

NEPAL:

Failed implementation of IDP Policy leaves many unassisted

A profile of the internal displacement situation

28 January, 2010

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

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Internal Displacement Monitoring Centre

Norwegian Refugee Council
Chemin de Balexert 7-9
1219 Geneva, Switzerland
Tel.: +41 22 799 07 00
idmc@nrc.ch

www.internal-displacement.org

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OVERVIEW

Failed implementation of IDP policy leaves many unassisted

Note: *More than three years after the government of Nepal and the Maoists ended their ten-year conflict, up to 70,000 people displaced by the war remain unable or unwilling to return home. Ongoing political crisis has hampered the peace process and the prospects for reconciliation and durable solutions to displacement.*

Repeated Maoist commitments to return confiscated houses and land are yet to be honoured in several districts, and internally displaced people (IDPs) from non-Maoist political parties have found it particularly hard to recover property. The government return package has been limited to those officially registered, and in many districts, up to half of IDPs have been unable to register for assistance. The post-war economy is depressed and there is limited access to basic services in rural areas, so many returnees have had to go back to towns and cities again in search of work.

Most IDPs have chosen to stay in their area of displacement, mainly in urban areas, where some have managed to integrate and to find jobs. Many others, including displaced children and women in particular, have struggled to find proper accommodation or access basic services in cities. Children are exposed to a variety of threats, including trafficking, sexual exploitation and child labour. Displaced women, particularly widows, suffer from significant discrimination, making them highly vulnerable to further impoverishment and forcing many to resort to prostitution.

While its 2007 IDP policy provides for return, integration and resettlement, the government has only offered assistance to those seeking to return. The policy has still not been disseminated effectively across the country. For most remaining IDPs there will be no durable solutions without completion of registration, return and reintegration assistance, land and property restitution, and vocational training and income-generating projects to support reintegration.

Background

In 1996, Maoist rebels launched a “people’s war” to overthrow the monarchy and establish a socialist republic in Nepal. Maoists in the mid-western region attacked police, teachers, government officials, landowners, and political opponents, forcing those associated with the royal government to flee to district headquarters. From 2001 the conflict escalated and the government declared a state of emergency. Trade, education and other public services were disrupted and food security declined. Those from impoverished communities fled the fighting, Maoist extortion and forced recruitment, to district centres, large cities such as Kathmandu, Biratnagar or Nepalgunj, and across the border to India.

The conflict ended with a Comprehensive Peace Agreement (CPA) in November 2006 which formalised the commitment of both sides to peace and constitutional change, while providing for the return and rehabilitation of all people displaced by the conflict. In April 2008, Nepal peacefully elected a Constituent Assembly (CA) which voted into office a Maoist-dominated government tasked with completing the transition to a federal democratic republic.

Intense power struggles in 2008 and 2009 between the main political parties created an unstable environment which has seriously hampered implementation of the peace process. The coalition

government formed in the wake of the elections and headed by the Maoist leader, Pushpa Kamal Dahal (better known as Prachanda) ended after only nine months. A presidential decision to rescind Prachanda's order dismissing the army Chief of Staff was judged by the Maoists to undermine "civilian supremacy". Since May 2009, the Maoists have left the government and have largely blocked the legislative process. They have organised several rounds of countrywide protests to increase pressure on the government to address a range of issues atop the Maoist's agenda: restoration of "civilian supremacy", integration and rehabilitation of Maoist army personnel, limits on presidential authority and social, economic and security reforms. The political stalemate remains unresolved (UNSC, 7 January 2010, p.1).

A fragile peace

There have been a number of post-conflict successes: the promulgation of an interim constitution, peaceful CA elections, the separation and management of the royalist and Maoist armies and distribution of nearly three million citizenship certificates. Nevertheless, the peace process remains fragile and most Nepalese have seen no changes in their daily lives. There has been total failure to address human rights violations committed during the conflict. Since 2006 there has not been a single prosecution, thus prolonging impunity and undermining state legitimacy (ICG, 14 January 2009). Nepal's post-war economy remains weak. Food prices are high and in 2009 unfavourable climatic conditions reduced food production. Humanitarian indicators are worrying. More than three million people have been identified as requiring urgent food assistance (WFP, 8 September 2009, p.2). In December, lack of funding forced the World Food Programme (WFP) to temporarily reduce the total number of its food assistance beneficiaries from 1.6 to one million (OCHA, 11 January 2010, p.3).

The government's capacity to provide basic services to its citizens remains poor due to lack of resources, weak institutions, limited presence in rural areas, and increasing security threats both from Maoists and armed groups in the Terai (Himalayan foothills) who have been fighting for increased political involvement since 2007. In July 2009 it was estimated that in the eastern and central Terai over 40 per cent of Secretaries of Village Development Committees (VDCs), the lowest tier of government, had moved to district headquarters to avoid intimidation and attacks from armed groups and criminal gangs (OCHA, 1 July 2009, p.2). Repeated strikes and protests during 2009 have disrupted development programmes being implemented by international organisations, particularly in the eastern Terai. In late 2009, the UN reported an increase in violence and threats, which have sometimes been directed at international organisations (OCHA, 10 December 2009, p.2).

New displacements in 2009

Overall, there was limited further displacement in 2009. The main episode was in early June in Dang district near the Indian border, when thousands of people from 22 villages were displaced by actions of the Seema Surakchya Bal (SSB), India's border security force. The SSB reportedly encroached on Nepali territory, forcing residents out through threats and human rights violations (Nepalnews, 2 June 2009; Kantipur, 1 June 2009). According to the UN, most of those displaced started returning home shortly after their displacement (OCHA, 1 July 2009, p.3).

Most other displacement incidents reported during the year were relatively minor and mainly linked to activities of armed groups against government officials, or disputes between opposing political parties cadres. These have often involved the Maoist-affiliated Young Communists League (YCL) (Nepalnews, 22 March 2009; OCHA, 16 May 2009, p.1). Active in most districts, YCL cadres have interfered in state tender processes, extorted money and illegally levied taxes (Carter Center, 29 November 2009, p.9). Displacement was also reported as a result of the seizure of land by armed groups in the Terai and by Maoist groups in Siraha and Saptari districts (Nepal IDP Working Group, 15 June 2009, p.18).

In September 2007 there was inter-communal violence in Kapilbastu district between hill-origin Pahadis and Madhesis, residents of the plains. This forced between 6,000 and 8,000 people, mostly Pahadis, from their homes. Since then, insecurity caused by the activities of up to 20 armed groups in central and eastern Terai has led to new displacements, mostly of Pahadis. Moving in small bands and fearful of being identified, most of these IDPs remain out of reach of assistance (Himalayan Times, 24 September 2009; Nepal IDP Working Group, 15 June 2009, p.8; OCHA, 31 March 2008, p.8; NRC, 5 March 2008).

Identification and registration of IDPs

The absence of any comprehensive registration of IDPs and any systematic monitoring of population movements, either by national authorities or international organisations, has made it difficult to provide accurate estimates of the total number of people displaced during the ten-year internal conflict, or the number still displaced at the beginning of 2010. The IDP figures used in 2009 by the UN and international agencies, ranging from 50,000 to 70,000, have remained unchanged since 2007. In June 2009, the Nepal IDP Working Group, a group of international and national agencies assisting IDPs, judged that up to 70,000 people displaced by the conflict had not found durable solutions as they remained unable to return home, integrate locally or resettle elsewhere (Nepal IDP Working Group, 15 June 2009, p.7). They remain dispersed across Nepal, mainly in the district headquarters and major cities such as Kathmandu, Biratnagar and Nepalgunj.

Until it adopted the National IDP Policy in February 2007, the royal government did not recognise as IDPs those displaced by actions of the security forces, and it limited assistance to those displaced by the Maoists to those with political connections. Thus most people displaced during the conflict did not register, either because they did not qualify or because any assistance they might obtain was extremely limited. The IDP concept itself became politicised, and was used in some areas by the Maoists to refer to those closely associated with the former government. This not only created difficulties in assessing the number of IDPs during the conflict, but it has also had serious ongoing implications. It is reported that the Maoists have sought to prevent the return of those IDPs they brand as “bad or anti-revolutionary” (OHCHR, 25 September 2006, p.7).

In 2007 the government started setting up a Displaced Persons Identification Committee in a number of districts to collect and compile information on IDPs. However the lack of clear directives and mechanism on the implementation of the IDP Policy has resulted in identification being taken over by ad-hoc district committees representing political parties and civil society organisations. The process of registering has been described as uneven and incomplete, with some IDPs reportedly facing political and procedural obstacles. IDPs have had to return to their home districts to submit a registration application, but many have faced difficulty in getting a confirmation letter from VDC secretaries, especially from those who have relocated to district headquarters. In the absence of any information campaign by the government, many IDPs remain unaware of the chance to register, while others have been told they have missed registration deadlines (Nepal IDP Working Group, 15 June 2009, p.19).

By August 2008, the government had registered 52,000 people and in September 2009 announced that it considered the total number of conflict-displaced people to be some 70,000. It also added that most IDPs had been able to return home (AFP, 22 September 2009). The total number of IDPs is expected to grow as the government is reported to still be updating its information.

The registration process does not apply to people displaced by ethnic unrest in the Terai since 2007 who are not recognised as IDPs. At the end of 2009, however, the government had reportedly started collecting data on those in a number of districts, in the context of a broader revision of the IDP policy and implementation directives.

Challenges to return and reintegration

Tens of thousands of people have returned to their homes since the end of the conflict in 2006, although lack of monitoring in return areas has made it difficult to estimate the exact number of returnees or the extent to which returns have been sustainable. Return movements gained momentum after the CPA was signed at the end of 2006, and the government and the Maoists made a formal commitment to “allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society” (CPA, 22 November 2006). For at least a year, however, these promises remained unfulfilled as most IDPs faced many obstacles to return. If they did decide and manage to do so, they received no state support and only limited assistance from national and international NGOs (INSEC, 2009, p.17).

The government only started to provide return packages to IDPs at the end of 2007. By November 2008, a little over 28,000 of the 35,000 IDPs who had registered had received some form of assistance. This primarily involved a subsistence allowance, payable for four months, and some money for transport (NPTF, 15 November 2008, p.24). The government return package should also have included livelihood support in the form of loans for agricultural inputs, but no money had been disbursed by the end of 2009, when the government reported that an additional 4,700 people had benefited from the transportation allowance and almost 5,800 more from the subsistence allowance (NPTF, 15 November 2009, p.26).

The main challenges faced by returnees include inadequate livelihood opportunities, discrimination, and unresolved housing, land and property issues. Security problems are mainly linked to political activities, with Maoists sometimes reportedly warning people not to join rival political parties. According to an assessment by the Nepal IDP Working Group, more than a third of returnees reported facing alarming or poor livelihood conditions. For most this seriously affects access to food, health or education. In many districts, access to basic services remains extremely difficult as public facilities have not been repaired and civil servants have not returned.

Almost 40 per cent of returnees reported suffering from discrimination due to tension with the rest of the community (Nepal IDP Working Group, 15 June 2009, p.28). The conflict has had a profoundly disruptive effect on social harmony, with a high level of mistrust reported in conflict-affected communities (SIRF, 6 May 2009, p.76). Caste-based discrimination remains deeply ingrained in Nepal, with Dalits and indigenous groups such as the Tharus still largely considered as second-class citizens. Particularly targeted by Maoists in their political mobilisation, and facing harsh repression from government forces who suspected most of them supported the “People’s War”, many Dalits and indigenous people fled their homes during the conflict (SIRF, 6 May 2009, pp.27-28; CHRGI, 2005).

Displaced widows were identified as particularly vulnerable, as many did not have any employment or livelihood source and they often faced discrimination. Few were reported to have received compensation for the death of their husbands, other than those were married to royalist army or police personnel (SIRF, May 2008, p.63). Displaced widows have also faced significant challenges in recovering expropriated property or getting compensation (WCRWG, 22 May 2008, p.5). Property claims have to be registered at the place of origin, a journey many displaced widows cannot afford. Many are also unaware of their legal inheritance entitlements, or face opposition from in-laws reluctant to acknowledge their rights.

Nearly half of those interviewed reported serious land, housing and property problems (Nepal IDP Working Group, 15 June 2009, pp.27-29). Although return of houses and land confiscated by the Maoists during the conflict is reportedly underway in most districts, there were still reports in 2009

of property not being returned unconditionally (The Carter Center, 26 August 2009, p.6). Again, IDPs with non-Maoist political affiliations have been most likely to be prevented from recovering land and property. Processing of claims for compensation for lost or damaged property has been frustratingly protracted. More than 10,000 cases were recorded by a task force formed in 2007, but by the end of 2009 only some 2,000 families had received support to reconstruct or repair their houses (NPTF, 15 November 2009).

Struggling to integrate in areas of displacement

Assessments conducted since 2006 have shown that in most areas the majority of the displaced have no intention of returning, but would prefer to integrate locally or, to a lesser extent, resettle elsewhere (Nepal IDP Working Group, 15 June 2009, p.9; RUPP, August 2007, p.9; MCRG, December 2006, p.50). In addition to obstacles related to fears about security, discrimination, housing and land and property restitution, many IDPs are reluctant to jeopardise the relative economic stability they have managed to attain in urban areas, where livelihood opportunities and access to basic services are greater than in rural areas.

