	Lila Kumari Bhandari	6	Kailali	Communist Party of Nepal (Maoists)
27	Renu Chand (Bhatt)	2	Baitadi	Communist Party of Nepal (Maoists)

Table 10 List of women elected from FPTP in 2013

Name	party	District	Constituency
Manju Kumari Chaudhary	Communist Party of Nepal (UML)	Udaypur	2
Sita Devi Yadav	Nepali Congress	Siraha	2
Kiran Yadav	Nepali Congress	Mahotari	2
Nazma Khatum	Communist Party of Nepal (UML)	Bara	4
Sharda Paudel	Nepali Congress	Kaski	2
Sita Giri (Oli)	Communist Party of Nepal (UML)	kaski	4
Gyan Kumari Chyantel	Nepali Congress	Baglung	3
Ansari Gharti	Communist Party of Nepal (Maoist)	Rolpa	2
Parbati D.C Chaudhary	Nepali Congress	Dang	1
Sushila Chaudhary	Nepali Congress	Dang	2

Thesis Report

Title: Impact of Affirmative Action: A case of women in parliament in Nepal

Submitted By: Reena Burathoki

Mundus MAPP
2018-2020

Introduction:

Policy reform is an important part of social change. A policy is successful only if the written words are executed effectively in action. A successful policy, not only address the written formal rules and procedures guaranteed by law but also informal institutions based on deep rooted values and norms that stands between the policy and its implementation (Bennett, 2005). Every policy is in place with certain objective and targeted for a certain group of people. The process of policy development is not a linear process, it is contingent and its outcome are not always easily predictable. A policy formulation is very relative and specific to any given time and situation. Both formal and informal actors, institutions and events could lead to any policy formulation or it's amendments.

Affirmative action is a policy tool to ensure that a group or groups that have been historically marginalized and excluded be given equal opportunity in redistribution and representation in the power structure of the state. It is not a blanket approach but targeted for specific groups and section of society who have been oppressed for generations and needs special provisions and consideration to be equal players in the state structure. Affirmative action has been in at the center of political debate and discourse in Nepal since the early twentieth century. The Maoist began the insurgency and waged a decade long armed conflict across the country. The central theme of their movement was "Gender Equity and Social Inclusion" (GESI), which is also one of the reason why many of their cadets comprised of members of Dalits and indigenous community and also women. The Maoist were the first to recruit women in their People's Liberation Army (PLA). Post the ceasefire and the signing of the Comprehensive Peace Agreement (CPA) in November 2006 and during the constitution drafting process gender equity and social inclusion was the most discussed topic along with federalism and

restructuring of the state. As a result, the Interim Constitution 2007 was drafted and was considered to be the most progressive and inclusive constitution in history of Nepal.

The interim constitution stated mandatory representation of members from the marginalized groups like; Dalits, indigenous groups, Madeshis, Muslim and women. Women were given one third reservation in all level of state structure. Since then Nepal's parliament has maintained 33 percent of women parliamentarian, had the first women speaker of the Parliament, highest number of women ministers in history of Nepal, first women chief justice and still have a women president. In a country like Nepal, which is deeply rooted in its Hindu religious values and patriarchy, women leaving the boundaries of household and leading the government, was a huge leap. Almost a decade after the implementation of reservation for women, the number of women in parliaments has increased significantly from 5 percent to 33.3 percent since the implementation of this policy. But how has having a large number of women in the parliament made any difference in lives of Nepali women in general? Nepal has more female population than male and the number of female headed households are increasing. In 2005, 85 laws and 137 legal provisions were regarded as discriminatory towards women. Even at present Nepali women are fighting for more women friendly citizenship bill and equal inheritance rights. Has the shift from 5 percent to 33.3 percent in the parliaments made any shift in the development of women in genera? The argument that researchers make is that women parliaments tend to promote issues of civil rights, social equality and women's rights such as equal pay, health care, family policy and violence against women and women leadership in government matters especially in public health as it determines "who gets what, when and how" (Ng, Edwin and Muntaner, Carles 2019). This paper attempts to study the impact affirmative action in Nepal looking into the 33 percent reservation for women in the parliament. It will look at impact from political level looking at

the representation and political participation of women in government at the same time study the impact at grassroot level comparing the development of women and girls in districts that has elected women and that have not.

