



nepal

The ICRC initially worked in Nepal out of its regional delegation in New Delhi, opening a delegation in Kathmandu in 2001. Until the April 2006 ceasefire agreement, its primary aim in Nepal was to protect and assist people directly affected by the armed conflict between the government and the Communist Party of Nepal-Maoist. Since the agreement, the ICRC has focused on clarifying the fate of missing persons and adapted its assistance activities to the transitional period. It serves as a neutral intermediary between the parties, visits detainees, strengthens compliance with IHL and improves care of the wounded. It works closely with the Nepal Red Cross Society.

EXPENDITURE (IN KCHF)

Protection	5,623
Assistance	2,680
Prevention	1,355
Cooperation with National Societies	1,130
General	-

► **10,788**

of which: Overheads 658

IMPLEMENTATION RATE

Expenditure/yearly budget	98%
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PERSONNEL

45	expatriates
97	national staff (daily workers not included)

KEY POINTS

In 2006, the ICRC:
until April,

- ▶ visited detainees held by both the government and the Communist Party of Nepal-Maoist and, in partnership with the Nepal Red Cross Society, relayed messages between them and their families;
- ▶ monitored the situation of civilians in conflict-affected areas and made numerous representations to remind the parties involved of their obligations under IHL to protect people not or no longer taking part in hostilities;

from April,

- ▶ collected information on people unaccounted for in connection with the armed conflict;

throughout the year,

- ▶ initiated the rehabilitation of water supply systems in isolated villages, mainly in the Midwestern region; completed and initiated projects to improve the water supply, sanitation facilities, living areas and kitchens in prisons;
- ▶ provided physical rehabilitation services and financial support to victims of mines and explosive remnants of war;
- ▶ worked in partnership with the National Society to distribute essential household items and cash-for-kind assistance to victims of the conflict.

CONTEXT

Hostilities flared up again in January after the three-month unilateral ceasefire that the Communist Party of Nepal-Maoist (CPN-M) had declared expired. Maoist fighters attacked several district headquarters, destroying government buildings, freeing prisoners and in some cases detaining civil servants and security personnel. At the same time, the Seven Party Alliance (SPA), which at the end of 2005 had reached an understanding with the CPN-M on common goals, made bold moves in opposing the royal government. In April, the SPA declared an unlimited general strike, bringing the country to a halt with mass demonstrations in all major towns. Twenty-one people were killed and thousands injured as curfews were enforced by security personnel who had orders to shoot on sight. Faced with the popular protest, King Gyanendra agreed to reinstate parliament.

On 28 April, parliament met for the first time since it was dissolved in 2002, and veteran politician Ginja Prasad Koirala was voted in as prime minister. In May, parliament voted overwhelmingly to remove the king's powers, declaring Nepal a secular state and shifting control of the army from the king to the Ministry of Defence.

In the wake of these political changes, the government began to release people detained under the Terrorist and Disruptive Activities Act. The CPN-M announced the release of all the detainees it held in connection with the conflict. In June, talks between the prime minister and the chairman of the CPN-M led to an agreement on the way forward.

In October, the SPA and the CPN-M agreed on an agenda for the coming months, including the signing of a peace accord, the creation of an interim constitution, legislature and government and the holding of elections for a constituent assembly in June 2007, which would decide the future of the monarchy. During the interim period, the Nepalese Army would be quartered in its barracks, and the Maoist insurgents, after handing in their weapons, would be grouped together in 7 main and 21 satellite cantonments across the country.

On 21 November, a peace accord was signed, formally ending the conflict. The UN was given the role of monitoring the weapon handover and army management. On 16 December, the interim constitution was finalized, transferring all powers of the head of State to the prime minister during the transitional period.

The Janatantrik Terai Mukti Morcha, a breakaway Maoist faction, claimed that the new interim constitution failed to address discrimination against the Madhesis, the people of the Terai, and vowed to fight for their rights through violent means. Towards the end of the year, a general strike in Nepalgunj called by a political party close to the Madhesis turned into inter-communal violence between the Madhesis and the Pahadis hill people.