However, not all IDPs living in urban areas have improved their standard of living. The majority left everything they owned behind in their villages, and used any remaining assets to pay for travel and immediate survival expenses in their place of relocation. IDPs in the main towns or cities continue to face obstacles in obtaining decent accommodation, employment, education and other services. This particularly affects those who have lost documentation (IRIN, 11 July 2007). A third of the respondents to the Nepal IDP Working Group assessment reported precarious housing conditions, living in slum areas, squatting on state-owned land from which they were at risk of eviction, or having only found temporary solutions with friends or family (IRIN, 13 March 2009). Nearly half needed regular income to pay rent, but few IDPs had this. Almost half of the IDPs surveyed reported struggling to meet their most basic needs (Nepal IDP Working Group, 15 June 2009, pp. 21-22). IDPs from farming communities also often lack skills required by urban employers and are forced to do menial low-paid and labour-intensive jobs.

Displaced children in cities may be particularly disadvantaged. Although some have managed to attend school, others have been unable to enrol because they have not had the required documentation, or because they have had to work to augment meagre household incomes (IRIN, 18 November 2008). Working children are frequently exposed to trafficking or economic and sexual exploitation. Many work as domestic servants and are subject to severe exploitation and exposed to physical or psychological abuse (TDH and SCA, June 2006, pp.16-19).

In a society where most women and girls already suffer from discrimination, displaced women, particularly widows, are even further disadvantaged, at risk of further impoverishment and exposed to significant protection and health risks. Most girls who fled the countryside to seek refuge in urban areas have no skills and face significant challenges in securing new livelihoods. Many have ended up in low-paid jobs, working in exploitative conditions and at risk of physical abuse. An increase in prostitution has been reported over the years in the main cities such as Kathmandu and Pokhara, the flight destination of many displaced women and girls (SIRF, 6 May 2009, p.54; IRIN, 2 May 2007; IRIN, 17 February 2006). HIV/AIDS prevalence is reported to be particularly high among internally displaced sex workers, due to their limited health care knowledge and social and economic vulnerability (Karkee R and Shrestha DB, 2006 p. 364). Migration abroad, mainly to India, has also contributed to the rise of HIV prevalence in Nepal. It is reported that up to 40 per cent of those who are HIV positive are migrant workers, most of whom have returned from India (WFP and NDRI, 17 December 2008, p.17).

National response

Since adopting the National IDP policy in February 2007, the government has made only minimal efforts to ensure that those displaced by the conflict or by ethnic unrest in the Terai since 2007 receive proper protection and assistance to enable them to achieve durable solutions.

Nearly three years after being issued, the National IDP Policy has yet to be fully implemented. Much remains to be done before the policy can substantively improve the lives of the displaced. Procedural directives to ensure implementation were developed by the Ministry of Peace and Reconstruction (MOPR), the main government body responsible for coordinating assistance to IDPs, with support from the UN High Commissioner for Refugees (UNHCR), the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA) and the Norwegian Refugee Council (NRC). The MOPR sent directives to the Cabinet for approval at the end of 2007, but as of January 2010 they have still not been formally adopted despite repeated calls from UN agencies, civil society and international NGOs. IDP advocates argue that the absence of government approval is undermining return and rehabilitation efforts and preventing IDPs from enjoying their full rights. At the end of 2009, the MOPR was reported to have started revising the IDP policy and the directives in view of a possible re-submission to the Cabinet in 2010.

While the policy initially envisaged a number of relief and rehabilitation programmes for the displaced, these were later amended due to lack of resources and replaced by a State Relief and Assistance Package (SRAP). This is funded by the Nepal Peace Trust Fund (NPTF), a three-year programme established in February 2007 to implement the CPA. The number of target IDP beneficiaries was set at 50,000 and the total budget is \$5 million. The SRAP included three different packages: transportation (package A); subsistence, education, house repair and construction (package B) and agricultural inputs (package C). By November 2008, the MOPR reported that all the funds had been released to each of Nepal's 73 districts through the Districts Administration Offices (DAOs); however only 52 DAOs were reported to have implemented the programme (NPTF, 15 November 2008, p.24). A year later, the number of districts implementing the IDP programme still stood at 52 (NPTF, 15 November 2009, p.26).

Dissemination of information about the IDP policy has not been a government priority. In the absence of any state information programme, it has been left to local and international NGOs to inform IDPs of the policy, its procedures and their entitlements. While most Chief District Officers are aware of the policy, very few have any knowledge of its content. More local VDC Secretaries, the primary grassroots implementers, also had very little knowledge. Surveys have shown that while 61 per cent of IDPs had heard of the existence of return and rehabilitation packages, only 35 per cent were aware of the policy and none could identify specific rights and entitlements it provided (Nepal IDP Working Group, 15 June 2009, p.34).

While the IDP Policy specifies support to the three types of durable solutions, the government has clearly prioritised the return option. The relief package distributed by the government only benefits those who agree to return to their homes. In most districts, IDPs have only received the travel and subsistence allowance. Lack of adequate resources was cited as the main obstacle, with only three districts out of the 16 surveyed reporting having been allocated sufficient funds to meet the needs of registered IDPs. Resettlement initiatives by the government have so far been limited in number and hampered by lack of capacity and poor coordination. A pilot resettlement project is underway in the western-most Kanchanpur district, but the project is only focusing on the construction of houses, the completion of which is expected to take up to 4 years, and is neglecting livelihood opportunities and the provision of basic services.

Coordination mechanisms set out in the IDP Policy have barely functioned even in Kathmandu, where coordination on IDP matters between different ministries is described as poor. The central level coordination mechanisms envisaged by the IDP policy, i.e. a Central Guidance Committee to be headed by the Minister of Home Affairs and a Central Program Coordination Committee to

be headed by the Chief Secretary, never materialised. The overall implementation of the Policy is supposed to be monitored by the National Planning Commission, through the MOPR. Since 2007, local IDP Identification Committees have been added to the existing District Programme Coordination Committees. Local Peace Committees (LPCs) have also been established to facilitate and coordinate district-level policy implementation and distribution of SRAP return and relief packages. LPCs have now been formed in most districts, but their effectiveness has been limited by a lack of financial support from the government, the lack of capacity of DAOs and ideological disagreements between political parties.

International response

Since the end of the conflict, the international community's main priority has been to preserve the fragile peace process. The UN Mission in Nepal (UNMIN) was established in January 2007, with a mandate to monitor the management of arms and armed personnel and provide technical assistance for the CA elections in August 2008. The UN Peace Fund for Nepal (UNPFN), also established in March 2007, is intended to complement the government's NPTF, as a vehicle to mobilise resources for short-term projects in support of the peace process (UNDP, 23 June 2009).

Prior to the introduction in Nepal in September 2008 of the cluster approach (a UN-led global initiative to improve coordination of humanitarian and development interventions), the Nepal Country Team of the UN's Inter-Agency Standing Committee coordinated assistance to IDPs, with OHCHR, UNHCR and OCHA leading the response. The cluster approach was activated in response to the displacement caused by flooding of the Koshi River in eastern Nepal. OHCHR took the lead of the protection cluster, and attention has since focused on those displaced by the floods, with the needs of conflict-induced IDPs seldom discussed during meetings. At the end of 2009, OCHA, OHCHR, UNHCR and UNICEF requested the deployment of a senior protection officer (ProCap advisor) to work under the protection cluster on issues related to conflict-IDPs. This role had largely been undertaken by NRC up to its departure from Nepal in mid-2009.

NRC started assisting IDPs in Nepal in 2006, and together with OCHA and OHCHR tried in 2008 and 2009 to keep conflict-induced IDPs on the humanitarian agenda. NRC actively advocated for the rights of IDPs through media campaigns, workshops and meetings. Before closing its programmes, NRC and other interested members of the Nepal IDP Working Group published an assessment of the situation of conflict-induced IDPs. The report called for government approval of IDP Policy implementation directives, effective dissemination of information on the policy, increased allocation of state resources at central and district levels, intensification of integration and resettlement efforts, and greater attention to housing, land and property restitution and compensation issues (Nepal IDP Working Group press release, 15 June 2009).

Since 2008, priorities have again shifted back to development programmes and funding for humanitarian operations has decreased. Donor response to the UN's 2009 Consolidated Appeal (CAP) was good in comparison with other post-conflict contexts, reaching 85 per cent of the total requirement of \$129 million. However, while donors pledged support for food and education, other sectors critical to durable solutions for conflict-affected people, including agriculture, shelter, and water and sanitation, remained largely under-funded. Protection and human rights-related projects have also received little support. The European Commission followed by the United States and the United Kingdom were the three top donors in 2009. The Central Emergency Response Fund (CERF) also remained an important funding instrument in 2009, providing \$6 million to the WFP to fill an urgent funding gap at the end of 2009 and allow it to continue feeding 1.6 million people in 2010 (OCHA, 11 January 2010, p.3).

CAUSES AND BACKGROUND

Background

Nepal is the poorest nation in South Asia (July 2007)

- According to the 2006 Human Development Report, Nepal ranks 138 among 177 nations on the Human Development Index
- There is a big disparity in per capita expenditures between urban and rural residents, with US\$158 in rural and US\$553 in urban areas. Poverty is significantly higher in rural areas compared to the cities. Annual per capita expenditure in the rural Far-West is extremely low (only US\$133).
- Income inequality is likely to be higher in the Terai than in the Hills and Mountains. Vulnerable communities such as Dalits, Adivasi Janajatis and Kamayas often struggle to access sufficient food. The result is that the Terai is characterized by very high wasting levels above emergency levels

FAO & WFP, 27 July 2007, pp. 7

"Nepal is a least developed country and the poorest nation in South Asia. According to the 2006 Human Development Report, Nepal ranks 138 among 177 nations on the Human Development Index. Its per capita Gross Domestic Product (GDP) is estimated at US\$232 (average of 2003 to 2005, in 2000 constant price), 44 percent below that of Bangladesh, 58 percent below India, 59 percent below Pakistan, 76 percent below Sri Lanka and Bhutan, and 83 percent below China (Table 1). Nepal has the lowest growth rate among its neighbouring countries. Annual per capita GDP growth is estimated at 2.0 percent from 1979/81 to 2003/05. The economic performance was even worse in the last several years, at -2.7 percent, 1.3 percent, 1.6 percent and 0.7 percent, respectively, from 2002 to 2005.

Growth of the Nepalese economy is determined largely by the growth of its agricultural sector. Although the share of agriculture in total GDP has been declining over the years, it is still the single largest sector in the economy, accounting for 38 percent of GDP at present (Table 2). Out of the total population of 25.9 million (2005), some 80 percent reside in rural areas and pursue agricultural activities. In the nonagricultural sector, manufacturing, trade and commerce, transport and communication, finance, real estate and community and social services are important sub-sectors. The manufacturing sector is limited largely to low-end consumer items such as carpets, garments and handicrafts, and further development of this sector is constrained by Indian competition, poor infrastructure, a limited local market and the lack of direct sea access. Tourism, traditionally the largest component of the services sector, has fallen behind the finance and real-estate sectors since 2000, due to the impact of the conflict.

As a landlocked country with a low level of development and high dependence on imported capital goods and oil for energy, Nepal faces a chronic deficit in merchandise trade. However, since 2002 the current account has registered small surpluses due to increased remittances from Nepalese working abroad and continued inflows of foreign aid. During March 2005, the government estimated that more than half a million Nepalese were working abroad. Foreign aid has a significant influence on Nepal's development, with a share in public sector development expenditure of 60 percent.

(...)

Poverty and food security

Based on 2003/04 NLSS data, per capita expenditure is estimated at US\$266 (current value) per year (Table 10). There is a big disparity in expenditures between urban and rural residents, with US\$158 in rural and US\$553 in urban areas. Poverty is significantly higher in rural areas compared to the cities. Annual per capital expenditure in the rural Far-West is extremely low (only US\$133). The study of Small Area Estimation (SAE) carried out by CBS, WFP and the World Bank indicates that 37 percent of the rural population is living below the poverty line of 7 696 rupees (or US\$101) per year, compared to 13 percent in urban areas. Based on the SAE, the proportion of population below the poverty line is much higher in the Mountains (42.5 percent) among three ecological zones (36.6 percent in Hills and 29.5 percent in Terai) and in the Far-West (45.6 percent) and Mid-West (46.5 percent) among the five development regions. People living in the Mountains spend more on food (65 percent) than those living in the Hills (55.4 percent) and Terai (51.7 percent).

Due to high poverty levels, people have limited purchasing power to buy food in the markets. Based on the Mission's observations, the income inequality is likely to be higher in the Terai than in the Hills and Mountains. Vulnerable communities such as Dalits, Adivasi Janajatis and Kamayas often struggle to access sufficient food. The result is that the Terai is characterized by very high wasting levels above emergency levels (see next section). Unfortunately, no disaggregated data are currently available that provide insight in the food security situation of marginalized communities in the Terai. Other important factors contributing to food insecurity and malnutrition in the Terai remains high include limited nutritional knowledge, inappropriate hygiene and caring practices, and the gender division within the household, which places women in a disadvantaged position.

Farm income is still a dominant source for the rural population, especially households living in the Mountains and households in lower income groups. According to 2003/04 NLSS data, 48 percent of household income comes from farm income, 28 percent from non-farm income, 11 percent from remittance, 10 percent from housing consumption and 4 percent from other sources (Table 11). However, for households living in the Mountains, 59 percent of household income is from agriculture only 19 percent from non-farm income and 9 percent from remittances. Similarly, the poorest and second poorest groups, based on consumption quintiles, are also highly dependent on farm income (62 percent and 58 percent, respectively), while remittances are lower (8 percent and 9 percent) compared to the national average."