Research Question:

Has the constitutional provision for women's representation in parliament transferred into practical protection for women in Nepal?

Has having more women parliament effect the health, education and political participation of women in their elected district?

Theoretical Framework:

Gender quota on electoral system is being adopted by many countries to promote women's political participation and representation. According to the Atlas for Electoral Gender Quota database jointly developed by Institute for Development and Electoral Assistance (IDEA) International, Stockholm University and Inter-parliamentary Union (IPU), 85 countries and territories/special areas have mandatory legislation at national and sub-national level for implementation of gender quota. According to the IPU data on women in parliament, 21 percent of worldwide parliamentarian was women in 2013, compared to 15 and 13 percent in 2003 and 1998 respectively. 37 countries have 30 percent women in their lower house and 72 countries have 15 percent in lower houses and the Nordic countries have the highest average of women parliamentarian region wise.

Gender quotas regulate political parties' action, as the "gatekeeper" to promote opportunities for political leadership for all citizens (Dhalerup 2006). Gender quotas are considered the

most effective tool for “fast-tracking” increase in number of women in government bodies and is drawn from the theory that the impact of having more women in the parliament will result in more removing structural, institutional and social barriers and promote gender equality (Drude, Hilal, Kalandadze and Kandawasvika-Nhundu, 2013). Gender electoral quotas are also considered effective policy tool to increase the number of women in politics, because without special reservation for women it would take long time to overcome the gender gap in parliament across the globe. Research have shown that having more women in parliament will result in more gender friendly policies and more social funding on issues related to women, children and social protection (Yáñez-Pagans 2014, Duflo 2005, Drude, Hilal, Kalandadze and Kandawasvika-Nhundu, 2013). But there is no clear answer whether having more women in parliament will have effect on policy choices, it is possible that the elected candidates to act according to their own personal interest or party interest over that of the voters (Yáñez-Pagans 2014).

To answer the questions, “why we need more women in parliament?” scholars have tried to analysis the difference in policy choices in municipalities that have elected women in comparison to those that have not by examining the investment in public goods (Esther Duflo (2003)), education, health and environment protection over infrastructure (Patricia Yanez-Pagans (2014)), increase in women’s electoral participation and voter’s preference in the following election (Sonio Bhalotra, Irma Clot-Figeras and Laksmi Iyer’s (2017)) and the increase in girls education attainment (Beaman, Lori, Esther Duflo, Rohini Pande, and Petia Topalova (2012)). As mentioned above the flow of any policy development and outcome is unpredictable but these relations could to policy choices can gives a strong evidence of the impact of policy implementation at the grassroot level.

Problem Statement:

On 10 April 2008, the first Constituency Assembly (CA) elections were held in Nepal, after nine years since 1999. The Communist Party of Nepal-Maoist (CPN-M) won by securing 38.1% of the total seats in Parliament. The 2008 election was significant in many ways, it was the first elections after the step down of the former King Gyanendra Bir Bikram Shah Dev. The Interim Constitution 2007, established Nepal as a Federal Republic, ending the rule of the Shah dynasty in Nepal and abolishing Monarchy after more than 200 years. It was the end of the decade long insurgency and people's war led by the Maoist. The 2008 election was also significant for women in Nepal, 197 (191 elected and 6 nominated) women represented in the Constituent Assembly making it the largest number in the history of Nepal.

This was an important milestone for Nepalese women, because the interim constitution Article 63 (5) guarantees one third of total number nominated be women. Furthermore, Article 142 (3) (c) directs the political parties for compulsory representation of women in executive posts as a mandatory requirement for contesting in the elections. Prior to 2008, the 1991 Constitution, Article 114 reserved three seats in the upper house for women and five percent in the lower house of parliament. The result of the 2008 elections, placed Nepal as a country with highest percentage of women parliamentarians in Asia and fifteenth in the world (Falch, 2010). The 33% reservation for women in the constitution has been an instrumental in increasing the number of women in the parliament, which has also been reflected in the new Constitution promulgated in 2015.

