

## **National Policies on Internally Displaced Persons, 2063 (2007)**

### **1. Background:**

Due to natural disasters, human-made circumstances and disasters, armed conflict and situations of violence and fears having created there from, persons and families are forcefully displaced from their homes or places of their habitual residence and thus they are time and again required to face such situations that force them to reside in other parts of the country. Owing to armed conflict in the past in the country, the problem of internal displacement has become even more complicated. In order to materialize the interests of all Nepali people to maintain permanent peace in the country, it is required to address with priority the problems of persons and families having forcibly displaced because of, *inter alia*, violent conflict.

The fact is that internally displaced persons are compelled to spend traumatic lives because of internal displacement and at the same time various new problems are, owing to pressure of displaced persons, arising even in the places where they are spending displaced lives. Therefore, the state is required to play a lead role to prevent internal displacement, provide security to displaced persons, protect human rights, make provisions for immediate relief and necessary humanitarian support and service as well as facility and also make appropriate provisions for their

return to their place of habitual residence or settling them voluntarily in other places in the country.

It is deemed that the government has to mobilize more means and resources without causing effect on internal resources and the investment being made in development programmes by various donor agencies and national as well as international institutions/organisations with a view to addressing the problems of internally displaced persons and providing them with service and facility in integrated and coordinated manner and it is also required to mobilize the supports of governmental, non-governmental, private and international sectors including civil society. For this purpose, these national policies are hereby formulated to make necessary arrangements on internal displacement so that it could be supplementary for achieving the goals of the Foreign Aid Policy, 2059 (2002), Poverty Reduction Aid Strategy, Millennium Development Goals, Comprehensive National Peace Accord and also the goals of National Development Programmes adopted by the Government of Nepal.

## **2. Guiding Principles:**

The guiding principles of these policies are as follows:

- 2.1 International treaties on human rights to which Nepal is a party and Universal Declaration of Human Rights of the United Nations,

- 2.2 United Nations Guiding Principles on Internal Displacement,
- 2.3 Constitutionally conferred fundamental rights,
- 2.4 Universally accepted principles of social as well as natural justice and equality,
- 2.5 All-party national agreement including the matter of minimizing the problems of internal displacement contained in Comprehensive Peace Accord made in relation, *inter alia*, to rehabilitation of displaced persons.

### **3. Definition:**

For the purpose of these Policies:

- (a) "Internally Displaced Person" means a person who is living somewhere else in the country after having forced to flee or leave one's home or place of habitual residence due to armed conflict or situation of violence or gross violation of human rights or natural disaster or human-made disaster and situation or with an intention of avoiding the effects of such situations.
- (b) "Person or family displaced by conflict" means a person or family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights.

- (c) "Person or family displaced by human-made disasters" means a person or family who is displaced internally by compulsion owing to creation of such situation where it is not possible to live in one's home or place of habitual residence due to such activities as development, construction, industry and factory.
- (d) "Person or Family displaced due to natural disasters" means a person or family displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place habitual residence due to natural disasters. But if a person who has, from the viewpoint of possible disaster, lived in government-prohibited area is displaced, such a person shall not be deemed to have been internally displaced.

#### **4. Vision**

"Building a peaceful, prosperous and internal-displacement free society through the promotion of mutual understanding, harmony and security."

#### **5. Mission**

To rehabilitate the internally displaced persons or families with respect, safety and voluntary basis and assist in reconstruction of physical infrastructure and adopt preventive as well as sustainable measures with re-socialization in order to prevent the reemergence of such situations in future.

## **6. Objectives**

- 6.1 To adopt preventive and curative measures in a long-term basis and thereby minimize the problems with a view to addressing the problems of internal displacement.
- 6.2 To provide relief, benefits and facilities by developing integrated and coordinated mechanism with involvement, among others, of displaced persons for the protection of fundamental rights and basic human rights of internally displaced persons and minimization of adverse effects to be inflicted on local communities as a result of displaced persons.
- 6.3 To create conducive environment for safe, voluntary and dignified return of displaced persons or construction and rehabilitation of social, economic infrastructures for their settlement in other locations.