MAIN FIGURES AND INDICATORS

PEOPLE DEPRIVED OF THEIR FREEDOM (All categories/all statuses)		CIVILIANS AND PEOPLE DEPRIVED OF THEIR FREEDOM		
Detainees visited	7,607	<i>Economic security, water and habitat</i>		
Detainees visited and monitored individually	1,040	Essential household items	Beneficiaries	8,428
Number of visits carried out	327	Agricultural inputs and micro-economic initiatives	Beneficiaries	372
Number of places of detention visited	240	Habitat structures	Beneficiaries	453
RESTORING FAMILY LINKS		WOUNDED AND SICK		
<i>Red Cross messages (RCMs) and reunifications</i>		Hospitals supported	Structures	14
RCMs collected	695	Admissions	Patients	1,219
RCMs distributed	606	<i>Physical rehabilitation</i>		
People reunited with their families	4	Patients receiving services	Patients	1,085
<i>Tracing requests, including cases of missing persons</i>		Prostheses delivered	Pieces	131
People for whom a tracing request was newly registered	641	Orthoses delivered	Pieces	15
Tracing requests closed positively (persons located)	527			
Tracing requests still being handled at 31 December 2006	836			

ICRC ACTION

In 2006, the ICRC adapted its activities to respond to the changing situation in Nepal. This included downsizing the number of staff and moving towards activities that addressed needs in the fragile post-conflict environment. Until April, ICRC operations in Nepal focused on protection activities, such as visiting detainees, documenting alleged violations of IHL and helping families to clarify the fate or whereabouts of relatives who remained unaccounted for. The ICRC also undertook assistance activities, including support to hospitals treating the wounded, rehabilitation services for amputees, distribution of essential household items and vital productive assets to victims of the conflict, and implementation of extensive water supply and sanitation projects in jails, remote villages and hospitals.

Both the government and the CPN-M respected the ICRC's neutrality and understood its role, and on occasion requested the organization's services as a neutral intermediary. Both sides allowed the ICRC to travel freely in areas under their control, enabling its staff to work safely throughout the country. Maintaining an effective field presence, however, proved time-consuming and labour-intensive: up to 13 field teams worked out of offices in Kathmandu, Nepalgunj, Pokhara, Silgadhi and Biratnagar, making long trips over rough terrain, often on foot. Thanks to these efforts, the ICRC was able to verify and update information on people unaccounted for in connection with the armed conflict directly with the families concerned.

ICRC teams comprising specialists from various disciplines assessed civilian security, the state of the local economy and

access to clean water and health care at village level. They alerted leaders and authorities to serious problems and discussed with them how to limit or solve them and, wherever necessary, provided assistance directly, often together with the Nepal Red Cross Society. The ICRC gave the National Society materials, training and technical support to help it develop its capacity to respond to needs arising from conflict and assisted branches in areas under strong Maoist influence in building confidence in their neutrality and independence – crucial for their security and effectiveness.

The ICRC had regular meetings with representatives of UN agencies to develop guidelines to ensure effective coordination on humanitarian issues and ICRC objectives in Nepal.

CIVILIANS

Threats to civilian security and livelihood

Both parties to the conflict imposed restrictions on movement and these, along with the threat of violence on the roads, impeded both trade and temporary labour migration necessary to supplement income from agriculture in the country's poorest areas. General strikes also interrupted work, school and other activities. By keeping a regular field presence in the areas most affected by the conflict, the ICRC monitored the safety and well-being of civilians. Its teams collected and analysed information on alleged IHL violations, including indiscriminate aerial attacks, looting of hospitals and use of Red Cross buildings as fighting positions, and transmitted their findings to the authorities or leadership of the party involved, pointing out trends and risks and urging them to

fulfil their obligations under IHL. Reports of summary executions, disappearances and attacks on civilians significantly decreased following the April events.