Caste-based discrimination and systemic inequalities result in marginalisation of many groups in Nepal

- Nepal is presently party to 14 international instruments on human rights, but a vast gap exists between these commitments and their implementation
- Caste discrimination remains ingrained in Hindu-dominated Nepalese society despite legal provisions.
- Wealth and power are disproportionately distributed to favor higher castes, restricting social mobility and the possibility of intergenerational change.
- Indigenous land is often seized by the government for incorporation into national parks and public property and payment of compensation is rare.
- Those most in need of development assistance reside in the insurgency-affected districts.
- Lower castes and minority ethnic groups are disproportionately affected by widespread health problems aggravated by poverty and lack of public health awareness.

APHRN, 20 August 2001

"Small, landlocked, and impoverished, Nepal is home to a mosaic of ethnicities and languages. A democratic constitutional monarchy was established in 1990 after the overthrow of the three-tiered *panchayat* system, which prohibited political parties and was completely controlled by the king. Nepal is presently party to 14 international instruments on human rights, but a vast gap exists between these commitments and their implementation. Political instability – including corruption, turmoil in Royal family and the Maoist insurgency – has contributed significantly to the difficulty in implementing lasting human rights reform. Racial discrimination has a different face in Nepal than it does in many other parts of the world; many groups suffer from marginalisation because of caste, ethnicity, gender, age, religion and political opinion.

Despite the anti-discrimination provisions contained in the 1990 Constitution, caste discrimination remains ingrained in Hindu-dominated Nepalese society. Caste discrimination constitutes a form of racism in which people are categorically relegated to subordinate social positions, and are denied equal access to social, economic, political and legal resources. Wealth and power are disproportionately distributed to favour higher castes, restricting social mobility and the possibility of intergenerational change, because caste is based on lines of descent. Cultural attitudes that perpetuate the caste system are inculcated at a young age in Nepal, and are often reinforced within the education system. Adults teach children to maintain the stratified society, and continual reinforcement of the system cement it into an unquestionable reality. Caste discrimination is frequently present in government-initiated development programmes, with many of the projects failing to benefit the lower castes.

Because the pervasive caste system is superimposed on even non-Hindu communities, impoverished indigenous peoples and ethnic minorities are treated much the same way as lower caste Hindus. Nepal is estimated to have over 60 ethnic groups and approximately 125 languages. Any non-Hindu group of people is considered an ethnic minority, though indigenous peoples are distinct from other minority groups. Although they comprise 40 per cent of the population, they are highly underrepresented in Parliament. The Constitution guarantees the right of each community to preserve and promote its own language, Nepali is the official language and many indigenous languages are in danger of becoming extinct.

Poverty, a lack of social services and weaknesses in basic sanitation and water resource infrastructure remain pressing problems for rural and indigenous peoples, despite economic development and poverty alleviation having been the primary objectives of the Nepali budget for the past couple of years. Governmental programmes were created to encourage participation in governance, but their implementation has been disrupted by the Maoist insurgency. Development occasionally clashes with human rights, especially in the case of projects such as dam-building which entails displacement of large sections of the population. More indigenous land was seized by the government for incorporation into national parks and public property. Efforts have been made in recent months to give land certificates to landless squatters, but payment of compensation is rare. Economic exploitation – such as bonded labour – targeted at minority ethnic groups is aggravated by the high incidence of landlessness and poverty.

The "People's War," waged since 1996 through guerrilla tactics by the CPN-Maoist Party, causes continuing unrest. Specifically, it contributes to tensions between minority ethnic groups and low castes in the rural areas and the upper caste Hindus who still have a hold – albeit tenuous – over the country. Neglect of rural areas by the government enhances the appeal of the Maoists who criticise the government and issue broad demands for reform. Those most in need of development assistance reside in the insurgency-affected districts; however, government programmes tend to avoid those areas, fostering a vicious cycle of dissatisfaction with the government and increased support for the Maoists. Human rights abuses on the part of Nepali authorities are engendered by the insurgency with fundamental rights remaining in a state of suspension in the name of security. Several laws including Public Security Act, allow the police to

restrict movement and to summarily detain individuals, and grant the police de facto impunity to torture and arbitrarily kill suspects. The police force, for its part, selectively targets particular groups, reinforcing the already high incidence of discriminatory behaviour in society.

Lower castes and minority ethnic groups are disproportionately affected by widespread health problems aggravated by poverty and lack of public health awareness. Children suffer in particular. Commendably there is increased enrolment in schools, a slowly decreasing child mortality rate, growing awareness of exploitation and trafficking and growth in support services. However, improvement on children's rights is slow. The government acknowledges the problem of child labour, but claims it cannot tackle the entrenched poverty that supposedly causes it. Children work at the expense of their education, which contributes to the cycle of poverty. Part of the problem is resource allocation. Most of the money invested in education benefits the wealthier segments of society, but poor children suffer the highest illiteracy rates. The Maoist insurgency has left thousands of children displaced, orphaned or dead. Maoists have also recruited children as soldiers."

A development failure: the development-conflict nexus

- There are several interpretations regarding the role played by international development actors in the coming about of the "People's war":
- According to the dominant view, the failure of mainstream development plans and strategies are at the root of the insurgency. Conflict emerged as a response to poverty, exclusion and inequalities that development actors failed to address. In this perspective, what is needed is a reorientation of the development programmes to give it a greater anti-poverty focus and become more "conflict-sensitive".
- Another, more critical, view sees the development failure as more structural than technical. In this perspective, the UN and mainstream development agencies were blind or even complicit in their support to a corrupt and unjust system based on structural violence. The caste system was even reproduced within the international organisation with most staff recruited among the Kathmandu upper-class elite.
- A third perspective gives international development actors a more positive role, suggesting that the Maoist insurgency actually built on an anti-discrimination discourse imported by INGOs working in the rural areas since the early 1990s.

FIC, August 2008, pp. 20-24

A development crisis. Understanding the root causes of the crisis and its actual consequences for ordinary Nepalis is more problematic. How is it possible that a low-intensity Maoist insurgency—something so anachronistically “20th century”—took hold in the central hills of Nepal and spread rapidly to engulf most of the rural areas of the country and to trigger a popular movement that effectively led to the overthrow of the ancien regime? The literature on development in Nepal¹⁵ and the opinions of staff of aid agencies, donors, and intellectuals we interviewed in Kathmandu, indicate a number of competing, and sometimes overlapping, narratives of the development-conflict nexus.

(a) The dominant narrative is one of “botched development,” the notion that the failure of mainstream development plans and strategies are at the root of the insurgency. The emphasis on infrastructure did not really change the lives of ordinary people and conflict emerged as a response to poverty and exclusion—issues that were not at the forefront of the concerns of the development enterprise in Nepal. The assumption of the proponents of this view is that appropriate strategies on the anti-poverty front would lead to peace. The problem is seen as technical; the solution is to be found in changing the mix of components of donor and government interventions. While the government, donors and agencies did not do their job in understanding

the problem, they could be part of the solution. Supporting the Millennium Development Goals (MDGs), redesigning programs in a more “conflict sensitive way” and other adjustments to the way the aid system works would put the development agenda back on track. The notion that the problem is technical and can be resolved by “scientific” means is also a Maoist motif. As a Maoist cadre told us: “poverty and discrimination were the root causes of the conflict. These are problems that the state can solve in a scientific way.”¹⁶ Aid organizations and their delivery systems were often perceived by the people as emanations of the state and were therefore seen as guilty by association with the institutions of the autocratic state. “Large parts of public opinion as well as the Maoists have often questioned the actual poverty focus of development agencies, their employment policies, their transparency and accountability.”¹⁷

(b) A more critical narrative expands on development failure and goes deeper. According to this view, the flaws are structural, not technical.¹⁸ Because of its linkages to the Kathmandu elite and because the development enterprise was Kathmandu-centric, if not lost in a “Kathmandu bubble,” it was unable to “see” the real conditions of the country. One observer calls this the “Shangri-La effect”: donors, the UN and mainstream development agencies were blind or even complicit in their support to a corrupt and unjust system based on structural violence.¹⁹ Unlike in other countries, they did not feel it was their responsibility to address caste, gender and ethnic discrimination. By and large, throughout the 1990s they seemed to view the caste system and structural violence as givens that could not be changed (or that it was not their responsibility to change).²⁰ Moreover, in a very literal sense, they reproduced the caste system within their own organizations. Because their gate-keepers—Nepalis in government and civil society who were their primary interlocutors in their aid activities—were mostly from upper caste backgrounds, agencies naturally recruited from this elite, English-speaking and likeminded pool. Of course, donors and aid agencies have cozy relationships with local elites in many developing countries, but in Nepal this was taken to extremes. The proportion of non-upper caste staff in aid agencies is strikingly low, mirroring the domination of “NBCs” (Newari-Brahmin-Chettri castes)²¹ in the civil service.²²

As elsewhere, aid agencies tended to be capital-centric: like their government counterparts, few senior aid officials ventured outside Kathmandu and major district centers reachable by road or by air. There were exceptions of course—a handful of INGOs, a few committed individuals in the donor community—but the combination of elite linkages and the top-down nature of the development enterprise resulted in a major disconnect between the aid bureaucracies and the people they purported to help. This “insider-outsider dynamic” permeates the aid relationship and undermines it. As the HA2015 case studies show, this is a recurring theme in all countries studied. Projects are part of an externally-driven dominant discourse that, as we shall discuss in the next section, is perceived by the people on the ground as imposed from the outside, rigid, non-participatory, and lacking in accountability.

(c) There is also a counter-cultural narrative to the development failure explanation. Some view the emergence of the Maoists and the spread of the insurgency as a “development success”. A few international NGOs had been supporting communitybased participatory programs in the western hills in the early 1990s. By raising issues of exclusion and gender and, in particular, by conducting multi-year informal adult literacy courses they “prepared the terrain” for the Maoist anti-discrimination agenda.²³ In a sense these projects were the antibodies of the dominant development discourse particularly because of their awareness-raising components.²⁴ The argument is interesting as a counterpoint, but not necessarily valid across the board. The penetration of aid in general and of small-scale community participation projects in particular was (and is) quite limited. As a Nepali aid worker in a remote village in Rolpa pointed out: “each donor has its own pet valley where it works. Sometimes this changes the life of local people. But it does not add up. Projects are just tiny islands of progress in a sea of poverty”. There is perhaps a

broader point. Change, long-stifled during the Panchayat years of royalist autocracy, was in the air

in the early 1990s. Education was expanding and so were the communication networks. In non Maoist-heartland areas—for example in the Terai or in Kathmandu—when we asked about the drivers of change respondents rarely mentioned the Maoist anti-discrimination agenda as the primary driver. Improved education opportunities and even migration to India were often mentioned first as factors in social change."

The People's war (1996-2006)

SIRF, 6 May 2009, p. 7

For about twelve years, Nepal witnessed the Maoist insurgency ('People's War') launched by the Communist Party of Nepal (Maoist). Pointing to the failure of the democratic regime instituted following the 1990 People's Movement (Jana Andolan I), and of successive governments to bring genuine democracy and inclusive broadbased development to the people of Nepal, the Maoists viewed only a revolutionary armed struggle could create the basis to overthrow and replace corrupt and inadequate ruling classes with a democratic republic representing the working peasants of Nepal.

Although subjected to aggressive police operations in the early years, the Maoists were able to establish themselves in the mid-west region of Nepal, and especially in Rolpa, Rukum, Salyan, and Jajarkot Districts. In late 1990s, they rapidly extended their radical movement across the country.

The conflict escalated significantly following the declaration of a State of Emergency by the Government of Nepal (GoN) in November 2001, with extensive deployment of the Royal Nepal Army (RNA) and larger scale Maoist People's Liberation Army (PLA) reprisals. Many areas of the country came under Maoist influence after the government decided not to extend the terms in office of elected District Development Committees (DDC) and Village Development Committees (VDC) in mid-2002. In February 2005, ex-King Gyanendra reinstated monarchical power through a royal coup,

prompting the political parties to come together to agitate against the takeover in a Seven-Party Alliance (SPA). This alliance initiated negotiations with the Maoists and reached a 12-point Memorandum of Understanding (MoU) agreeing to mutually fight against the monarchical autocratic rule.

In April 2006, hundreds of thousands of people flooded the streets of Kathmandu and other urban centers throughout the country in a 19 day Jana Andolan II against the monarchy. Following the King's hand over of power to the public, the reinstated House of Representatives, SPA and the Maoists reached a historic six-point agreement (November 8, 2006). Subsequently, they also signed a Comprehensive Peace Agreement (CPA, November 21, 2006) and Agreement on Monitoring of Arms and Armies (November 28, 2006).