## **7. Strategies**

In order to achieve the objectives of these policies, the following strategies will be adopted:

- 7.1 A matter relating to internally displaced persons will be incorporated in the priorities of national development.
- 7.2 In order to perform necessary functions in relation to internal displacement, government's institutional mechanism will be developed and integrated as well as coordinated efforts of local bodies, national and international non-governmental organisations, community organisations, donor agencies,

various political parties including private sectors will be mobilized.

7.3 Institutional capacity of governmental, non-governmental and community organisations/institutions will gradually be developed. Similarly, capacity of internally displaced persons will be developed and thereby an attempt will be made to make them self-reliant.

7.4 Technical and financial means and resources to be required for providing basic services of employment, education and health to internally displaced persons will be collected and mobilized in cooperation of donor agencies, national and international non-governmental organisations as well as private sectors.

7.5 The strategies for minimizing internal displacement will be taken in the policies to be adopted by the Government of Nepal.

7.6 The amounts received for the benefit of internally displaced persons will be managed transparently to their benefit.

7.7 There will be created such an environment so that internally displaced persons could use prevalent fundamental and human rights without any hindrances.

7.8 The problems of displacement will be minimized in conflict-affected areas by undertaking the activities of development-construction and reconstruction and providing security and social services.

- 7.9 Formal organizations/institutions and informal groups of internally displaced persons will, according to their skills and capacities, be mobilized in relief and service delivery, rehabilitation, reconstruction and other activities pertaining to development of the country.
- 7.10 Specially targeted programmes will be conducted for protecting the rights of such persons even from amongst the displaced ones as women, aged, children, orphans, incapacitated and the similar types of vulnerable groups or the persons with special risks.
- 7.11 In order to raise awareness on negative effects which are being or will be arisen in future by internal displacement, activities relating to information, education and communication will be undertaken in regular and persistent manner.
- 7.12 Displaced persons or families will voluntarily be encouraged to return to their places of habitual residence. For this purpose, an appropriate rehabilitation plan will be formulated and implemented.
- 7.13 Capacities of organizations working in governmental and non-governmental sectors will be developed for effective implementation of the policies pertaining to internally displaced persons.

## **8. Policies**

In relation to internal displacement, the following policies will be adopted:

### **8.1 Regarding Human Rights Protection**

- 8.1.1 Provisions for exercising equally the rights under the law in force will be made for the internally displaced persons in whichever part of the country they are living. No any discrimination will be made only on such a ground that displacement is caused internally for the exercise of rights and freedoms. And the provisions of making supervision thereon by the National Human Rights Commission as well as other bodies concerned will be made.
- 8.1.2 Arrangements for providing special legal aid to displaced persons will be made for the exercise of fundamental rights guaranteed by the prevailing law.
- 8.1.3 Provisions will be ensured in such a way so that displaced persons could, without any discrimination, use the rights conferred by the treaties on international human rights to which Nepal is a party.
- 8.1.4 By discouraging the forceful displacement, no any discrimination will be made on grounds of caste, tribe, language, religion, sex, ideological conviction, geographical region or the similar type of other any



grounds while providing service, facility, benefit and protection to displaced persons or families.

- 8.1.5 Arrangements of appropriate security will be made in case a situation is arisen that any person is forcibly displaced from his/her home or place of habitual residence due to violent conflict.
- 8.1.6 Except for the development projects and industry/occupation which are to be operated for public and national interests, the state shall not cause displacement. Reasonable compensation will be provided if the displacement is required to be done for the aforesaid purposes. Provided that a person or family who is so compensated shall not be deemed to be an internally displaced person.
- 8.1.7 Protection will be given from committing such acts as slavery and exploitation including homicide, violence and disappearance or enticing for causing such acts against internally displaced persons.
- 8.1.8 To mobilize resources for the livelihoods of internally displaced persons, the government shall guarantee that there will not be any types of direct or indirect pressures on the use and exercise of one's property against their will and interests.