The adaptation and implementation of affirmative action and gender quotas for women have increased the number of women represented in the parliament which is a big progress on its

own, but can we claim that the affirmative action for women in parliament have broader implication in implementing more women-friendly policies in Nepal. How has Nepalese women benefitted in their everyday lives by elected a woman in the parliament? One of the burning issues for women in Nepal is citizenship through mother's name. The "Nepal's Citizenship Act" was submitted first for the parliament debate in the House of Representatives on 7 August 2018 and the bill is still in debate and still discriminatory towards citizenship by descent through mother without the identity of the father of the child. This paper attempts to examine the impact of affirmative action in Nepal, looking into the 33% reservation of women in parliament. How does having large number of women parliamentarian made a difference in the lives of everyday women in Nepal.

Having large number of women in parliament should pose as a plus point for women in Nepal. The population of women in Nepal is more than men. The number of women voters registered and turnover is greater than that of men. The number of female-headed households are increasing according to the 2011 census. In such scenario one would expect more policies are "pro-women". Representation have been one of the key agendas of women's movement in Nepal. The 33 percent reservation for women in all state level governing body have increased the number of women in government from municipality to provincial to national assembly. The recent election results with strict mandatory reservation are evident of it. But how will the women and the country benefit from having a large number of women in parliament? The first step is recognition of women as important and equal member of the society. Having reservation for women grants them space to voice their concerns and issues. Secondly, men and women have different preference when it comes to policy choices and women seem to prioritize education, health and environment issues (Yáñez-Pagans 2014, Duflo 2005). Gender quotas if implemented with strong sanctions will increase the number of

women in the parliaments but the whole process of electoral cycle, policy process, political and ideological divisions at the parliament also influence the policy decisions. This makes it difficult to predict the policy outcome or claim that representation of a marginalized, backward and minority groups could guarantee that the policies are always on their favor.

Hypothesis

The general hypothesis of this paper is to test if having more women politician in power will introduce more women friendly policies and result in improvement in lives of women at grassroot level. Patricia Yanez-Pagans in her work on Bolivia, states that women politicians prioritize social expenditure; health, education and environmental protection over investment in public infrastructure (Yanez-Pagans, 2014). She examines the investment on education, environment and health in the municipalities with directly elected women versus municipalities that elected men. This paper will test following three hypothesis by examining the status of health, literacy, social customs and political participation of districts that has directly elected women versus those that have not.

Hypothesis 1: Having more women politician in power will help reduce child marriage, teenage pregnancy and increase the number of girls attaining higher education

According to UNFPA's 2017 report on child marriage in Nepal, 40 percent of people aged between 20-24 were married before they turn 18 years. Child marriage and teenage pregnancy are two of the most common reasons for school drop out for girls in Nepal. To link the ripple effect of child marriage this hypothesis will test how has child marriage, teenage pregnancy and higher education attainment for girls have changed in district that have elected women directly. The independent variable for sub-hypothesis 1, 2 and 3 is district that have

directly elected women and dependent variables; ratio of child marriage, number of teenage pregnancy and number of girls attaining higher education respectively.

Sub-hypothesis-1: District that have directly elected women will have lower number of child marriages

Sub-hypothesis-2: District that have directly elected women will have lower number of teenage pregnancies

Sub-hypothesis-3: District that have directly elected women will have higher number of girls attaining higher education

Hypothesis 2: Having more women politician in power will improved access to reproductive health facilities for women and children

Reproductive health is not just absence of disease but the state of physical as well we mental and social well-being of a person, it implies safe and satisfying sex life and the freedom to decide when and how often to reproduce (WHO). According WHO, 25- 40 percent maternal deaths worldwide are caused by unplanned pregnancies. Access to reproductive health facilities is crucial for planned and safe motherhood for both physical and mental health.

Hypothesis-2 will test that the status of reproductive health is better in districts that have directly elected women versus those that elected men. In the sub-hypothesis 3,4 and 5 the independent variable will be district that have elected women and the rate of women having access to reproductive health facilities, maternal death and child mortality will be dependent variables respectively.