While Nepal finally brokered a ceasefire and promise of a democratic and peaceful government, the over a decade-long armed conflict had already caused erosion of many social values, trust and solidarity in society, communities and families. Approximately 13,000 people directly lost their lives due to conflict (INSEC, 2006, see Table 1), and countless others indirectly. The conflict also had a toll on development activities, law and order, basic infrastructure and services causing the economy to shrink. Human rights violations and brutality escalated on both sides of the conflict, with offences committed affecting all segments of the population, but in particular the most vulnerable, the poor and/or socially excluded members of society suffered exponentially in conflict, for they are less able to cope with, respond to, or recover from difficult and complex conflict-related situations. In particular, the lives of women, children, and youth have been

affected, with the right to education disrupted, and a heightened prevalence of gender-based violence (GBV). In a context of killing and maiming, abductions, and the disappearance of the extra-judicial system, children and youth in large numbers found themselves orphaned, working as child laborers, homeless or displaced, and without traditional social support systems. Both the State and the Maoists recruited children. Many children were forced into the Maoist insurgency as there was a recruitment policy of "one house, one person" in the People's Liberation Army (PLA). Maoists enlisted both boys and girls as child soldiers either voluntarily or forcibly as combatants, scouts, spies, porters, cooks and as part of cultural troops. State forces used them as informants, spies and cooks¹. A 14 year old boy who was an ex-child soldier from Taplejung was used as a cook by the police after he had surrendered. A Maoist ex-child soldier from Dolpa was used by the State Army as an informant to identify various strongholds of Maoists and was flown in helicopters in mid-western parts of the country.

Many families were internally displaced; estimates in 2005 suggests over 200,000 IDPs, however only 50,000 to 70,000 have been recorded based on IDMC Report, June 2008 & OCHA Nepal Thematic Report, June 2008². During peace negotiations as time neared for the Maoists to canton their combatants, recruitment campaigns of youth (both voluntary and forced) were expedited, many were taken directly from schools, reportedly 10-200 at a time.³. Many families remain internally displaced (estimates suggest over 200,000 IDPs). In addition to uprooted and conflict-affected people's needs and rights, communities are filled with returnees who have few livelihood options, limited access to social services.

While the negative repercussions of conflict are rampant, the conflict also brought about significant positive changes. Development responses reinforced many 'good practices' including transparency, accountability, localization, and more equitable distribution of benefits. Conflict also forced many issues suppressed for centuries to surface, including recognition and inclusion of diverse groups and their cultures, religions and educations. Conflict helped create space for greater leadership amongst women and youth, exclusion and inclusion of diverse groups of Nepal like dalit

women, Indigenous, Madhesi, Differently abled and other minorities ; social-cultural issues including polygamy, domestic violence, GBV, child marriage, land rights are now being openly discussed. While planned decentralization deteriorated in the absence of functional governance, unplanned local self governance and management of service vacuums filled by emerging local leadership and community-based organizations continued and expanded, often on terms far more inclusive, equitable and sustainable than those the GoN previously provided. It is clear that during this post-conflict time of political repositioning, a return to the pre-conflict 'status quo' is not only unrealistic, but would forgo many of the positive achievements made."

A difficult and uncertain transition to peace (2006-2009)

- Peace process has brought a cessation of full-scale armed conflict but a growth in other forms of insecurity, including violent crime and intimidation. Law and order is precarious.
- The Maoists' YCL has been at the fore of the new wave of extortion and pressure tactics, forcing donations, disrupting other parties' activities, assaulting and abducting politicians, business people and other perceived opponents.
- Strikes and shutdowns have severely disrupted everyday life. Lack of policing and government presence, especially in Tarai districts, has exacerbated a widespread sense of insecurity
- Normality has yet to be restored in rural areas. The Maoists have made only a limited return of seized land, and no mechanism has been put in place to oversee returns. Local government has not been reestablished.

- The limited impact or absence of police interventions to stop violence, coupled with the use of lethal force by the police on some occasions when they have in fact intervened, often with fatal consequences, has resulted in a vacuum where the public feels insecure and has little confidence that it will be protected by the rule of law

The Carter Center, 29 November 2009, pp-3

"In the Eastern, Central and Western Tarai, the security environment is poor. Positively, public perceptions are that the security situation has been improving since early 2009. However, it remains unclear whether these improvements are sustainable.

(...)

In the Eastern Hills, the security environment is fair for ordinary citizens, but poor for government officials and businessmen.

(...)

In the Mid Western and Far Western Tarai, the security situation is fair.

(...)

In the Central, Western, Mid Western, and Far Western Hill and Mountain districts across the country, the security environment is reported as generally calm, but the perception of a Maoist threat lingers in the minds of citizens as a legacy of the conflict. There are also a very small number of remote areas where Maoist cadres reportedly exert strong influence.

(...)

Three years after the signing of the CPA, Nepal remains in the midst of a challenging transition process between conflict and lasting peace. At the time of writing, the UCPN(M) has announced a third phase of protest programs to take place in December 2009 that includes protests around the country, declaration of autonomous states, and a nationwide general strike that could become indefinite. However, on 23 November the party also suspended its long-term blockade of the Legislature-Parliament – for three days only – to allow the much-needed passage of the budget, demonstrating continued capacity for compromise when urgently required. Additional hard compromises by all sides are necessary immediately to restore faith in Nepal's fragile peace process and enable it to move forward once again.

While political leaders in Kathmandu struggle to find consensus, citizens are losing hope that their core desires – lasting peace, public security, economic development, and inclusion - will be fully realized. The Carter Center is encouraged by the improved security environment in the most troubled areas of the Tarai, but recognizes that a broad political consensus at the national level will be necessary to ensure that these improvements are sustainable and to strengthen the rule of law throughout Nepal. At the same time, it is important for Nepal to deal with the legacy of fear from the conflict and to re-establish a state presence throughout the country. Finally, the immediate challenges which currently threaten security are diverse in nature and the appropriate responses must also be. Purely criminal activities necessitate the application of the rule of law, with respect for due process and human rights, and effective law enforcement free from political interference and corruption. Activities underpinned by political motivations such as the Maoist protest programs, disputes over land, and tax collection using ILO 169 as justification are more complex, and necessitate political solutions as well involving engagement and dialogue to be addressed effectively.

Now is not the time to become complacent. Forces inside and outside the process retain the potential to block state functioning. The Maoists seemingly have this capacity around the country, though they are not currently exercising it; armed group activity could increase yet again in the Tarai; and mobilizing ethnic groups could obstruct the process if they are unhappy with the direction the new constitution appears to be heading. The rhetoric of various groups – including the Government, the Maoists, and a small number of ethnic-group leaders – is worrying, but has not yet translated into serious confrontation. What is needed most urgently is broad commitment at the central level by all sides to a set of clear general principles for strengthening public security

and rule of law, as well as localized solutions to specific district level problems that differ from region to region."

SIRF, 6 May 2009, p. 9

"In the post Peace process which was initiated in 2006 people believed after the CPA everything will be peaceful and "normal" as before the armed conflict in 1996. Similarly, there was a perception, inclusion of Maoists in the Interim Parliament and Government would restore peace and stability. Consequently, declaration of republic would be the end of all the turmoil in the country. Then, people expected that the Constituent Assembly Elections would serve as a panacea, albeit nothing has changed. Currently, all the conflicts tend to have become concentric on Constituent Assembly and formation of the Government and distribution of major posts to three major political parties. The politics of power has created more complexity than ever before.

On the other hand, the situation in the rural areas has not changed much. Although, there is no overt threat from either of the ex-conflicting parties Maoist and State. The Maoist themselves are part of the Government. Maoists' youth faction, Young Communist League (YCL), which is a mix of political and military cadres, is active in the place of the People's Liberation Army. Maoists' language is still harsh and intimidating, although there are no direct threats from Maoists; however people hesitate and fear to openly oppose their activities. Maoists have not returned the confiscated land and property to the owners as per the Agreements.

Violent bandh/strikes, rallies and protests for political, economic, and socio-cultural issues and demands have become common phenomena. Although, there is no threat from either of the conflicting parties after the CPA, strikes for political, economic and socio-cultural issues have continued. For last couple of years it is conducted to demand for a separate Madhes State, movements of dalits and indigenous, as well as against petrol price rise, rise in public transport costs, etc. There is a new trend of violent demonstrations and conflicts for various reasons in the Capital, districts and villages.

The government seems to ignore demands of the common people to ensure, respect, and protect their basic needs and rights. The emerging trend is the government's attention will not be drawn unless strikes and violent protests are called. Thus, every group who wants government to address their cause either uses violence or strikes to be radically visible.

After the Peace Accord, the Madhesi, indigenous, and movements of other marginalized groups violently went to the streets. Furthermore clashes have occurred between Madhesi groups and Maoists, Maoists and CPN-UML, Maoists and Nepali Congress, and so on. Currently, all the conflicts tend to have become concentric; focused on Constituent Assembly and establishing an Interim Government. The country is at the verge of anarchy because of lack of Rule of Law and security. The administrators, security personnel, and bureaucrats interviewed in the target districts gave vivid examples of excessive interference from various political parties to deal with any criminals or political events. Earlier the district administration and security system had to bear the pressures from two political parties – Nepali Congress (NC) and the Communist Party of Nepal-United Marxist Leninist (UML), but currently they have to bear additional pressures from Maoists throughout the country and Madhes Janadhikar Forum (MJF) in the Tarai, too.

(...)

There is a new trend of violent conflicts for various reasons throughout the country. The trend of violence, crime, and violation of human rights is increasing. There is a major lack of security for most people, except for the leaders of key political parties. The administration is passive and corruption is widespread, resulting in a state of lawlessness and anarchy. Four big 'national' parties ride roughshod over other smaller and regional parties. The development programs of the government in the postconflict phase have not been given priority and space to "bottom-up approaches". Multiple processes initiated from the grass-roots for genuine peace-making and

peacebuilding is lacking. People's participation and representation not only in the politics but also in sustainable peace building is missing. The communities are polarized; there is lack of reconciliation activities, except for a few (like psychosocial counseling). Similarly, the process of truth and reconciliation has not been initiated, although the people and NGOs are raising concerns for stepping up reconciliation process as early as possible. Many victims and their families are living with hatred and need for revenge."

OCHA, 16 January 2009, p. 12

"The security situation remains fragile. The most serious consequence of the security vacuum and limited presence of the state is reflected in the Terai, where several armed groups have created a climate of fear and intimidation. While targets of killings by armed groups in mid-2006 were almost

exclusively related to conflicts between Janatantrik Terai Mukti Morcha (JTMM) and the CPN/M in the Eastern Region, the armed groups and their activities proliferated especially after the Madheshi

agitation in early 2007, expanding also to the Central Terai.¹⁰ In early October, the government established a team to facilitate talks and invited a number of armed groups to engage in dialogue, to which a few did respond. However, dates and agendas for the talks are yet to be determined.

The Maoist army is about 19,000 strong and have been housed in cantonments since 2007. The future of these ex-combatants remains to be agreed-upon by the parties to the CPA. In his report to

the UN Security Council in May, the Secretary General suggested that these issues now need to be

addressed without delay and warned that a prolonged restriction of armed and trained persons without a long-term solution could not be a sustainable situation.¹¹

The Nepal Police have yet to re-establish their civil protection presence and are often unable to prevent violence by armed groups or protesters. When the Nepal Police do act there have been instances of an inappropriate use of lethal force. The result is that the public feels insecure and is not confident that it will be protected by the rule of law.¹²"

FIC, August 2008, pp.4-5

"While it is possible to hold very different views on the current situation in Nepal, there is a general consensus that the country is undergoing a deep transition. Waves of optimism and enthusiasm for change have alternated with a sense of deepening crisis and foreboding. At the time of the fieldwork for this study, the expectations created by the popular movement that put an end to both the Maoist insurgency and the monarchy's authoritarian rule were waning. The Communist Party of Nepal (Maoist), which had led a ten-year low intensity "people's war" against the state, had pulled out of the interim government established after the June 2006 Peace Accords. The elections for the Constituent Assembly (CA), scheduled for November 2007, had been postponed indefinitely amid wrangling over the type of electoral system to be adopted and Maoist pressure for the monarchy to be abolished before the polls. Ethno-linguistic minorities in the Terai—the lowlands along the border with India—and elsewhere in Nepal were raising increasing, and often, violent demands for recognition and representation in a political system that seemed increasingly to be the preserve of a Kathmandu-based elite in which the Maoist leadership was playing an on-again-off-again spoiler role. Moreover, widespread bandhs (strikes/blockades) and long lines for scarce supplies of fuel added to the perception that the optimism of early 2006 had been replaced by a more somber mood.

By early 2008 however, the mood had changed again. After what seemed an eleventh-hour political compromise on how to deal with the issue of the monarchy, the Maoists agreed to return to government and the electoral calendar was put back on track. Contrary to the expectations of most local and foreign observers, the polls for the CA were held—relatively peacefully—on 10 April 2008. They delivered a totally surprising and convincing victory for the Maoists. While their commanding lead appeared sufficient for them to shape the future of the country, they subsequently failed in July 2008 to have their chosen candidate elected by the CA as Nepal's first president and the shape of the first republican government was in flux. Clearly Nepal still presented some of the symptoms of the "interregnum" mentioned above. A return to authoritarian rule, either of a royalist or militarist variety, was most unlikely and the commitment of the Maoist leadership to the democratic process seemed solid.