- 8.1.9 The state shall give special protection against displacement to dwindling and marginal groups such as indigenous inhabitants and minorities.
- 8.1.10 Arrangements will be made for giving protection from destruction, indiscriminate or illegal utilization or use of goods and property left, but owned, by displaced persons.
- 8.1.11 Provisions will be made so as internally displaced person could cast votes at the time of election as provided for in the laws.

## **8.2 Regarding Relief**

- 8.2.1 By looking into the situation of displaced persons, certain norms will be developed to immediately provide relief, and provisions will be made to distribute the relief accordingly. Similarly, a temporary arrangement of inhabitation will be made until the permanent and safe inhabitation is managed.
- 8.2.2 Based on the situation of means and resources, arrangements for the availability of proper shelter, security, food grains and health facility will be made for displaced persons or families from governmental and other bodies concerned.
- 8.2.3 In order to provide immediately the necessary protection and humanitarian assistance to internally

displaced persons, governmental as well as other concerned bodies will be made action oriented.

8.2.4 By taking into consideration the conditions of such vulnerable displaced persons as orphan children not having guardians, pregnant women, single women and mothers with small children, disabled and aged persons, the facilities of humanitarian assistance and treatment will be provided with priority.

8.2.5 Arrangements will be made to provide such services as passport, citizenship certificate, registration of birth and migration to internally displaced persons from the concerned offices of their current residence.

8.2.6 Proper arrangements of school education will be made for the children of internally displaced persons. Arrangements will also be made to provide by the government bodies including other bodies concerned at their own sources the documents to be required to enroll into the school of currently residing place. By ensuring free primary education and other opportunities of education, arrangements for the facilities of scholarship and student hostels based on available resources will be made.

8.2.7 To promote economic and social status of displaced person, easy access will be increased by making arrangements of training and education etc. with an

augmentation in opportunities of self-employment and employment.

- 8.2.8 Necessary programmes will be undertaken to minimize the effects arisen due to pressures on economic and social infrastructures which were already maintained prior to arrival of internally displaced persons into local communities.
- 8.2.9 Upon the return of displaced person to the place of rehabilitation, arrangements of doing medical test for them will be made as per necessity.
- 8.2.10 Arrangements for massive dissemination will be made so that the policies regarding internal displacement and programmes could reach to stakeholders in a simple manner.
- 8.2.11 Personal and institutional capacities of governmental and non-governmental organizations/institutions working in the filed of internal displacement will be developed through the programmes of information, education and training etc. pertaining to preparation, prevention, relief, rehabilitation and re-socialization against internal displacement.
- 8.2.12 Internally displaced persons shall cause to be involved in the activities regarding development-construction of the country as per their skills and

capacities and thereby their access thereto shall gradually be increased.

8.2.13 The organizations/institutions or informal groups of internally displaced persons will be encouraged to involve in the process of delivery of services and facilities to internally displaced persons.

### **8.3 Regarding Rehabilitation**

8.3.1 Displaced persons or families will have freedoms of returning voluntarily to the places of their permanent inhabitation from where they were immediately displaced or residing in the place of current inhabitation or getting rehabilitated in other places of their choice within the country. Each of the displaced persons will be provided with opportunities of returning to his/her place of habitual residence, getting rehabilitated and also integrating with one's disintegrated family.

8.3.2 The persons and families displaced due to natural disaster will, by devising targeted programmes, be provided with facilities.

8.3.3 Appropriate arrangements of personal security and social as well as economic infrastructures will be made in places of rehabilitation.

