
RI BULLETIN

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Nepal: International agencies must focus on humanitarian response

Due to the nine-year war between Maoist insurgents and the Government, the humanitarian situation in Nepal has steadily deteriorated in recent years. The United Nations Country Team, donors and non-governmental organizations are in the initial stages of developing a response to meet the needs of large numbers of Nepalis who have been impacted by the conflict. Due to lack of access to rural areas and lack of information about internally displaced persons (IDPs), as well as the development focus of most NGOs and many UN agencies, there is confusion as to what might constitute an effective humanitarian response. A Consolidated Appeals Process (CAP) planning workshop was just held, which should help focus agencies on the necessity of providing a better humanitarian response. The UN will launch the Nepal CAP in August. Donor governments, the UN and NGOs must quickly change their strategies, which have tended to focus on development activities, to incorporate the new reality in Nepal.

Estimates of the numbers of displaced in Nepal vary widely, from 200,000 to 500,000, with at least 400,000 and possibly as many as two million crossing into India as a result of the conflict. Because of longstanding migration patterns within Nepal and to other countries, assessing the magnitude of internal displacement is complicated. Unlike other countries with large IDP populations, Nepal has only one small IDP camp, and UN agency and NGO personnel believe that setting up IDP camps is not desirable. With so few visible IDPs, however, the displacement problem is underestimated. International staff rarely travel outside Kathmandu, much less to Maoist-affected areas, so there is little information about what conditions are actually like outside the "Kathmandu bubble." Agencies acknowledge that there has been greater movement to urban areas and that the population in some of the hill areas has markedly decreased, but there is little concrete information on the conditions in which IDPs are living and what their needs are, partially because most IDPs are reluctant to identify themselves out of fear of retaliation by one side or the other. For this reason, registering the displaced is currently not a possibility.

The displaced in Nepal have fled their villages for a variety of reasons. At the beginning of the conflict, Maoists forced members of the rural elite --- large landowners, people affiliated with the central government, and political party members --- to leave their villages if they did not swear allegiance to them. This group of people has been able to go to district centers or larger cities and buy property, and most of them are not in need of economic assistance.

But in recent years the dynamic of the conflict has changed. The brutality of both the Maoists and the government security forces, as well as the collapse of economic and social structures in villages, is forcing larger numbers of more vulnerable people to flee. They tend to move in with relatives or friends, or move to slums on the outskirts of cities. Many also go to India. These poor IDPs are virtually indistinguishable from the equally vulnerable urban poor living throughout Nepal. Thus, agencies planning the IDP response believe that it should concentrate on community-based assistance to the poor, regardless of whether they have been displaced or not, with a focus on basic services and livelihoods.

Maoists control roughly 80 percent of Nepal, but the government retains control of all district headquarters. In the past two years, the conflict has intensified and both sides have employed increasingly brutal tactics against the civilian population. Civilians suspected of supporting the opposing side are routinely harassed, intimidated, tortured and sometimes killed. Vigilante groups, who are believed to be operating with Government support, fight the Maoists and in the process commit human rights violations against civilians, which has also led to forced displacement. There is almost no possibility of being perceived as politically neutral in Nepal. The Office of the High Commissioner for Human Rights (OHCHR) is planning to deploy around 50 international staff throughout the country, and this may improve human rights monitoring and lead to improved access. OHCHR is facing a \$2 million shortfall, however, and unless funding comes through, it is possible that OHCHR will have to scale back its operations.

The Government of Nepal has a responsibility to assist and protect all people living within its borders, but its actions make clear that the IDP problem is not a priority. Its brutal treatment of members of the Maoist Victims Association, who protested for recognition as “internal refugees” in May 2005, raises questions about the Government’s commitment to IDP protection. The Maoist Victims Association represents only a small percentage of those displaced by Maoist violence. Members of this group, mainly members of the Nepali Congress political party who were displaced by the Maoists, were beaten and imprisoned, and security forces destroyed their homes. Many view the treatment of this group --- theoretically natural allies of the government --- as yet another attempt by the King to further weaken political parties. This also raises concern about how the Government treats IDPs who have been displaced as a result of actions by the security forces. The UN Human Rights monitors will have to play an important role in IDP protection.

Basic services throughout Nepal were poor even before the conflict, but now the Government has even less ability or interest in providing services to people. In rural areas, most government officials have fled to district centers. With increasing numbers of the displaced coming to cities, basic services, especially education, are now overstretched. The displaced lack information on their rights and are unaware that they still have a right to access services such as healthcare and education. Further, lack of the appropriate documentation is leading to the denial of services to IDPs. It is particularly disturbing that children are denied access to schools, given that some families choose to move to district centers because schools are no longer functioning in their villages. In addition, both sides have used schools for military purposes, and military attacks on schools have increased children’s vulnerability. Lack of access to education also has serious implications for child protection.

The central government needs to fulfill its responsibility to ensure that government officials at all levels allow IDPs access to services. Refugees International is very supportive of the idea of the Office for the Coordination of Humanitarian Affairs (OCHA), in collaboration with national human rights NGOs, to create information centers in district headquarters to advise IDPs of their rights.

With the Government virtually non-functional in many areas, UN agencies and NGOs need to expand their provision of services on an emergency basis. Development agency staff need to face the reality that the severity of the conflict and the breakdown of social and economic structures in villages are compromising the effectiveness of development projects. But because the focus in Nepal for years has been on long-term development programs, few expatriate and local staff are familiar with humanitarian issues or have experience working in conflict settings. There is therefore a critical need for NGOs with humanitarian experience to begin programs in Nepal. The Government should make it easier for NGOs to set up operations, including easing the restrictions on the numbers of international staff that NGOs can employ. Both the Government and the Maoists must guarantee to respect humanitarian space and allow humanitarian agencies to respond to needs where they find them without interference.

The Minister of Finance recently made a statement to donors welcoming the assistance of the international community in providing humanitarian assistance to the displaced. Donors should fund the UN and NGOs directly, minimizing funding to the Government. One donor explained, “There is concern

that direct donor support could be supporting the military budget [which is foreseen to increase dramatically given the King's plan to double size of the Royal Nepal Army].”

The humanitarian problem in Nepal is primarily the result of political conflicts that the Government is trying to address militarily, with support primarily from India, the U.S. and the United Kingdom. King Gyenendra's February 1 coup and declaration of a state of emergency further complicated efforts to reach a peaceful solution. Mistrust --- between the King and the mainstream political parties, as well as between the political parties and the Maoist insurgents --- has so poisoned the political environment in Nepal that restoring democracy will be no easy matter.

The humanitarian situation in Nepal is not yet a crisis. The situation will worsen, however, unless an effective strategy to protect and assist the displaced is developed and implemented. The operating environment in Nepal has changed to such a degree that past strategies are no longer effective.

Refugees International therefore recommends that:

- Donor governments ensure that the Office of the High Commissioner for Human Rights mission to Nepal is fully funded and immediately commit the funds necessary to address the \$2 million shortfall.
- Donor governments, the UN Country Team, and NGOs assess the effectiveness of development projects and redefine their strategies in Nepal to make responding to the humanitarian situation a priority.
- Donor governments re-consider the effectiveness of providing funding to the Government of Nepal and increase direct funding to UN agencies and NGOs to provide basic services in both Government and Maoist-controlled areas.
- The Government of Nepal facilitate NGO registration in Nepal and ease restrictions on the number of international staff that each organization may employ.

Senior Advocate Michelle Brown and Advocate Kavita Shukla recently return from a three-week mission to assess the situation for Nepali displaced persons.