Nevertheless, many serious challenges to peace and stability remained. The first relates to the festering aspirations of the ethnic and linguistic disenfranchised minorities in the Terai who did not feel represented by the political parties that participated in the CA polls. As has happened regularly

since 2006, this discontent could degenerate into more widespread violence, both criminal and political, directed at the high caste Kathmandu-based elites that have traditionally monopolized power. The second relates to the internal coherence of the Maoist movement. If ethnic grievances are not addressed, it might split either along ethnic lines or, as has regularly happened to Nepali leftist movements in the past, between a leadership coopted into the Kathmandu party politics system—which many see as ineffective and corrupt—and a more revolutionary wing tempted to take the struggle back to the hills. In addition, there is the issue of the future of the armed forces and whether it will be possible to smoothly integrate and demobilize some 90,000 Nepali army, 25,000 armed police, and around 20,000 Peoples Liberation Army (PLA) personnel. Stability will hinge on the ability of the new leadership to deliver a peace dividend amid a deepening economic crisis exacerbated by dramatic increases in the prices of food and fuel."

ICG, 18 December 2007, p.8

"The peace process has brought a cessation of full-scale armed conflict but a growth in other forms of insecurity, including violent crime and intimidation. Law and order is precarious; the judicial system is overstrained and faces questions of legitimacy and efficacy. Widespread lack of public confidence in policing and justice provides the space for Maoist action, which for all its brutality gives many people a sense of the order and authority that the state no longer commands.

The Maoists' YCL has been at the fore of the new wave of extortion and pressure tactics, forcing donations, disrupting other parties' activities, assaulting and abducting politicians, business people and other perceived opponents,. And refusing to relinquish the aim of becoming a parallel policing and justice authority. The CPN(M) leadership's repeated promises to rein it in are unfulfilled; its cadres continue to threaten journalists (and, in two cases, appear to be responsible for abducting and killing local journalists) and use aggressive labour union tactics to pressure businesses. Business people willingly turn to the Maoists for dispute resolution, apparently preferring rough but speedy decisions to protracted court actions.¹⁸ "We don't want to harass anyone", a Maoist law enforcer in the capital said, "but if we receive a complaint we investigate it straight away; after all, who trusts the police?"

Strikes and shutdowns have severely disrupted everyday life.²⁰ Lack of policing and government presence, especially in Tarai districts, has exacerbated a widespread sense of insecurity. While the state crackdown on demonstrations, particularly during the early 2007 Tarai unrest, was harsh, there has been little follow-up in terms of arresting those responsible for the worst violence, such as the March 2007 Gaur massacre. Normality has yet to be restored in rural areas.

The Maoists have made only a limited return of seized land, and no mechanism has been put in place to oversee returns.²¹ Local government has not been reestablished, although there are indications a cross-party agreement may be close."

Failure to address human rights violations committed during the conflict prolongs the culture of impunity and threatens the peace process (January 2010)

- There has been a near total failure to address human rights violations committed during the conflict. Since 2006 there has not been a single prosecution, thus prolonging a culture of impunity and undermining state legitimacy.

ICG, 14 January 2010, p. i

"Failure to address the systematic crimes committed during Nepal's ten-year civil war is threatening the peace process. There has been not a single prosecution in civilian courts for any abuses. The cultures of impunity that enabled the crimes in the first place have remained intact, further increasing public distrust and incentives to resort to violence. The immediate priorities should be prosecutions of the most serious crimes, investigation of disappearances and action to vet state and Maoist security force members.

There are tensions between the pursuit of justice and the pursuit of peace. An absolutist approach to accountability for past abuses is impossible in practice and could obstruct the compromises needed to bring formerly warring parties together to forge a stable political settlement. But tackling impunity and improving accountability has a direct and acute relevance to managing Nepal's fractious transition. Unaccountable and heavy-handed security measures by a state with weak legitimacy have escalated conflict before and threaten to do so again.

Multiple grievances are not being effectively channelled through the constitutional process, and dealing with them is fraught with risk as long as political violence remains a viable tool. Yet moving from a state of impunity to one of accountability will be a painful transition for many individuals in the security forces and political parties. Avoiding, or deferring, this discomfort may appear tempting but is counterproductive. Longstanding cycles of abuse have undermined prospects for improved public security and peaceful political debate.

Both sides carried out repeated and systematic violations of the laws of war during the conflict, which ended with the November 2006 Comprehensive Peace Agreement (CPA). State security forces accountable primarily to the interests of party leaders or the palace felt unconstrained by legal requirements. They were responsible for hundreds of disappearances and unlawful killings, rampant torture and other abuses of the civilian population. Of the more than 13,000 people killed during the war, the vast majority died at the hands of the state. The Maoists, in challenging a state they portrayed as unjust and illegitimate, sought to characterise violence – including brutal killings of civilians and political opponents – as an essential, and justified, plank of political strategy.

At the heart of the peace deal lay a commitment to recognise that both sides had broken fundamental rules. But neither believes its actions were wrong. Both insist on judging their own, meting out no real punishment, and have refused to cooperate with civilian authorities. Lack of action on justice is not for lack of promises. Commitments to human rights norms and specific steps such as investigating disappearances have been central to successive agreements, including the CPA. Lip service, however, has only become entrenched as a substitute for action.

Concern for victims has been inconsistent. The most tangible response has been interim relief payments to families of those who died or were disappeared. Yet this has been weakened by political manipulation and the lack of effective oversight of fund distribution. For relatives of the more than 1,000 still missing, distress, frustration and a sense of betrayal have grown.

Political parties have shown no interest in dealing with past crimes. Indeed, they have exploited the lack of accountability to avoid reining in the unlawful activities of their own activists and to justify regular interference in the criminal justice system. This has left a demoralised, ineffective and increasingly desperate police force to confront growing insecurity and small yet still dangerous local, regional and ethnic struggles. But political leaders alone are not to blame. The domestic constituency for justice is minimal. Despite the pioneering work of some activists, rights and justice are not rallying calls for the politically influential middle classes. Citizens are not keen to re-examine what the state did in the name of their security, and see no need for national dialogue and catharsis. Many victims were from disadvantaged communities long marginalised by the state and more influential social strata. Media and parliamentary attention to questions of justice is sporadic."

UNSC, 7 January 2010, p. 7

"27. There was no substantial progress during the reporting period in addressing impunity and ensuring accountability for human rights violations committed during or after the conflict. The Government continued to demonstrate a lack of willingness to hold members of the security forces accountable for human rights violations committed during or after the conflict and continues to withhold cooperation with civilian authorities responsible for investigating these cases. UCPN-M similarly failed to cooperate with the authorities and end impunity despite several assurances that those responsible for human rights abuses would be held accountable."

General country context in 2009 (January 2009)

OCHA, 16 January 2009, p. 64

"The population of Nepal is 25.88 million³³, with an estimated growth rate of 2.27%. About 7.3% of the population lives in the mountains, 44.2% in the hills and 48.5% in the Terai³⁴. Migration from the mountainous regions and the rural Terai to the newly-developed cities is very high, as people seek better education and employment opportunities. The country features in the 'low human development' category with respect to most of the human development indicators, with over 80% of the population surviving on less than \$2 per day³⁵.

The country is faced with problems such as illiteracy, poor health education, discrimination based on caste, as well as inadequate government systems and support. Many parts of Nepal have little or no infrastructure and limited access to roads, safe drinking water (76% of the population have access to basic water facilities), sanitary facilities (46% of the population have access to sanitary facilities) and public health services³⁶. According to the Human Development Index, the current literacy rate above six years of age is 63% and the literacy rate above 15 years is 52%, whereas the literacy rate for women is significantly lower. The infant mortality rate of 48 per thousand and maternal mortality rate of 281 per hundred thousand are challenges to the public health system. Further, about 75,000 people are estimated to be HIV positive and the social stigma and discrimination based on ethnicity, gender and HIV is very strong and widespread³⁷.

In addition to socio-economic factors, geological, topographical and climatic conditions expose Nepal to multiple hazards, most prominently earthquakes, floods, landslides, fires, thunderbolts,

windstorms, hailstorms and avalanches. The impact of climate change is worsening the situation. The general population has been most affected by floods, landslides, windstorms and hailstorms, followed by fires and epidemics. Floods and landslides are annually recurring events.

Nepal has also undergone a more than a decade-long armed conflict that resulted in the loss of thousands of lives and huge infrastructural damage, leaving a huge negative impact on the country's economy. Thousands of people have been displaced from their place of origin and live in vulnerable conditions. However, the peace process that began after the successful end of the people's movement in April 2006 has been instrumental in bringing a new socio-political dimension. A successful constituent assembly in April 2008 and the declaration of the country as a Federal

Democratic Republic by the first meeting of the constituent assembly in May 2008 have helped to propel the peace process forward.

The new political environment in the country has raised expectations among people for lasting peace and sustainable development. More importantly, the constituent assembly is expected to formulate and endorse a new constitution within two years, along with a new federal political structure for the country. The process is not expected to be smooth-sailing, with several issues needing to be resolved through consensus between the political parties. Thus, while there are clear opportunities ahead for the country, there are also many challenges."

The Maoist insurgency

Multiple causes of displacement in the context of a civil war (June 2009)

IDP Working Group, 15 June 2009, p. 16

"The causes for forced displacement are as varied as the figures themselves. Threats, torture, extortion, abduction, physical assault, and human rights violations are some of the major reasons for displacement. The weakening of local economies and food shortages are also good reasons for people to leave their homes. There are several direct and indirect consequences of conflict that are significant contributions for displacement, and those are:

Obstructions in government services (especially in rural areas).

Maoist's threats (either direct or psychological) against family members working for security forces.

Threats and beatings by security forces that accuse people of providing food and shelter to the Maoists.

Psychological problems following the murder of family members.

Analysis of the Information Counseling and Legal Assistance (ICLA)¹¹ project of NRC shows that a majority of those beneficiaries were displaced due to: family members being killed by the Maoists and security forces, destroyed or occupied properties, threats, beatings, and forced donations (extortion).

It is estimated that a higher trend of displacement was seen among groups consisting of the wealthier and more politically active members of village communities. They were targeted because they were landowners with tenant farmers, or were local Mayors or Village Development Committee (VDC) Chair people, or were active political party representatives. Another group of displaced people consists of youth avoiding forced recruitment into the Maoist militia.¹²"

Fear of human rights violations committed by both warring parties against civilians is the main cause of displacement (August 2007)

- Most people have not fled direct fighting between the Maoist and the security forces, but rather as a result of, or to avoid, human rights violations.
- The involvement of civilians in the conflict by both warring parties is one of the main cause of the displacement crisis.
- Direct causes of displacement include among others: murder of a family member, threats, violations of human rights, forced recruitment into Maoists forces, taxes, arrests and harassment by security forces.
- Acceleration of rural exodus in the last years is a result of the conflict, food insecurity and growth of new opportunities in the terai.
- In parts of the mid west and far west large scale migration is mainly due to insecurity.
- In other areas, for example in the Upper Karnali, large-scale involuntary migration is well documented as a consequence of the growing food insecurity of the area and of the lack of local employment and non-farming alternatives to agriculture and livestock production.
- Conflict has had an adverse effect on agricultural and livestock production, partly as a consequence of the rural exodus and partly as a result of lack of inputs.
- Drought, government restrictions on supply of food and medicines, restrictions imposed by the Maoists on the transport of food to district headquarters, fighting and fear of threats have led to the internal displacement of tens of thousands.

RUPP, August 2007, p. 6

"This study found that 62% of the total displaced households of these municipalities left their places of origin because of security reasons. Security, in this context, implies not only to physical phenomenon; namely: physical attacks, pillage, kidnapping, conscription, and intimidation but also perceived security. Thus, the perception of "how secure I am or my family is?" varies from person to person. Primarily, families of security forces, local elites and cadres of other political parties left because of security related reasons.

Chart No.4: Reasons for Conflict Induced Displacement

Second to security related reasons is education. In fact, 19% of the displaced households left their places of origin because of the disturbance in education of their children because of the conflict. Conscription of students, fear of conscription, and absenteeism among teachers because of their insecurity and extortion are the common reasons that compelled these displaced households to leave their places of origin. Apart from that, in many places, a school was occupied by the security forces. Among the remaining of the displaced households, 10% left because they could not continue their business due to the conflict and 9% left to continue their employment. Primarily, teachers, many government staff and Village Development Committees Secretaries left because they could not continue their employment at the place of origins because of extortion."

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 4

"It seems that relatively few persons flee as a direct result of armed confrontations between the parties, although with increased military activities by both the RNA and the CPN/M as witnessed in January and February 2006, such movements might increase. Rather, most IDPs leave their homes as a result of, or to avoid violations of, human rights (HR) and international humanitarian law (IHL) committed in the frame-work of the conflict. Therefore, whatever improvements can be made in the application of HR and IHL to the on-going conflict may help limit new displacements.

With this in mind, the mission tried to identify the key causes of displacement and suggest necessary preventive measures. From the visits to Kalikot, Dang and Banke districts it was clear that the armed actors' common practice of involving the civilians in the conflict and at the same time punishing those that have been forced to (actively or passively) collaborate with the enemy constitute an overarching problem. Such disrespect for IHL and exposure of the civilian population takes many shapes and forms, ranging from forced recruitment to the mere presence or even transit of combatants through rural villages.

Interviewees (villagers, IDPs, authorities and NGO representatives) reported slightly lower levels of pressure on the civilian population during the ceasefire, but most of the practices causing displacement persist. Forced recruitment by the CPN/M, whether to the armed wing, the militias or the groups of cultural performers, has resulted in large numbers of young men leaving their villages to avoid recruitment. Other individuals are directly forced to leave by the CPN/M ("locking-up" of houses) or they flee a credible threat to, or violation of, their physical integrity. Additionally, every-day violations of the civilian space, such as CPN/M requests for food and lodging, commonly have dire consequences for the civilians in the form of RNA reprisals against those individuals, often leading to displacement."