Displaced families and villages affected by the conflict

People in 79 isolated villages benefited from water, sanitation and irrigation projects. Many villages cut off by the conflict were unable to repair or maintain their water systems, as government technicians and administrators had often fled and restrictions on movement prevented people from travelling to district headquarters to obtain the tools or spare parts needed for maintenance and repair. In a programme run jointly by the ICRC and the National Society, villagers from the conflict-affected districts of Dailekh, Jumla and Taplejung received technical training in water system maintenance and then worked with local user committees to decide how best to solve each village's water problems. Following the training, tools and spare parts were distributed to allow the user committees to undertake basic maintenance themselves.

- 28,050 people (some 5,000 households) benefited from ongoing water and sanitation projects

Families who were forced to flee their homes or whose breadwinners had disappeared, been arrested, disabled or wounded were able to get essential household items from their local Red Cross branches, which distributed assistance on a case-by-case basis. The cessation of hostilities in April and the resulting decrease in needs resulted in fewer essential household items being distributed than initially planned. Although food distribution was not deemed necessary, regular monitoring of village economies indicated that many households were

facing serious difficulties in meeting their basic and diverse needs in a sustainable manner. In response, the ICRC shifted its approach during the year from providing direct assistance to victims to micro-economic initiatives carried out in cooperation with the National Society.

- ▶ 8,428 people (1,533 households) received essential household items or cash-for-kind assistance to restore their livelihoods disrupted by the conflict
- ▶ 372 people (72 households) benefited from agricultural, livestock and micro-economic initiatives

Recruitment of minors

During the conflict, an unknown number of children were used by Maoist fighters as cooks, messengers or porters and were exposed to the dangers of military operations. Those who had surrendered or been arrested often risked harassment or reprisal if they returned to their villages after being released by the government. Some of these children received help from the ICRC in finding shelter with local NGOs and in keeping in touch with their families through the exchange of RCMs, direct visits every two months and, if the security situation permitted, being reunited with their families. Despite earlier reports that thousands of minors might be part of the CPN-M, there was no mass identification of such minors by the organizations concerned with their welfare.

- ▶ 39 demobilized minors and 2 unaccompanied children newly registered; 4 reunited with their families; 56 cases still being handled and monitored by the ICRC

Tracing the missing

By the end of 2006, the ICRC had collected the names of some 800 people reported to be still missing by their families. Some of those sought were women and children. Without systematic notification of arrests, families did not know whether missing relatives were alive or dead. If they knew of their arrest, they did not know where they were held. Many requested the ICRC's assistance in locating them. The organization cross-checked lists of detainees it had visited and, if the person sought remained unaccounted for, submitted his or her name to the army, the police or the CPN-M in order to obtain information for the family.

The government provided answers to the ICRC on the whereabouts of some of the people. Few answers were provided by the

CPN-M. Between July and December, ICRC delegates systematically revisited all families of the missing in order to gather potential new information. This process also allowed for the collection of new tracing requests.

- ▶ new tracing requests registered for 641 people (including 73 women and 80 minors at the time of disappearance); the families of 527 people learned of their relatives' fate and, in some cases, whereabouts; 836 cases (including 89 women and 102 minors) still being processed
- ▶ 408 RCMs collected from and 415 RCMs distributed to civilians, including 76 from and 68 to demobilized minors/unaccompanied children

PEOPLE DEPRIVED OF THEIR FREEDOM

Detainees held in government custody

Before the political changes, the government arrested many people in connection with the conflict and held them in jails, police stations and army camps. After April, most of the persons held under the Terrorist and Disruptive Activities Act were released.

Regular detention visits were conducted throughout 2006. In February, the ICRC resumed visits to detainees held by the former Royal Nepalese Army that had been suspended in April 2005. Detention visits helped the ICRC identify issues and offer technical assistance to the authorities' efforts to improve the treatment and living conditions of detainees. With some facilities holding more than twice as many detainees as they were built to accommodate, overcrowding was often a major problem in Nepali jails. Inmates benefited from improved prison conditions thanks to repairs or upgrades to the water supply, sanitation, kitchen facilities and roofing carried out by the prison authorities in cooperation with the ICRC. Depending on the urgency of the problem, ICRC engineers provided either rapid support or a more extensive intervention, including efforts to use appropriate renewable energy options.