Sub-hypothesis-3: District that have directly elected women will have higher rate of women having access to reproductive health facilities

Sub-hypothesis-4: District that have directly elected women will have lower rate of maternal deaths

Sub-hypothesis-4: District that have directly elected women will have lower rate of child mortality

Hypothesis 3: Electing more women politician will result in increase of women's political participation

Having more women in leadership, be it corporate (Morgenroth & Ryan 2018), village council (Beaman, Duflo, Pande, & Topalova, 2012) or legislative parliament (Bhalotra, Clots-Figueras & Iyer 2017) could played crucial role in availability of role model for girls and women. Having more women in any field will motivate girls and women to join the profession be it sports, politics, military or corporate sector. Hypothesis-3 will test if district that have elected women will have increase in political participation of women in the next election compared to those that did not elected women. It will test if women as a leader is accepted and prefer by the voters. The independent variable in sub-hypothesis 5 and 6 will be the district that have elected women in the first election and the depended variable; number of women candidate contesting in the next election and the number of women re-elected in the next election

Sub hypothesis-5: District that have elected women in the previous election will result in having more women candidate contesting in the next elections

Sub-hypothesis-6: District that have elected women in the previous election will re-elect women in the second election

Methodology:

This paper will be both qualitative and quantitative study. For the quantitative part, the electoral, demographic and development data covering the period from 2006 to 2016 will be used. The two CA election data is used from the database of Election Commission Nepal (ECN). The household and demographic data is used from the 2011 Census and Nepal Demographic Health Survey (DHS) data of 2006, 2011 and 2016. The administrative data is used from the database of Ministry of Federal Affairs and General Administration. Apart from the government data, reports and study done by development agencies like World Bank, DFID, NDI, IDEA international and IPU is used. But the primary data will be the Nepal DHS data which is a stratified sample survey across all 75 districts (now 77) of Nepal. The Nepal DHS survey is conducted in every five years which helps us track the changes that occurred in our variables during the period of study. The study will compare the difference between districts that has elected women and those that have not through FPTP. For qualitative study literature on affirmative action, electoral reform and political participation of women will be reviewed. Case studies from south Asia and another similar country will also be used. For case studies and stories from Nepal reports by different academic research, I/NGO and newspaper articles will be also reviewed.

Literature Review:

The foundation of academic work for debate around affirmative action in Nepal was laid by the different anthropological studies conducted during the nineties. During the nineties, Nepal opened its door in receiving foreign -aid cooperation from countries like USA, UK, Norway,

Japan, China, Australia etc. Given the strong censorship before the democracy the reports by these development agencies and the anthropological studies are the bases to understand Nepali society at that time. In 2004 the Social Inclusion Research Fund (SIRF) was established by the initiation of the Royal Norwegian Embassy in Nepal, during that period multiple research was conducted on social inclusion in Nepal by students and researchers. But most of these studies were more focus on building the profile of different caste and ethnic groups. It was during the beginning of the twenty first century with the Maoist led people's war at the peak that research by both international scholars and native scholars emerged on social inclusion and federalism.

One of the most significant report is by Lynn Bennett for world bank, based on the assessment of the Nepal Gender and Social Exclusion Assessment (GSEA), the paper highlights the diversity of Nepali society and the policy measures that need to be considered while designing a policy and addressing the existing "implementation gap" for more effective and inclusive society. The world Bank and DFID conducted the "Nepal Gender and Social Exclusion Assessment (GESA), as a resulted in Social Exclusion Action Programme (SEAP), a three years project.

The relation between having more women in parliament and its impact on their policy choices is not easy to established. Lynn Bennett in the report "Gender, Caste and Ethnic exclusion in Nepal; Following the Policy Process from Analysis to Action" examines the policy formulation in Nepal using the finding from GESA report. The report has a very comprehensive report that includes brief history and background of Nepal as well as the policy discourse in Nepal. The paper also includes key policy suggestions from the prospective of gender and social inclusion. Bennett in the paper argues, that policy outcomes are not easily predictable and that the successful policy is when there is behavioral change.

She also highlights the importance of understanding the different informal and social institutions that play major role in negotiation of policy formulation.

Native scholars like Om Gurung, Mahendra Lawoti, Krishna Bhattachan, Krishna Hatechu have written extensively on the importance of social inclusion and federalism. The Central Department of Sociology and Anthropology (CDSA)²³, Tribhuwan University published two series of compilation of essays on the topic. But these studies were more from anthropological and sociological perspective rather than a policy lens. The pattern of policy design or its impacts are not always predictable, especially on topics like social inclusion. The research so far has been advocating for affirmative action for more inclusive society but studies on the outcome or impact of these policies are very few especially as a qualitative study.