Internal displacement on the increase due to Maoist and security forces violence

INSEC, April 2004, pp. 112-113

"We can enumerate the factors responsible for the increasing trend of internal displacement. Most of the causes are associated with the violence and terror inflicted by the Maoists and the counter violence unleashed by the security forces in the name of controlling them.

- Threatening for death
- Extortion spree
- Charges of spying from both the conflicting parties
- Murder of the family members
- Fear of being abducted
- Using of vehicles, phones and other accessories by the rebels and actions by the security forces for letting the other party use them.
- Locking up homes and destroying them.
- Camping and exchange of fires at schools
- Announcement of state of emergency and increasing fear among the people
- Losing jobs
- Difficulty in maintaining daily needs
- Obstruction in children's education
- Lack of health services
- Failing tolerate the atrocities of both the warring parties

We can also regroup the causes basically as:

- The direct effects of the violence
- The effects caused by the behaviour of the warring parties
- The difficulties caused by the war strategies
- The difficulties created in maintaining daily life

The Maoists have forced displacement of people, especially by threatening them of their lives, extortion, force into the militia and other causes. On the other hand the security forces suspect the helpless villagers of involvement in the people's war and then torture them, threaten them in different ways and this forces them to displace from the place of origin.

In August, the Maoists initiated a campaign of enrolling one person from a family to their militia, and either money or person from every family was sought. This created great fear in the people and many youth fled the villages.

The Maoists are also collecting donations in the name of war tax. Small entrepreneurs and members of the organisations are threatened for donations and upon realising that the situation in their homeland is not conducive to run their enterprises and for residence they migrate to safer places.

(...)

People are forced to quit their villages because the Maoists have at different times nominated the uninvolved local people into their people's government without their consent or consultation and at other times, they are killed for spying against them. People like VDC secretaries, local political leaders, former peoples' representatives, village leaders who visit different places at different times are blamed of spying against them and are threatened for their lives and other such physical actions through public notices. Thus the helpless people have nothing to do than migrate to safer places.

(...)

There are reports on Maoists torturing, threatening and forcing to migrate local leaders, people's representatives, VDC secretaries and others on charge of spying against them."

Caught between two evils: maoists & security forces

AI, 19 December 2002, pp. 6-12

"Deliberate killings of civilians considered to be "enemies of the revolution" has been a prominent feature of the "people's war". Teachers and politicians have been among those most frequently targeted. Around July 2002 the Maoists stepped up attacks on members of mainstream political parties after elections were announced for November 2002. Members of the NC party were most often targeted for deliberate and unlawful killings, but there were increasing attacks on members of the CPN-UML.

(...)

Recruitment of children by the Maoists has been reported on a regular basis. Amnesty International was informed that in the areas under its control, the CPN (Maoist) exercise a recruitment policy of "one family, one member". Children, including girls, are deployed in combat situations, often to help provide ammunition or assist with evacuating or caring for the wounded. One 16-year-old boy from Dang district reported how in May 2002 he was forced to assist with carrying wounded Maoist combatants to India for treatment and how he and six others of the same age managed to run away while travelling back to Nepal. He also explained how after his return to his village the security forces suspected him of being a member of the CPN (Maoist), as a result of which he has moved to a nearby town.

(...)

The Commander of the Armed Services told Amnesty International in September 2002 that it is the army's mission to "disarm and defeat" the Maoists. The definition of what constitutes a "Maoist", according to army commanders interviewed by Amnesty International, includes civilians who give shelter, food or money to the armed Maoists. The fact that much of this "assistance" is given under threat from the Maoists was not fully recognized.

It is unclear what the exact rules of engagement are under which the security forces are operating. When asked by Amnesty International, the heads of the army, police and APF each stressed that they were in line with general practice around the world. However, a senior superintendent of police admitted to Amnesty International that the security forces deliberately kill "Maoists". He explained that the terrain and lack of detention facilities make it difficult to take wounded Maoists to hospital or captured Maoist to prison.

In this context, killings of “Maoists” in “encounters” with the security forces are reported on a daily basis compared to very few reports of Maoists injured or arrested, suggesting at least some units within the security forces have operated a policy of deliberately killing Maoist suspects instead of arresting them. During 2002, Amnesty International submitted details of more than 200 people killed in approximately 100 incidents to the UN Special rapporteur on extrajudicial, summary or arbitrary executions.

Many of the victims of killings by the security forces are civilians deliberately killed on suspicion of providing food, shelter or financial assistance to the Maoists.

(...)

A disturbing pattern of “disappearances” and long-term unacknowledged detention in the context of the “people’s war” has emerged. Between 1998 and mid-2001 Amnesty International recorded more than 130 “disappearances”. During the state of emergency between late November 2001 and late August 2002, Amnesty International recorded 66 cases of “disappearances”. It is suspected that many of those recently reported as “disappeared” may still be alive in army custody. Others are feared to have been killed in custody and their bodies disposed of in secret.

(...)

Torture by the army, APF and police is reported almost daily. The APF, which was established in 2001, has been increasingly cited in allegations of torture. The army systematically held people blindfolded and handcuffed for days, weeks or even months. Torture methods included rape, *falanga* (beatings on the soles of the feet), electric shocks, *belana* (rolling a weighted stick along the prisoner’s thighs causing muscle damage), beating with iron rods covered in plastic and mock executions."

People flee extortion, forced recruitment, abduction and physical violence by Maoists (June 2007)

- Since 1996 and the beginning of the "people's war", members of the rural elite and teachers were specifically targeted by the Maoists. This resulted in the displacement of groups such as wealthy landowners, members of the police or civil servants.
- With the intensification of the conflict in 2001 and the expansion of the Maoists in rural areas, more people started fleeing abuses by the Maoists and forced recruitments in their ranks.
- Inter-agency mission conducted in the mid and western region in December 2005 revealed that the following Maoists activities were major causes of displacement and were to a large extent ongoing despite the unilateral ceasefire: extortion, forced recruitment and abductions/interference with education.
- Study conducted by MCRG in 2006 among IDPs in Nepalgunj showed 73 per cent were displaced by the Maoists due to affiliation to political parties.
- Extortion by Maoists were reported to continue in 2007, forcing people to flee their homes and hampering returns.

OCHA, 31 December 2007, p. 2

"CPN-Maoist stepped up extortion in many districts across the country. Stating that they needed resources to support ‘martyrs’ and their families, to launch an agitation to ensure the conduct of effective CA polls or to start fresh agitation for meaningful political reforms, including the declaration of Nepal a Republic, the CPN-Maoist, through its affiliate organizations, are reported to have targeted for collection of ‘donations’ all levels of the society ranging from senior government officials, businessmen and teachers. The amount demanded by the CPN-Maoist seems to vary depending on the perceived income of the people they were reportedly approaching."

IRIN, 5 June 2007

"Sharmila Chettri and her family have tried desperately to get back farmland recently seized by Maoist workers in Chitwan District, nearly 300km west of Kathmandu, but in vain.

"We went to our village more than 15 times to ask the Maoist cadres to return our land but they only threatened to assault us," Chettri told IRIN. She said the former rebels still walked around in the villages openly displaying their pistols in clear breach of a peace treaty the rebels signed with the Nepalese government in November 2006.

Despite orders by top Maoist leaders to Maoist activists to return all properties seized during the hostilities, the latter have simply turned a deaf ear, said local civilians.

"I'm trying to get help from local farmers... and have promised to donate small plots of land to them if they convince the local Maoist cadres to agree to return my farmland," said Puja Thapa, a local villager from Nawalparasi, 400km south of Kathmandu.

Villagers like Chettri and Thapa have started to flee their homes again despite the peace process and after nearly 11 years of violence that displaced over 200,000 families and killed over 14,000 people, according to human rights groups.

"Even today, we are forced to pay donations and feed Maoist workers," Sunita Karki told IRIN after fleeing her village with her family when she became fed up with extortion by Maoists in Nawalparasi.

She said the situation had barely changed in villages where Maoists continued to rule. They continued to harass political workers of the other seven national parties despite being part of the coalition caretaker government."

MCRG, December 2006, p. 49

"Nearly three-fourth (73 per cent) of the respondents were displaced due to their affiliation to political parties – the Maoists threatened and took hostage the cadres of political parties, etc. Another important reason for displacement found in this study was poverty (15 per cent). About six per cent of the respondents were displaced due to natural disaster and about 2 per cent were displaced due to development projects. More than 4 per cent were displaced because their family members were serving in the army or police force. Girls and women are largely displaced due to death of their husbands and constant threats from the Maoists."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5

Extortion leading to displacement

Most villages reported a clear reduction in CPN/M activities since the ceasefire, except in the area of extortion which reportedly increased. Many CPN/M taxed villagers decided to stay in their home area and therefore continue paying CPN/M taxes. Others cannot afford the amounts demanded or for other reasons decided to rather leave than to continue paying. Acts of extortion are not only affecting rich land-lords. The mission met with a porter that had just been asked under explicit threat to pay 10,000 Rp to the CPN/M (30-50 daily salaries). Some Dalit families were reportedly extorted as well.

CPN/M open presence in district headquarters allows the organization to more effectively extort urban businesses and individuals. In Phungling many interviewees complained to the mission that extortion has increased and that the local authorities do nothing to address this phenomenon. Some district authorities refused to acknowledge the problem in conversations with the mission. However, in Terhathum, Saptari and Jhapa, the district authorities acknowledged the extortion problem, but expressed inability to address the problem, instead preferring to ask for the intervention of the mission members.

Displacement as a result of threats of recruitment

The mission talked to several persons that had been forced to flee after being pressured to join the CPN/M. One person who refused to join and didn't leave his community was attacked by CPN/M with a machete and subsequently had to leave for Kathmandu. Such violent consequences of resisting recruitment clearly warn others to flee rather than challenge CPN/M recruitment pressures.

Displacement to avoid recruitment particularly affects young people, including minors. The mission met with young girls who had been forcefully recruited by CPN/M and observed uniformed and armed under-aged members of CPN/M involved in the production of socket bombs. Many young people flee abroad to avoid recruitment, often to initially work rather than to seek international protection. Some 300 youths had reportedly left for the Middle East from one VDC alone. In another VDC, 30% of the population was estimated to have fled to Sikkim India to avoid recruitment. NGOs involved in interception and rehabilitation of trafficked girls at two border posts informed one mission team that 80% of trafficked girls (aged between 14-24 years) intercepted at the official border crossing points within the past one year were reportedly fleeing forced CPN/M recruitment in districts of origin.²

Forced recruitment in the area has however gone down this year. The CPN/M "onefamily-one-fighter" policy is not strictly enforced and there seems to be more room to negotiate CPN/M demands to join the party, particularly for women and girls. CPN/M district representatives acknowledged continued recruitment into the CPN/M but not into its armed wing, the People's Liberation Army (PLA). Some CPN/M representatives refused to acknowledge recruitment of minors, others not. Reportedly, children aged 10 to 18 have been recruited by the CPN/M. Many children are recruited as informants, messengers or in other support functions and are therefore not considered child-recruits by the CPN/M. In Saptari district, CPN/M leaders informed one mission team that their definition of a minor is any person below the age of 13. The leaders confirmed that they had a number people who were between the ages of 13-18 in their forces, but did not consider them as children.

(...)

CPN/M abductions and interference with the school system

CPN/M abductions have been reduced in the area but have not ceased. The mission received information about recent abductions of teachers and students, a frequent CPN/M activity in the past. One teacher told the mission that he had been abducted 6-7 times for periods of 4-5 days to sit through political indoctrination. Non-attendance would be punished with fines or forced labor. Also, in district headquarters, the mission met with many teachers that had been directly displaced by the CPN/M for not collaborating with their political programs or paying their "taxes" (1 day's salary per month).

Displacement is not only caused by the abductions and other pressures on the teachers but also by other interferences with the entire school system, which often contribute to a family's decision to leave in search of peace of mind and quality schooling elsewhere. Some rural schools reported no more than 100 days of classes out of the 210 scheduled per year, as a result of imposed closures, including military use of the school buildings, and abductions of teachers and students. Both CPN/M and NA reportedly use schools as shelter (even for abductees). CPN/M mostly use schools for cultural and political activities, training and mass meetings, including on People

Oriented Education (Janabadi Education). Also, in Terhathum and Udaypur, CPN/M has formed revolutionary school groups, made up of children aged 12-13.

In meetings with CPN/M district commanders, the mission addressed its concern over the link between displacement and CPN/M interference with the school system. The mission met with little understanding as the CPN/M representatives considered the education sector inseparable from politics, arguing that the "bourgeois regime" is supported by the current education system which has to be changed in order to produce "aware persons" rather than "educated persons".

Vulnerable professional groups

Most local authorities have been displaced by the CPN/M. Some 95% of the VDC Secretaries exercise their functions from district headquarters. In general, health workers indicated that they could travel with little or no restrictions and that they were free to move around more than other government staff. All health workers interviewed in both Taplejung and Panchthar reported a high degree of pressure by the CPN/M. The pressure ranged from having to take instructions as to where and when they should treat patients to being taken for 1 – 3 days to treat wounded and sick

Maoists. One health worker shared the experience of being severely threatened and verbally abused by the SF. In addition, all health workers reported that they pay one day salary per month in tax to the CPN/M.