People arrested during demonstrations in April, including several prominent activists and political leaders, benefited from the protection afforded by ICRC visits.

- ▶ 7,548 detainees visited, 1,009 monitored individually (168 women, 91 minors) including 434 newly registered (66 women, 61 minors), during 309 visits to 224 places of detention

- ▶ 81 detainees (8 women, 6 minors) received visits from their relatives with the support of the ICRC
- ▶ 450 detainees benefited from completed shelter, water and sanitation improvements in 5 places of detention; 3 female detainees had their cells enlarged
- ▶ 4,735 detainees in 7 places of detention, including the female section of one prison, will benefit from similar projects still in progress

People held by the CPN-M

The CPN-M continued to arrest people after April, mainly on charges unrelated to the conflict. Some of the people held by the CPN-M were registered and visited by the ICRC in different locations. Nevertheless, it was not known how many others were held. Visits aimed to assess conditions of detention.

- ▶ 59 detainees visited, 31 monitored individually (1 woman) including 30 newly registered, during 18 visits to 16 places of detention

Family links

- ▶ 287 RCMs collected from and 191 RCMs distributed to detainees in government custody or held by the CPN-M

WOUNDED AND SICK

Medical care for the war-wounded

Medical activities focused on supporting the treatment of conflict victims. Fourteen medical facilities in key locations benefited from ICRC support. The Tribhuvan University Teaching Hospital in Kathmandu, the Bheri Zonal Hospital in Nepalgunj and 12 other medical facilities received supplies such as dressing materials, essential medicines, X-ray films and medical instruments. Individuals with weapon injuries had the cost of their treatment covered when they could not afford it or when it was not provided or reimbursed by the government.

- ▶ 1,219 weapon-wounded treated mainly during the mass demonstrations in April and by the main hospitals in Kathmandu, with ICRC-provided medical supplies
- ▶ 185 weapon-wounded received ICRC financial support to cover transportation expenses

- 14 post-surgery patients received financial support and follow-up visits from the ICRC
- construction of the permanent water supply systems completed in 2 district hospitals and ongoing in 3 others

A total of 139 CPN-M health staff attended ICRC-organized first-aid and war-surgery courses between January and July. After discussion with the CPN-M and in light of the prevailing peace and improved access to hospitals, these training sessions ceased after July.

Physical rehabilitation for the disabled

The training programme at the prosthetic/orthotic workshop in the Green Pastures Hospital in Pokhara continued. Staff benefited from the technical expertise and training provided by an ICRC physiotherapist and an ICRC prosthetic/orthotic technician.

- 1,085 patients (295 women and 108 children) received services at the ICRC-supported physical rehabilitation centre
- 122 new patients (34 women and 9 children) fitted with prostheses and 15 (3 women and 4 children) with orthoses
- 131 prostheses (38 for women and 9 for children; 8 for mine victims), 15 orthoses (3 for women and 4 for children) fitted, 117 crutches and 1 wheelchair delivered

AUTHORITIES

In response to the changes in the security and political environment, the ICRC focused its attention on raising specific aspects of IHL with the authorities, such as the issue of persons unaccounted for in connection with the conflict and the specific needs of returnees and children.

The reinstatement of parliament and the signing of the peace agreement created a new momentum for the ratification and implementation of IHL instruments in Nepal, about which the relevant authorities engaged in constructive dialogue with the ICRC. Following meetings between the minister of Foreign Affairs and the ICRC, the draft Geneva Conventions Act, originally submitted to the ministry in 2004, was again put forward for consideration.

In July, parliament instructed the government to ratify the Rome Statute. Following this decision, parliamentarians and members

of the ceasefire committee participated in two round-tables on IHL implementation, in particular the Rome Statute, and attended a presentation on ICRC activities relating to people unaccounted for in connection with the armed conflict and for IDPs. Officials from the Ministry of Law and Justice participated in a round-table on the ratification and implementation of IHL treaties and the role of a national IHL committee.