- 8.3.4 The state shall make necessary arrangements to return such physical properties which were forcefully seized or looted at the time of conflict.
- 8.3.5 The persons or families displaced due to natural disasters shall be caused to be involved in the programmes relating to subsidized loan and provisions will be made for assisting them in the activities of purchasing land.
- 8.3.6 While formulating necessary programmes for sending displaced persons into previous condition, their participation will be mobilized. Special priority will be given to the participation of women.
- 8.3.7 Provisions of necessary mechanism will be made to maintain reconciliation in societies and thereby create peaceful environment.

## **9. Programmes**

For the implementation of abovementioned strategies and policies, the following programmes will be undertaken:-

- 9.1 Programmes on registration, identity-card, certification and management of records of internally displaced persons.
- 9.2 Programmes on relief and temporary housing facility for internally displaced persons.
- 9.3 Programmes on employment for such persons who can be economically active and also the programmes on

services of making recommendation for the employment of displaced persons to such organisations/institutions that may provide employment.

9.4 Programmes on employment and self-employment in domestic markets and also the programmes on proper skill development training and orientation for foreign employment.

9.5 Programmes of continuing study with the arrangements of special classes and scholarship in teaching institutes of government and private sectors for those who are unable to go to schools due to having displaced and the provisions of free-primary education together with proper scholarship, teaching materials, textbooks and student hostels.

9.6 Programmes on adults and non-formal education for displaced aged persons.

9.7 Programmes of returning safely to displaced persons back to their respective permanent inhabitation.

9.8 Programmes of managing settlement into appropriate location of rural sectors so that the persons who have returned after having displaced could, to a great extent, generate income and also get employment.

9.9 Programmes on study, research and publication in the filed of internal displacement.

- 9.10 Programmes on trauma healing of internally displaced persons.
- 9.11 Campaign-oriented programmes on displacement prevention by providing development security and social service to all Nepali people.
- 9.12 Counseling and health services programmes for victims of women health, gender and other harassment.
- 9.13 The programmes specially targeted for women, aged, children and orphans, incapacitated and other such persons.
- 9.14 Programmes on awakening of awareness against exploitation of displaced children.
- 9.15 Programmes of mobile health camps in such places where displaced persons have been residing.
- 9.16 Programmes of free treatment services to internally displaced wounded, sick, incapacitated and disabled persons.
- 9.17 Integrated programmes on seed money and post training support necessary for commencing self-employment as per the training received.
- 9.18 Provisions for providing aged and disabled allowances being provided by the government for displaced aged and incapacitated persons in the same locations where they have been living after having displaced.



- 9.19 Counseling and awareness Programmes for displaced persons about their fundamental rights.
- 9.20 Provisions of providing nutrition and food to children of displaced families from government bodies and other concerned bodies pertaining to health and nutrition.
- 9.21 Lease-hold forestry programmes for displaced person and families.
- 9.22 Programmes to concerned government bodies as well as other concerned bodies for more effectively making the records of internally displaced persons up-to-date and accurate and also the programmes of being more sensible towards displaced persons.
- 9.23 Institutional capacity development programmes for effective implementation of these policies in conflict management mechanism and district administration offices of Ministry of Home Affairs.
- 9.24 The programmes which will be implemented gradually by prioritizing these programmes on the basis of availability of resources and means.

## **10. Policy Implementation, Monitoring and Evaluation**

- 10.1 As the matters of protection and rehabilitation of internally displaced person are multi-related and cross-cutting, they will be incorporated by all ministries and

bodies in the priority of their respective plans, development programmes and budget.

10.2 The Ministry of Home Affairs shall implement these policies in coordination with concerned bodies pertaining to peace process.

10.3 These policies will be implemented on the basis of collaboration and partnership through the programmes operated by various ministries/bodies of the Government of Nepal, local bodies, non-governmental organisations, private sectors and local communities.

10.4 Appropriate environment will be created so that international humanitarian and other appropriate institutions could provide supports to displaced persons.

10.5 The Chief District Officer shall have such responsibilities as to maintain up-to-date the statements of potential bodies which could provide support to displaced persons at local-level and also coordinate or cause to be coordinated programmes.