Mona Len Krook and Pär Zetterberg in the introduction of the book “Electoral quotas and Political Representation: Comparative Perspectives (2014)” have described the research work of electoral gender quotas in two categories as; “first-generation” and “second generation” studies. The first generation studies and analyzes the quota on the basis of increase or decrease in numbers more descriptive, while the second-generation studies, examines the impact beyond the numbers, looking into descriptive, analyzing the impact of the gender quota on legislative delivery, behavioral and opinion change. This paper aims to do both the analyze numerically at the same time examine the impact of gender quotas in case of Nepal.

²³ The Central Department of Sociology and Anthropology has now separated into two different department since

The book Krook and Zetterberg edited is a collection of eight research work on gender quotas by different scholars. The different papers by Krooke and O'Brien, Marion Reisers and Tania Verge and Maria Dela Feunte focuses on the informal institution, party web and social network which play important role in determining the power-sharing and seat allocation within the party and during the elections. The two papers by Cecilia Josefsson and Karen Celis, Silvia Erzel Liza Mügge and Alyt Damsova looks into the spillover effect of gender quota which changes the power dynamics with the party members, members of other disadvantage groups and within women of different backgrounds. In most women as seen as competing among each other.

Thekla Morgenroth and Michelle K. Ryan in their article "Quotas and affirmative action: Understanding group-based outcome and attitudes (2018)" highlight the positive, negative, intended as well as unintended consequences of affirmative action and gender quota. They use a lot of reference to the "Norwegian gender quota law" (also referred to as "Golden Skirt" phenomena). The paper also highlights the stigmatization that comes from quota system and the attitude of individuals who benefit the most from the quota and those who have to give up most. They also emphasize on the importance of intersectionality while studying the impact of affirmative action. Morgenroth talks about stereotyping in his paper as the result of the gender quota both positive and negative. In patriarchal society like Nepal, the gender quota has been implemented but the willingness to accept women as equals and sharing power is questionable which is evident from shared narratives from women parliamentarians. This claim is difficult to measure but the experience shared by women parliamentarians strongly indicates positive but also some drawbacks of being elected through the gender quota.

Gail Omvedt in his Economic and Political weekly article titled, “Women in Governance in South Asia (2005)” talks about the irony in South Asia, despite having women leaders in most of the member countries, the political empowerment and representation of women has not trickled down to the grassroot level. The paper also touches upon the social and cultural barrier like patriarchy, gender norms and caste dynamics which could influence the political participation of women. He also points out trend of “Political heir” in South Asia where women in parliament have mostly come from prominent political families. In context of Nepal, the current president is a woman who entered politics contested in her dead husband’s constituency and many senior women parliamentarians are from prominent political families, Omvedt tags them as “wife-daughter brigade”.

Sierra Tamang, in her paper “The Politics of conflict and differences or the difference of conflict in politics: the women’s movement in Nepal (2009)” looks into the women’s movement in Nepal post 1990 analyzing three key players; women from political parties, women in Communist Party of Nepal- Maoist (CPN-M) and women in NGOs. Tamang highlights the importance of these three key players in defining and homogenizing definition of a “Nepali women” in Nepal’s women’s movement. This definition excludes the voices of women from marginalized communities, pushing them to align themselves more to their own community movement rather than women’s movement in Nepal. These intersectionality within women’s movement is important discourse even in electoral studies in Nepal. How many women from marginalized community is represented within the 33 percent margin is important to analyzed as women from different community and groups have different policy needs.

Esther Duflo (2003) and Patricia Yanez-Pagans (2014) have tried to examine the policy choices of women parliamentarians compared to their male counterpart in their work in India and Bolivia respectively. Duflo, studies the case of India and its reservation for women at the Panchayat system. Her work examines how the preference over allocation of public good depends on the reservation for the group in the constituencies. Without reservation, the allocation of public goods for the marginalized groups is difficult. Similarly, Yanez-Pagans in her work in Bolivia tries to establish the link between women in parliaments and their policy choices by examining the municipality expenditure of municipalities that elected women versus those that didn't. The paper claims that women prefer investing on environment, health and education policies rather than infrastructure in their municipality. Sonio Bhalotra, Irma Clot-Figueras and Lakshmi Iyer's (2017) work in India examines if electoral success of women leads to increase in women's participation as political candidate. The works by these scholars will be the base on which this paper relies on and will be testing the impact of gender quota in Nepal measuring the difference in the selected variables in districts that have directly elected women versus those that have not.