- 4 representatives from the Ministries of Law and Justice and of Defence attended regional IHL courses and seminars with ICRC assistance, gaining a better understanding of the ICRC's mandate and activities

ARMED FORCES AND OTHER BEARERS OF WEAPONS

During the conflict, the ICRC urged all parties to comply with their obligations under IHL. It conducted regular presentations on IHL for the armed and security forces and the Maoist People's Liberation Army (PLA), the armed wing of the CPN-M.

The ICRC intensified its efforts to increase the capacities of the Nepalese Army, Armed Police Force and the Nepal Police to train their members in IHL and international human rights law as applicable.

- 51 Nepalese Army, 66 Armed Police Force and 26 police trainers attended 5 IHL train-the-trainer seminars and received IHL teaching kits

With some of the newly trained instructors, these forces began conducting their own courses on IHL and international human rights law for headquarters personnel and units located throughout Nepal.

Representatives of the CPN-M/PLA and the ICRC held numerous discussions on IHL and the ICRC's role and mandate.

With ICRC support:

- 2 high-ranking Nepalese Army officers attended a seminar on landmines and explosive remnants of war in New Delhi, India (see *New Delhi*);
- 2 Nepalese Army and Armed Police Force officers attended the 9th South Asian Teaching Session on IHL and Refugee Law in New Delhi (see *New Delhi*).

With the assistance of the army participants in the above events, a joint ICRC/Nepalese Army Core Group, chaired by the army

chief of staff, was established to decide on measures to enhance the Nepalese Army's IHL education and training programme.

The Armed Police Force developed a human rights manual for its personnel, with the ICRC's technical input.

CIVIL SOCIETY

Following the organization of a training programme on IHL for lawyers, the Nepal Bar Association began to incorporate IHL into its course on human rights. Thanks to the excellent working relationship between the ICRC and the Kathmandu School of Law, the latter introduced a one-year master's degree in IHL and conflict, to which the ICRC contributed ad hoc presentations on IHL and the ICRC's mandate and activities. A team from the Kathmandu School of Law participated in the regional IHL moot court competition (see *New Delhi*).

The ICRC stepped up its collaboration with human rights organizations active in Nepal in order to increase awareness of IHL. Even though journalists' interest in IHL had grown, coverage of the humanitarian aspects of conflict was still limited. Public awareness of IHL was increased through the distribution of revised ICRC publications and new dissemination material on humanitarian issues and/or ICRC activities and through regular radio spots and press releases.

- 102 human rights activists attended 4 ICRC-organized IHL seminars
- 46 lawyers and 46 journalists received IHL training

RED CROSS AND RED CRESCENT MOVEMENT

First aid

The National Society's ability to assist conflict victims was enhanced through ICRC financial and technical support. Its Central Executive Committee and all 75 district chapter presidents attended four workshops on "Conflict Preparedness and Response Capacity" to approve national policies and guidelines aimed at safeguarding the independence, neutrality and impartiality of the organization and at ensuring its acceptance by all parties to the conflict.

The National Society provided first aid to some 3,000 people injured in demonstrations. Members of all 75 National Society district chapters participated in training courses on the Safer Access approach. The courses were designed to improve conflict analysis skills and contribute to the security and effectiveness of the branches' work. To increase its presence in districts seriously affected by the conflict, the National Society trained 720 first-aid volunteers and 42 trainers in 10 district chapters.

Restoration of family links and IHL promotion

National Society branches distributed RCMs in all 75 districts of the country. Members of the district branches attended courses on tracing and RCM activities. In all, the National Society reached more than 40,000 people through various activities to raise awareness of IHL and the Fundamental Principles, with the help of 35 focal points in 35 district chapters. With the aim of increasing public awareness of IHL, the National Society produced newsletters and other dissemination material, developed a manual for field disseminators and broadcast a weekly radio programme, while pursuing its campaign to prevent misuse of the emblem.

Mine action

In order to conduct mine-risk education in 20 districts, the National Society trained 40 youth volunteers, who carried out activities to alert some 26,000 schoolchildren and adults to the dangers of mines.