10.6 The responsibilities of compiling records of displaced persons and families and forwarding the up-to-date statements thereof to the Ministry of Home Affairs will lie with Chief District Officer.

10.7 Arrangements for the activities of necessary monitoring and evaluation at the time of implementation of these

policies will be made from National Planning Commission through Peace Secretariat.

10.8 For effective implementation of these policies, special measures will, for the development of institutional capacity, be adopted in internally displaced persons-related mechanism and also in district administration offices under the Ministry of Home Affairs.

10.9 A working manual to be required for the implementation of these policies will be made and issued.

## **11. Provisions relating to Institutional Mechanism**

There shall be an organisational mechanism as referred to below to direct, coordinate and monitor the formulation and operation of various programmes together with relief to be provided to persons or families displaced due to conflict and thereby to effectively implement or cause to be implemented such programmes.

### **11.1 Central Steering Committee**

There shall be a Steering Committee at central-level as referred to below:

Chairperson – Honourable Minister for Home Affairs

Member – Honourable Minister for Finance

Member- Honourable Minister for Physical Planning  
and Works

Member- Honourable Minister for Local Development

- Member- Honourable Minister for Education and Sports
- Member- Honourable Minister for Health and Population
- Member- Honourable Vice-chairperson, National Planning Commission
- Member- Representatives of political parties representing in Legislature-Parliament
- Member – Chief Secretary, Office of the Prime Minister and Council of Ministers
- Member – Secretary, Ministry of Finance
- Member – Secretary, Ministry of Home Affairs
- Member – Secretary, Peace Secretariat
- Member – Secretary, Secretariat of National Planning Commission
- Member – Representative of Non-Governmental Organisation (NGO) working in matter of internally displaced persons
- Member – Representatives of civil society nominated by Government of Nepal - two persons
- Member – President, Federation of Nepal Chamber of Commerce and Industries

Member – President, Nepal Red Cross Society, Central Committee

Member – Member Secretary, Social Welfare Council

Member Secretary – Joint Secretary, Ministry of Home Affairs (Looking the matter relating to internally displaced persons)

### **11.1.1 Functions and Management of Central Steering Committee**

- (a) The committee shall, in relation to matters of internally displaced persons, give policy direction together with inter-ministry coordination.
- (b) The United Nations bodies, national and international non-governmental organisations may be invited in the meetings of the committee.
- (c) The committee may constitute sub-committees as per necessity. The functions, duties and powers of such committees shall be as specified by the committee.
- (d) While constituting sub-committees, the committee shall properly involve therein the United Nations bodies, national and international non-governmental organisations.

- (e) The meetings of the committee may be held as per necessity. Provided that the meetings shall be held at least twice a year before approving annual programmes by National Planning Commission and introducing programmes and budget by Ministry of Finance.

**11.1.2 Secretariat:** The secretariat of this committee shall remain in the Ministry of Home Affairs.

## **11.2 Central Programmes Coordination Committee:**

**11.2.1** In order to effectively implement, monitor and coordinate the programmes targeted to internally displaced persons or families and also to provide suggestions and counseling in matters of strategies, policies and programmes to the Central Steering Committee, there shall be a Programme Coordination Committee as referred to below:

Chief Secretary, Nepal government and Secretariat-	Chairperson
Secretary, Ministry of Finance	- Member
Secretary, Ministry of Physical Planning and Works	- Member
Secretary, Ministry of Home Affairs	- Member
Secretary, Ministry of Local Development	- Member
Secretary, Peace Secretariat	- Member

Secretary, Secretariat of National Planning

Commission - Member

Secretary, Ministry of Forests and Soil

Conservation - Member

Secretary, Ministry of Women, Children and Social

Welfare - Member

Joint-Secretary, Conflict and Reconstruction

Division, Peace Secretariat - Member Secretary

11.2.2 The representatives of international donor agencies, international non-governmental organisations and NGOs performing functions pertaining to internally displaced persons may, as per necessity, be invited as observers in the Central Programme Coordination Committee.