Case Study: Nepal

Country Background: Nepal is a Federal Democratic Republic, with estimated population of 26.4 million. It is culturally and geographically diverse country and home to more than 125 caste and ethnic groups and 123 different languages (Census 2011). Nepal promulgated its constitution in September 2015, establishing it as federal democratic republic and restructuring the country into seven federal provinces. Each federal province is further divided under the Local Level Restructuring Commission (LLRC) into; 14 zone, 77 district, 6

metropolitan cities (Mahanagarpalika), 11 sub-metropolitan cities (Upamahanagarpalika), 276 municipalities (Nagarpalika) and 460 rural municipalities (Gaunpalika).

Political system and role of the municipal councils: Nepal has a multi-party federal parliamentary form of government with the president as the head of the state. It has bicameral legislature with 275 members of House of Representatives (Lower House) and 59-member National Assembly (upper House). Nepal has adopted mixed electoral system of direct election using First-Past-the-Post (FPTP) and Proportional Representation (PR) system. Nepal was a constitutional monarchy until 2007 and ruled by the Shah dynasty. Nepal's political history has seen many junctures; it was 24/22 small states before unified by Prithivi Narayan Shah in 1768, establishing the rule of Shah dynasty. Nepal was under the Rana Rule between 1846 to 1951, which reduced the power of king as the state head and gave absolute power to the prime minister, Jung Bahadur Rana and members of his family. Revolt for democracy has happened multiple times in Nepal (1951, 1990, 2006). Nepal's political history is filled with royal coup (1960, 2002, 2005), royal massacres (2001) and armed conflict (1996-2006) that lasted a decade.

Election History: Nepal adopted a mixed electoral system of direct elected from First-Past-the-Post (FPTP) and Proportional Representation (PR) since 2007. Prior to that, Nepal had multi-party direct election system, but between 1962 to 1991 Nepal was under the “Panchayat Rule²⁴” with the King electing the members of parliament resulting in party-less system. The mixed electoral system was adopted to align with the sentiments of “Naya Nepal” (New Nepal) of which inclusion was the core driving element. The proportional representation method helps boost the idea of inclusion of marginalized groups like women,

Dalits, Madhesi, Muslims and other backward groups the rights to elect and represent their community in the government. There are 165 constituencies for election of House of Representatives and 330 for provincial elections, two for each federal constituency. Nepal recently had its first election after the promulgation of the new constitution. In 2008 the first Constituent Assembly (CA) elections were held and in 2013 the second CA elections were held after the political parties failed to draft the constitution in 2012. In 2017 local level elections were held after nine years since, 1996.

Gender Quotas: The interim constitution (2007) Article 63 (5) guarantees one third of total number nominated be women. Furthermore, Article 142 (3) (c) directs the political parties for compulsory representation of women in executive posts as a mandatory requirement for contesting in the elections. Prior to 2008, the 1991 Constitution, Article 114 reserved three seats in the upper house for women and five percent in the lower house of parliament. The result of the 2008 elections, placed Nepal as a country with highest percentage of women parliamentarians in Asia and fifteenth in the world (Falch, 2010). The 33% reservation for women in the constitution has been a instrumental in increasing the number of women in the parliament, which has also been reflected in the new Constitution promulgated in 2015. If the political parties fail to elect women via FPTP, the PR list is used to fill the gap in the 33 percent in the parliament. The 33 percent gender quota is not limited to parliament but all state bodies from village to national level and from civil service. In the Municipality and metropolitan cities, among the mayor and deputy mayor one position is fixed for women.

Social and cultural context: Nepal was a Hindu Kingdom before becoming a Federal Democratic Republic in 2007. It practices caste system that divides the society into four groups based on the concept of purity and pollution. The caste system is an ascribe status and

mobility within the caste system is very rigid. There are ethnic and indigenous groups who have their own cultural practices and dialects. Nepal is a patriarchal society where men and sons are preferred to carry on the decent line. These caste-based fundamentals and beliefs are reinforced by different social institutions like marriage, religion and family. It is also reflected in the formal institutions like laws and policies, the Muluki ain (civil code) was based on Hindu religious values that reinforced and legalized caste system and patriarchy. Nepal is one of highest country with child marriage in south Asia after India and Bangladesh. Other harmful practices against women are also practices like dowry²⁵ system, chaupadi²⁶ system, teenage pregnancy. These social cultural barriers are additional challenges that women politicians and other women professionals have to face in addition.