In Taplejung, the CPN/M routinely confiscates 40% of government medical supplies administered through the health posts. In Panchthar, approximately 25% of supplies were taken. One sub-health post in Taplejung had been burnt down with the VDC building six years ago and had not subsequently been re-constructed. At considerable personal risk, the in-charge has since then conducted services from the private residence."

AI, 26 July 2005

"People are fleeing their homes for a number of reasons, including poverty and insecurity; harassment by the CPN (Maoist), including through forced "donations", forced recruitment, commandeering property and violence; and harassment and violence by the security forces. Young people and children, in particular, are moving to escape forced recruitment by the CPN (Maoist) who often insist that one person from each family joins their forces. For example, in August 2004 it was reported that thousands of young people in Dadeldhura fled from rural areas to escape forced participation in CPN (Maoist) activities."

RI, 11 July 2005

"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.

(...)

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."

People flee widespread pattern of violations by government forces against suspected 'collaborators' (2006)

- Inter-agency missions to the Eastern and Mid-Western Regions at the end of 2005 and in May 2006 showed that in rural areas government forces' operations against civilians suspected of 'collaborating' with the Maoists were major causes of displacement.
- In both regions, fear of government forces' violations would incite people to periodically look refuge in remote places while the military moved through the area.
- In the Mid-Western Region, the mission was told about a system of "over-night displacement" to temporary shelters.
- Children suspected of affiliation with the Maoist were reportedly tortured by security forces

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 4

"Displacement of suspected "collaborators"

Similarly to the situation in the Mid West, displacement is often caused as a result of the armed actors involving the civilian population in provision of services and goods followed by reprisals from the opposing armed actor. However, the mission found that the remoteness of many of the VDCs limits Nepalese Army (NA) presence to periodic and short operations, while generally the CPN/M maintains permanent structures and presence in the rural areas of the districts visited by the mission.

Displacement by the NA therefore takes a different and less permanent form. Villagers described how NA patrols previously would come to the VDCs, either on foot or by helicopter, in search of CPN/M sympathizers. Reportedly, search operations used intelligence information that didn't accurately distinguish between CPN/M members and other civilians, information sometimes based on personal animosities, leading to NA persecution and attacks on community members. In order to avoid these periodic NA patrols, a number of individuals have been repeatedly displaced to remoter areas for a couple of days at the time while the NA moved through the area.

Another threat in rural areas is the NA's use of lists of alleged CPN/M members or supporters. Those on such lists would flee the periodic presence of the security forces. The mission was told that commonly villagers who were forced to attend CPN/M political programs found themselves enlisted in the Maoist political party and sometimes given important local party roles, often without their knowledge. Such was the illustrative case of one Ex-VDC Chairman interviewed by the mission. CPN/M forced him to attend a one-day political program and then enlisted him without his knowledge and circulated the information that he was now their "Area Development Commander". His role as a former local authority allowed him to explain the situation and clear his record with the security forces, but many less influential members of the community that appear on lists of CPN/M supporters would not even dare approach the NA and hence would have to periodically flee NA patrols."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 3

(...) Add to this, what was reported to the mission as an equally widespread and systematic pattern of RNA violations, based on accusations of collaboration with the CPN/M and a lack of understanding for the involuntary nature of such civilian-CPN/M "collaboration". As an example, villagers met during the mission recounted how youth were often forced to join CPN/M cultural performance groups and how, last year, four 12-17 year olds were reportedly killed by the RNA while participating in a rehearsal by such a CPN/M led group.

In other villages, the Mission was told that the brutal and frequent violations by RNA patrols had forced the villagers to establish a system of “over-night displacement” to temporary shelters in the nearby forest, affecting as many as 400 families in one VDC. Other UN sources confirmed this use of protection-through-displacement in several other villages regularly patrolled by the RNA.

Earlier reports of RNA-supported anti-CPN/M vigilante groups (Pratihar Samiti – “retaliation groups”) were not confirmed by the mission. However, OHCHR findings indicate that this phenomenon has caused large-scale displacement in some districts and should therefore be closely monitored.”

AI, 26 July 2005

“Both sides to the conflict have been responsible for killing children. The security forces have killed children they suspect of involvement with the Maoists, while the Maoists have abducted and killed the children of security forces personnel, as well as caused the deaths of many children by deliberately bombing civilian infrastructure and leaving improvised explosive devices in civilian areas.

There have been disturbing reports of children suspected of affiliation with the Maoist rebels being detained for long periods in army barracks, police stations or prisons -- often held together with adults. Many child detainees report having been tortured by security forces during their detention.”

Difficult socio-economic living conditions is the main trigger for displacement within Nepal or abroad (2006)

- Study by TDH and SCA revealed a complex system of work placement with parents sending their children away to urban centres out of protection concerns but also for economic motives.
- A third of the 17,000 children that crossed the border to India between July and October 2004 cited poverty as the main reason for leaving their homes. A quarter of them cited the conflict.
- In the wake of the state of emergency declared in November 2001 life in the rural areas became increasingly difficult due to travel/transportation restrictions, insecurity and limited employment opportunities causing many people to move out of the villages.
- The Mid western Region and the Far-western region have been particularly affected by the violence and the food/medicine scarcity.
- UNDP-RUPP survey in municipalities shows a 1/4 moved due to security reasons.
- Among the other reasons given by the newly arrived are the lack of education and services opportunities in the home areas. It is useful to consider the impact of conflict on displacement as both direct, i.e. fleeing because of fear of physical harm, and indirect i.e. leaving because of deterioration in services and livelihood opportunities caused by the conflict.

TDH & SC Alliance, June 2006, p. 3

“The study also challenged the assumption that families, in their fear and desperation due to the conflict, are careless in placing their children in labour situations. A highly complex system of work placement was revealed – although not detailed – in the study. While protection concerns appeared to be paramount, families were also motivated to place their children, particularly girls, as wage-earners. Many of the children were sent to work situations with established linkages to the family or village. In the case of carpet workers, for example, children entered long-established working relationships between carpet factories and individual families and villages. Thus, it is not

certain, as assumed, that children entering urban labour due to the conflict are invariably more exploited than children who enter for other reasons."

SCA & CCWB, July 2005, pp.10-20

"During the three months period that data collection targeted outgoing children, a total of 17,583 children were documented crossing the border from Nepal to India at the five monitored checkpoints. As seen from the table and chart below, the largest outflows were from Nepalgunj and Mahendranagar respectively.

(...)

While "work" was the main pull factor for children heading to India, a series of more complex push factors were identified when children were asked their reason for leaving Nepal.

Perhaps unsurprisingly, the most common answer provided was poverty, with 6,432 children (36%) reporting this as the main impetus for leaving. Poverty as a single word tells many things in the Nepalese context. Poverty can be associated with the lack of jobs, educational, health services and other opportunities. Moreover, poverty and conflict have a mutually reinforcing relationship where conflict can be viewed as the outcome of poverty and vice versa. Whether reported poverty was specifically conflict-induced was not possible to ascertain.

Following poverty, the second largest number of 4,361 (24%) children mentioned the armed conflict as their primary reason for leaving. Given the sensitivities involved in providing this answer, it was in fact a surprisingly large sub-set of the children. It was assumed at the outset of this study that many children or their guardians might fear telling the enumerators, who were basically strangers to them, in a crowded checkpoint that they were travelling to flee the conflict in their districts.

Indeed, there are some indications from the data that some children, who might otherwise reported "conflict" as their reason for leaving, did not feel safe doing so. (...) More willingness of the children to express conflict as their primary reason for travelling to India was found where there was a strong presence of security forces and the children as well as their guardians felt secure."

INSEC, April 2004, pp. 114-115

"Terror rules the villages in Nepal after the declaration of state of emergency on 26 November 2001. People were afraid to move about even during emergency like a visit to a hospital or attending funeral ceremony. Ban was imposed on transportation of foodstuff, people were afraid to walk carrying any newspapers in their possession. Noodles, biscuits, pulses, rice, matchboxes and many other things were banned for transportation. The rural life turned miserable after the health posts, police posts, organisations and development infrastructure were shifted from the villages. And the people had nothing to do but migrate from their unsafe villages to somewhere to be safe. The tendency of selling properties in the villages and migrating to towns or just abandoning them is on the rise.

Reduction of employment opportunities in the rural areas owing to the escalation of violence and insecurity has forced migration of the economically active population. People who have to rely on daily wages for their livelihood found lives in the rural areas very difficult and thus shifted to the towns. The increasing trend of violence forced closures of schools, projects, organisations and construction of development infrastructure. The development budget had to be reduced by half to compensate the increasing security expenditure and the people stayed away from investing for

new industries. All these factors forced reduction of employment opportunities and the people had to migrate to places where they could find jobs.

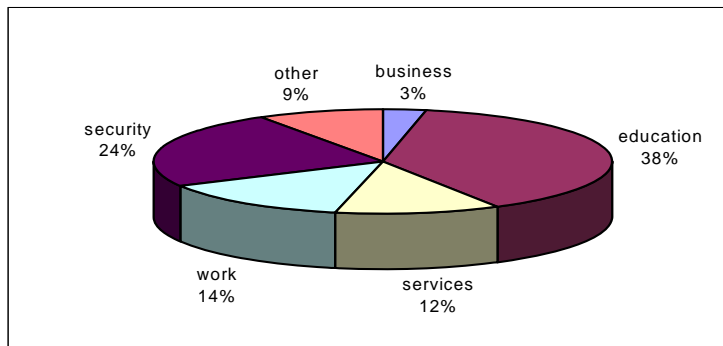
Different incidents of extortion to the tourists and others have had an adverse impact in the tourism business and people in the rural areas who rely on tourists related businesses had to quit their job and search some new ways to earn living. Hoteliers began to shut their business on their inability to bear more loss.

Life has been very difficult in the Mid western Region and the Far-western region because of the violence. These people have to cope with food scarcity during the normal time and during the conflict period such scarcity has reached heights. The hilly areas suffer from food scarcity for almost half the year and now with the security forces and the Maoists imposing bans and the latter's looting has further increased food scarcity in the areas. The villages also suffer from scarcity of medicines. The government has reduced the supply of medicines to the districts fearing looting by the Maoists. The health workers have migrated to safer places fearing physical actions by the Maoists. Moreover the Maoists force the health workers to work for them and torture, abduct or physically harm them if they do not do what they say. The supply of medicines, which used to be distributed for free by the government, now has been stopped. The few private drug stores transport whatever medicines they can and sell to the people. A situation has been created that someone suffering from even a minor disease has to go to the capital city for treatment. The increasing cases of curfew and strikes have had adverse impact over the health of the people because they are dying for want of timely treatment. There are cases when mothers die during labour period for lack of timely treatment. Two such incidents were published in newspapers where people had to die for want of timely treatment because there were no vehicles on the streets to take them to the hospital."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 10-11

"Respondents gave various reasons why they had decided to move. The RUPP survey yielded the following findings:

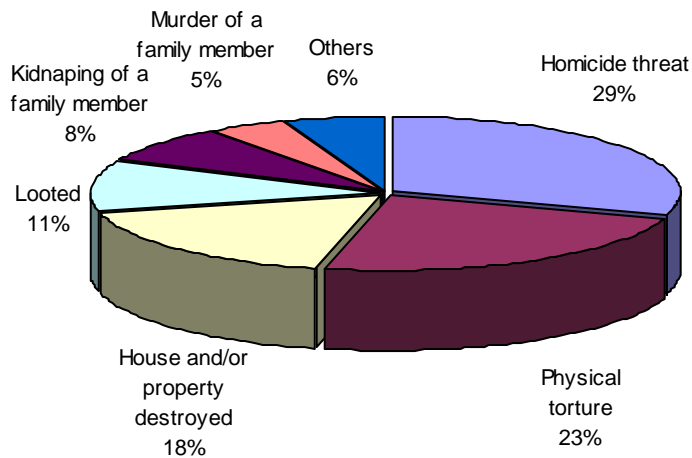
Fig 5: Reasons for movement in RUPP municipalities



24% of new arrivals in these 12 municipalities cited security concerns as their primary reason for moving. Others mentioned work, education and a lack of services in their home areas as being a key reason for moving. Many of these issues have also been significantly impacted by the conflict. For example, in many conflict areas schools have been closed, teachers evicted and students forced to leave in order to avoid conscription. It is therefore helpful to consider the impact of conflict on displacement as both direct, i.e. fleeing because of fear of physical harm, and indirect i.e. leaving because of deterioration in services and livelihood opportunities caused by the conflict.

Those questioned during the SNV/INF research indicated that IDPs had left due to pressure and violence from both sides in the conflict. Sometimes men had moved as a result of pressure from their families who were concerned for their safety. Sometimes the decision was instant, as in the case of threats or killings. Sometimes it was planned ahead and done in a manner to avoid suspicion. Those who had more time to plan often took extra clothing, kitchen items and bedding with them, while others sold their livestock and land to neighbours.

Fig 6: NRCS sample showing 'direct impact' causes of conflict displacement



Some departed as individuals, leaving their families behind, whereas others departed as a family, or as groups of families. A variety of reasons were given for the choice of destinations. Important factors were proximity, safety, employment opportunities and the presence of friends or relatives. Thus there often seems to be a momentum to movement patterns with people moving to join friends, families and contacts who have already left.

A sample of 177 of the 2,117 families registered by the NRCS show the kinds of 'direct impact' causes of conflict that force people to leave."