### **11.3 District Programme Coordination Committee:**

To implement and coordinate the programmes in line with these policies at district-level, there shall be a District Programme Coordination Committee as referred to below:

Chairperson - Chief District Officer  
Member - Chief, Local Peace Council  
Member - Chief, District Police Office  
Member - Women Development Officer,  
Women Development Office

- Member - Representatives of locally action-oriented political parties from amongst the parties representing in Legislature-Parliament
- Member - President, District Red Cross Committee
- Member - President, Federation of District Industries and Commerce
- Member - Two persons assigned by the chairperson of the Committee amongst from local NGOs
- Member - Two persons selected by any organisation/institution of displaced persons, if any, and if not, two representatives assigned by the chairperson
- Member Secretary - Local Development Officer

### **11.3.1 Functions of District Programme Coordination Committee:**

- (a) This Committee shall implement, coordinate, monitor and evaluate the programmes operated at the district-level.



- (b) It shall send progress report of the programmes on displaced persons operated in the district to Central Programmes Coordination Committee.
- (c) The member-secretary shall perform various functions to be performed in relation to internally displaced persons from District Administration Office including the functions of this committee.
- (d) This committee shall encourage to assist the local communities, local bodies, NGOs, federation of local industries and commerce as well as all bodies located in the district in providing assistance and support to displaced persons.

#### **11.3.2 Secretariat:**

The secretariat of this committee shall be located in the District Development Committee.

#### **11.4 Displaced Person Identification Committee:**

To identify internally displaced persons and provide them with identity-cards in a simple manner, there shall, at district-level, be an Internally Displaced Persons Identification Committee as referred to below:

Chairperson - Chief, Local Peace Council or Chief District Officer if the council is not constituted

- Member - Two representatives from the members of Local Peace Council
- Member - Local Development Officer
- Member - Chief, District Police Office
- Member Secretary - Assistant Chief District Officer or officer-level personnel assigned by Chief District Officer

### **11.5 Other Provisions:**

- (1) Provisions will be made to operate programmes at the local-level by District Programme Coordination Committee in coordination with, among others, local bodies and Local Peace Council and the provisions of monitoring, by National Peace and Rehabilitation Commission and Truth and Reconciliation Commission, of programme implementation at the central-level will also be made.
- (2) Provisions of focal-points will be made at ministry-level to undertake in a coordinated manner the activities of security and development construction in conflict-affected areas and thereby coordinated efforts shall be made through Ministry of Home Affairs and Peace Secretariat.

- (3) In order to collect, analyse, publish and disseminate and also make appropriate management of the records of internally displaced persons, Ministry of Home Affairs at central-level and District Administration Office and local bodies at district-level will be mobilized through all types of communication media.

## **12. Criterion for Identification:**

Internally displaced persons shall be identified on the following basis:

### **12.1 Identification of persons or families displaced due to situations of armed conflict, violence or gross violation of human rights:**

- (a) One who is displaced due to seizure of house and land or physical property by any of the parties involved in conflicts or due to having the same destructed in cross-fire during armed conflict or violence; or
- (b) One who is displaced due to fear, intimidation, threat, or physical or mental torture or personal insecurity by any of the parties involved in conflicts; or
- (c) One who is displaced due to emergence of problems of livelihood whether or not having the ways or

means of livelihood destructed owing to armed conflict or violence; or

(d) One who is displaced due to emergence of situations of gross violation of human rights; or

(e) One who is displaced after having neglected in the society owing to social ill-practices or superstitions.

**12.2 Identification of persons or families displaced due to human-made situations:**

(a) One who is displaced due to construction/improvement of development projects;

(b) One who is displaced due to construction or operation of industries, factories; and

(c) One who is displaced due to damage or destruction of infrastructures caused by human-made disasters.

**12.3 Identification of persons or families displaced due to natural disasters:**

One who is displaced due to natural disasters.