Conclusion:

It has been almost a decade now that Nepal implemented the 33 percent reservation for women in the parliament and all levels of state bodies. This policy change was possible after series of political turnover and a decade long armed conflict that the country underwent. Gender and social inclusion was at the center of political debate and constitution writing. As mentioned above, Krooke and Zetterberg (2014) explains the two wave of research work on gender quota; first-generation studies (descriptive) and second-generation studies (symbolic and substantive). The research work on gender quota in Nepal has always studied paired with social inclusion and mostly been descriptive. The debate and discourses around women's representation is always justified by the numeric representation in the parliament by the men politicians. Having large number of women in the parliament is significant but it is equally

²⁵ During marriage the bride's family has to offer gifts and money to the groom's family

²⁶ In far and mid-western region of Nepal, girls and women during their menstruation are made to stay in a hut outside the house and prohibited from consuming dairy products and other foods

important that women at the grassroots level benefit from having a large number of women in the parliament. The study of gender quota in Nepal should be more than just descriptive study. In a diverse country like Nepal, women are not a homogenous group, there are caste, ethnic, religious and geographical diversity within women. Each group have different needs and have different policy preference they want to advocate for. The success of any political leader is evaluated from the progress and development made in their constituencies. For women to increase their chances of being re-elected in the future, the shift in indicators such as health, education and social welfare is important during their tenure.

It is important to link the policy implementation with behavioral change as it benefits the member of the constituency while strengthen the political profile of women politicians. This paper is an attempt to examine if district that have elected women have better education, health and political participation of women compared to other districts. The argument of gender quota is that women will lobby for more women-oriented policies, in the last ten years since Nepal made a huge leap from 5 percent to 33.3 percent women in parliament, how has life of women changed and how has the implementation of gender quota trickle down to community level. This papers attempts to contribute to creating a strong evidence to see the impact of affirmative system in Nepal as well as add to the knowledge building in the existing resources.

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Timeline:

Deadline	Work to be completed
30 August 2019	Submission of thesis report
30 November 2019	Acquire the remaining literature and data
30 December 2019	Work on qualitative part of the study
1 April 2020	Complete of analytical part (qualitative test + test analysis)
15 June 2020	First full Master thesis
8 July 2020	Submission of Master thesis deadline
September 2020	Oral Defense of Master thesis

Annex

Annex-1: Women in Parliament in Nepal since 1999

Election	FPTP	PR	Nomination	Remarks
3 rd and 17 th May 1999	12	0		Source: Inter Parliamentary Union
First CA Election 10 April 2008	30	161	6	Total Number of seats 601 (240 FPTP+335 PR+26 Nomination)
Second CA Elections 2013 13 November 2013	10	166	0	Total Number of seats reduced to 491 (FPTP-240+240 PR+11 Nomination)
2017 National Assembly (Upper House)	21 through (electoral college)		0	Total 59 members (56 FPTP and 3 appointed by president)
House of Representative members (Lower House)	6	84		275 (165 FPTP +110 PR)

Annex-2: Electoral System in Nepal: A Chronological Overview

S.No	Legal Base	Adopted System	Remarks
1	Constitution of Kingdom of Nepal 1959	First Past the Post (Multiparty Democratic System)	109 Representatives
2	Constitution of Nepal, 1962	First Past the Post (Party-Less Panchayat System)	
3	Constitution of Kingdom of Nepal, 1962	First Past the Post (Multiparty Democratic System) Single Transferable vote	
4	The Interim Constitution of Nepal, 2007	Mixed Parallel Electoral System Constituent Assembly Election, 2013	240+ 335 Representatives
5	Constitution of Nepal, 2015	Plurality Proportional Representation (Closed list) along with the permission of weight of votes	

(Source: *Nepal Election Commission*)

Annex-3: Legal Provision for reservation for women in parliament in Nepal	
Document	Legal Provision
<p>Interim Constitution 2007</p> <p>Part 7</p> <p>Constituent Assembly</p> <p>Article 63. Constitution of Constituent Assembly:</p>	<p>In selecting candidates pursuant to Sub-clause (a) of Clause (3), political parties shall take into account the principle of inclusiveness and in enlisting candidate pursuant to Sub -clause (b), political parties shall ensure proportional representation of women, Dalit, Oppressed communities/indigenous people, backward regions, Madhesi and other classes as provided by law</p> <p>Notwithstanding anything contained in Clause (4), at least one-third of such total number of candidates nominated shall be women as to be derived by adding the number of candidates made pursuant to Sub-clause (a) of Clause (3) and the number of candidates on the basis of proportional representation pursuant to Sub-clause (b) of Clause (3)</p>
<p>Part 18</p> <p>Political Parties</p> <p>Article 142 Registration required for securing recognition for the purpose of contesting elections as political party:</p>	<p>Every political party shall be required to fulfil the following condition in order to qualify in order to qualify for registration pursuant to Clause (1)</p> <p>The constitution and rules of the political must be democratic</p> <p>The constitution or rules of the political party must be provided for election of office bearers of the party at all levels at least once in every five years</p> <p>There must be an inclusive provision that the executive committee at various levels the executive committee at various levels include the members from women, Dalit and the excluded and oppressed sector and</p> <p>The constitution of the party must have an effective provision to maintain discipline of its members</p>

<p>Election to the Members of the Constituent Assembly Act, 2064 (2007)</p> <p>Chapter 2 Constituency and Electoral System</p> <p>Constituency and Electoral System</p>	<p>7 Closed list of candidates:</p> <p>While enlisting the candidates, the Political Parties must prepare the closed list pursuant to Schedule-2 thereby ensuring the proportional representation of Women, Dalits, Oppressed tribes/ Indigenous tribes, backward region, Madhesi including others groups on the basis of the population per cent as referred to in Schedule-1. While so enlisting the candidacies of women, the same must be done as per the principle of inclusiveness thereby ensuring proportional representation of, Dalits, Oppressed tribes/ Indigenous tribes, backward region, Madhesi including others groups. While nominating candidates from Madhesi, the closed list of candidates must be prepared thereby ensuring proportional representation of Dalits, and indigenous tribes including other group on the basis of the per cent of population. The concerned Political Party shall submit the closed list of the candidates so prepared to the Commission in such format as referred to in Schedule-2 within the time limit as specified by the Commission.</p> <p><u>Explanation:</u></p> <p>There must be at least one-third women candidates of the totals number comprising the number of women candidates to be fielded under the Proportional Electoral System as referred to in Section 6 and the number of women candidates to be fielded under the First Past the Post Electoral System as referred to in Section 5.</p>
<p>Constitution 2015</p> <p>Article 38 Rights of Women</p>	<p>Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion</p>

	Women shall have the rights to obtain special opportunity in education, health, employment and social security on the basis of positive discrimination
Part 8 Article 84 Composition of House of Representatives	<p>2) The Federal law shall provide that, in fielding candidacy by political parties for the election to the House of Representative under the proportional electoral system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous people, Khas Arya, Madhesi, Tharu, Muslim and backward region, on the basis of population. In so fielding candidacy, regard shall also be had to geography and territorial balance</p> <p>8) Notwithstanding anything contained elsewhere in this part, at least one third of the total number of members elected from each political party representing in the Federal Parliament must be women. If women are not so elected as to constitute one third of the elected member of any political party under sub clause (a) of clause (I) and sub-clause (a) of clause (2) of article 86, such political party must in electing member under sub-clause (b) of clause (i), so elect that women member constitute at least one third of the total number of members elected to Federal Parliament from that party</p>
Article 86 Composition of National Assembly and term of office of its members	<p>2) The National Assembly shall consist of fifty-nine members as follows:</p> <p>Fifty six elected members consisting of at least three women one Dalit and one from person with disabilities or minorities, from each state by an electoral college composed of members of the State Assembly, chairperson and vice-chairperson of the Village Bodies,</p>

	and Mayor and Deputy-Mayor of Municipalities, with different weightage of vote by members of the State Assembly, chairperson and vice-chairperson of the village bodies and Mayor and Deputy Mayor of the Municipalities as provided in the Federal law
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