Conflict exacerbates urban migration trends

EC & RRN April 2003, pp. 3-4

"There is no doubt that the rural exodus from the hills and mountains of Nepal has been accelerating over the last five or so years, but it would be hard to attribute more than a proportion of this directly to the conflict, although it undoubtedly has had an effect. Rather it is largely the result of the continuing lack of employment opportunities within the local rural economy combined with the growth of new opportunities in the terai, in the towns and abroad (particularly overseas - cf Seddon, Adhikari & Gurung 2001). The conflict can be seen as contributing to a trend in the re- definition of rural livelihoods towards non-agricultural activities, and 'the remittance economy', that is already well established.

In some areas, notably parts of the mid west and far west, there can be little doubt that in the last two to three years insecurity has resulted in large scale involuntary migration. In the case of some other areas, however, such as the Upper Karnali, large-scale involuntary migration is well documented as a consequence of the growing food insecurity of the area and of the lack of local

employment and non-farming alternatives to agriculture and livestock production. In such areas, the conflict has exacerbated an already precarious situation and accelerated existing trends. We shall examine the case of the Upper Karnali as a special case study in the final section of this report.

Statistical data on agricultural production in general and on food production in particular over the last five years would have to be analysed in detail (at a district by district level) before any firm conclusions could be drawn regarding the effect of the conflict on output and therefore on food availability at a regional or district level. More detailed and purposive studies would be required to assess the effects of conflict on agricultural (and specifically food production) at the local and household level in different localities. At the moment, ***anecdotal evidence would suggest that the conflict has had an adverse effect on agricultural and livestock production, partly as a consequence of the rural exodus and partly as a result of lack of inputs.*** There can be no doubt that ordinary farm work has been disrupted in many areas affected by the conflict. But to quantify the effects and to assess its real impact on livelihoods is beyond the capacity of this study."

Drought & restrictions on food supply and transportation trigger displacement movements

AI, 13 December 2002, pp. 3-4

"The conflict has had many adverse effects on the overall development of the country. Tourism, one of the main sources of income, has collapsed. The Maoist strategy of targeting infrastructure, including airports, bridges, power plants and telecommunication centres combined with numerous roadblocks and checkpoints set up by the security forces presented major obstacles to economic development. In the rural areas, especially in the western part of the country, there is also an increasing fear of famine. A combination of drought with government restrictions on supply of food and medicines to areas controlled by the Maoists on the one hand and restrictions imposed by the Maoists on the transport of food to district headquarters on the other, has led to increasing concern among development and aid organizations. These factors have also led to the internal displacement of thousands people, many of whom have moved to town areas and are staying with relatives. Other people have moved across the border to India."

Significant decrease in forced recruitment of children by Maoists after 2006, but many children are still waiting to be officially discharged (January 2010)

- In December 2009 the Government of Nepal, the Unified Communist Party of Nepal (UCPN-M) and the United Nations signed an Action Plan for the discharge of Maoist army personnel disqualified in the United Nations-led verification process in 2007. The discharged individuals will have access to a range of rehabilitation options which have been developed by UNICEF, the UN Population Fund (UNFPA) and the UN Development Programme (UNDP)
- In 2007, the UN identified 2,973 Maoist Army members under 18 years of age on 25 May 2006, in the ranks of the Maoist forces. By January 2007, more than 31,000 Maoist personnel were cantoned and enumerated in 28 sites across the country.
- At the end of 2007, the UN had noted a significant decrease in reports of grave violations of children's rights by both warring parties since the end of the conflict. Over a thousand cases of children recruited by CPN-M and its affiliates were however still reported between October and December 2006.

UNSC, 7 January 2009, p.3

"14. After several months of discussion, on 16 December, an action plan was adopted for the discharge of the disqualified Maoist army personnel verified as minors, as part of the decision to

discharge all disqualified personnel. It was signed by representatives of the Ministry of Peace and Reconstruction and UCPN-M, the Resident and Humanitarian Coordinator and the Representative of the United Nations Children's Fund (UNICEF) in Nepal, and was witnessed by the Minister of Peace and Reconstruction, Rakam Chemjong, UCPN-M Chairman "Prachanda", my Special Representative for Children and Armed Conflict, and my Representative in Nepal.

15. The action plan includes the predischarge screening of some 2,973 personnel verified as having been minors in May 2006, followed by an official discharge and the monitoring of UCPN-M compliance by a United Nations team. Under the plan, UCPN-M commits itself to ensuring that the minors can freely and independently determine their areas of return or resettlement and, if they so wish, avail themselves of rehabilitation support. The Government has continued to express its readiness to provide vocational, educational and other rehabilitation packages with assistance from the United Nations.

16. CPN-M (and subsequently UCPN-M) has been listed in the annexes of the past five annual reports of the Secretary-General on children and armed conflict as a party to conflict recruiting and using children, and compliance with the action plan is necessary for it to be de-listed from the report. The United Nations has underlined its concern over any future possible induction of those disqualified as minors into any groups engaged in violence. The discharge of the 4,008 personnel verified as minors and late recruits is scheduled to begin on 7 January."

Office of the Special Representative of the Secretary-General for children and armed conflict, 25 August 2008

"Ms. Coomaraswamy, Special Representative of the Secretary- General for Children and Armed Conflict calls upon the Nepali Authorities and Maoist army to immediately free all children previously associated with the Maoist forces.

In 2007, the United Nations Mission in Nepal (UNMIN) and UNICEF identified 2,973 Maoist Army members under 18 years of age on 25 May 2006, in the ranks of the Maoist forces. "Today they are still in the Maoist cantonments and they must be released immediately. UNMIN child protection advisers, UNICEF and its partners should have access to these children to make sure that they receive their rights to recovery and reintegration," MS. Coomaraswamy said.

The Special Representative reiterated that the Comprehensive Peace Agreement called for the immediate release of all children associated with Maoist forces once they entered the cantonments. No progress has been achieved to date in securing their formal discharge, although many have been released informally."

UNGA, 21 December 2007, p.17

"72. The Comprehensive Peace Agreement signed between the Seven Party Alliance (SPA) and the Communist Party of Nepal-Maoist (CPN-M) in November 2006, as well as the separate Agreement on Monitoring and Management of Arms and Armies signed in December 2006, prohibit both parties from recruiting or using persons under age 18. They also set out phased plans for the registration of Maoist combatants and the discharge of persons born after 25 May 1988 from the Maoist Army. By January 2007, more than 31,000 Maoist personnel were cantoned and enumerated in 28 sites across the country. In July 2007, the second stage registration of Maoist combatants began and is still under way. The registration should lead to the automatic discharge of all those aged under 18 years at the time of the May 2006 ceasefire. The United Nations Mission in Nepal (UNMIN), with the participation of UNICEF and the United Nations Development Programme (UNDP), has finalized the verification at three cantonment sites in cooperation with CPN-M. Verification at other cantonment sites continues. No official release of

children has taken place to date. The Government is making the necessary preparations to release and rehabilitate combatants who are under age 18, as provided for in the Comprehensive Peace Agreement.

73. With the end of active conflict, there has been a significant decrease in reports of grave violations of children's rights. Reports of violations by the Government's security forces have seen a particularly marked decrease, and large recruitment drives by CPN-M have come to an end. The Nepal country-level task force on monitoring and reporting documented over a thousand cases of children recruited by CPN-M and its affiliates between October and December 2006. Many of those children ended up in Maoist Army cantonments, and over 300 were released without follow-up or official documentation after spending a few days at these sites. Since January 2007, four cases of recruitment by the Maoist Army have been documented. Two of the children involved have since left the Maoist Army. There were also no new cases of arrest under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) reported. TADO expired at the end of September 2006 and was not renewed. Most children arrested under TADO during the conflict were released.

74. Militias linked to the CPN-M and the Nepal Army are no longer operational, but many personnel from the CPN-M, the Maoist Army and the militia have joined the Maoist Young Communist League (YCL), which was re-established in December 2006. Some of those joining YCL are under age 18. YCL carries out social programmes, as well as activities that parallel those of the security forces, aimed at enforcing laws or punishing social crimes. The presence of children in YCL and youth wings of other political parties is a cause for concern because of the deep politicization of children and youth during the conflict. The exposure or involvement of these children and youth in the violent demonstrations that are a feature of political action in Nepal is also disconcerting."

OHCHR, December 2007, p. 21

"Large scale abductions by the CPN-M of children and teachers from schools which were prevalent during the conflict had ceased by mid 2006. However, as recently as mid-November, there have been cases of large numbers of schoolchildren, including young children, being taken in buses to participate in protests especially by the CPN-M. CPN-M including YCL have been using schools premises for political activities, as have other parties who have set up school unions. Closure of schools for political activities has also been reported in some places. An increasing concern over the last year has been the use of children by political parties and other groups such as the MPRF in protests where they risk being exposed to violence."

OCHA, 17 July 2007, p. 12

"Despite various political commitments, recruitment of children has continued, and in fact increased, during the period of the People's Liberation Army (PLA)'s settlement in cantonments in November

2006. The first round of verification of the seven cantonment sites indicated the presence of children/minors. A second round of verification is due to start from mid-June, when it is hoped that 'identified' children will be entrusted to UNICEF and the Children Associated with Armed Forces and Groups (CAAFAG) working group for reintegration. Despite advocacy efforts, the Government and the CPN-M have decided to give a cash allowance to every person registered in the cantonments, including children. This new decision will have serious consequences on community reintegration support for children and will create a challenging situation with other children who will not get such cash support in the future. UNICEF was present during the first

phase of registration in the cantonments and will be part of the teams in the second phase, working with a wide group of NGOs.

Since the overall situation of children affected by the conflict remain the same, the CAAFAG working group will continue to work with the same objectives and response plans as they had set out in the Appeal in the beginning of 2007. However, a major concern of the CAAFAG working group is that if the majority of the children recruited by the CPN-M during the conflict are not demobilised soon, then they might be further exploited by political parties during the run up to the November CA elections."

OCHA, 23 February 2007, p. 13

"Despite the ceasefire, dozens of children – including some as young as 12 – were reportedly recruited to actively take part in CPN-Maoist's People's Liberation Army (PLA) and militia activities, in violation of international principles. The conflict has had a considerable impact on the protection of children's access to education, which has generally been reduced and in some cases denied. Frequent school closures, and physical and other forms of harassment against teachers and students have had a devastating effect on Nepal's education system. Both parties to the conflict have used schools for military purposes as well as means of propaganda, including indoctrination and coercion of children under the pretext of children's right to participation and information.

Because of this, large numbers of children have migrated to urban centres, sometimes without their parents. These are children at risk, often failing to access education due to the pressure to work versus the direct and indirect costs associated with attending school. These children are also more at risk of being targets of violence, particularly sexual violence and trafficking. With the peace process, these children and Children Associated with Armed Forces or Armed Groups (CAAFAG) - who are in Nepal children integrated and supported in different capacities with the CPN-Maoist Movement (PLA, Militia, revolutionary students group - ANNISUR, cultural groups, political community groups...) and the Security Forces (Nepal Army and Armed Police Force), will reintegrate into their own communities and will wish to re-enter the education system, some remaining in urban centres. Special provisions outside the normal education development plans will be required to address these additional needs.

(...)

The armed conflict has severely affected children of all ages. Reports suggest that the CPN-Maoist may have as much as 20% of its membership made up of children. Besides this, large numbers of children have been separated from their families due to displacement, or to avoid forced recruitment. These children have been pushed into the labour market, including into the worst forms of child labour. Children who have remained with their families have not fared well either. Their access to education and health services has been severely affected as there are hardly any health care service providers and teachers in remote and conflict affected areas."

Unrest and displacement after the November 2006 CPA

Ethnic tension and fighting in East and Central Terai displace thousands of people (2007-2008)

The Himalayan Times, 24 September 2009

"Dashain fever has gripped the country, but business is still dull in Birgunj, a city considered the business capital of Nepal. Business transaction is on the decline here, though the greatest

festival of Nepal's Hindus started from September 19. Traders say festive enthusiasm is diminishing among consumers.

"Compared to the previous festive season, business is down this time. There is no liveliness in the market," said Deepak Saraf, a local trader. "Customers thronged the shops last festive season. This time, there is nothing to rejoice at." Saraf added that some traders are finding it tough to even pay shop rent and the salary of employees.

Merchants are blaming the frequent strikes, bandhs impacting the economy, shrinking income of the people and the growing sense of insecurity due to terror unleashed by armed outfits for turning Dashain lacklustre. Mushrooming of armed groups has displaced many people. "Hill-origin people do heavy Dashain shopping compared to the Madhesi community. Their displacement has decreased trade," said Dharma Raj Sonar, who has been running a business at Ghantaghar for the past 20 years.

Another trader aired similar concerns. "Economic activities used to increase a month before Dashain. But it seems that those days are a thing of the past now," said Jawahar Gupta. Birgunj Chamber of Commerce and Industry (BCCI) also said business was decreasing."

OCHA, 31 March 2008, p. 3

"Additionally, OCHA has received further indications of new displacement of people of Pahadi(hill) origin from Terai districts. Many individuals concerned are unwilling to speak openly about their decision to move to either district headquarters or elsewhere, including to Kathmandu valley or abroad, and their decision to sell property in the Terai. While no statistics are maintained Chief District Officers (CDO) have received no instructions on collecting related information œ initial estimates indicate that the numbers are less than 1 per cent of the population of the districts concerned."

NRC, 5 March 2008

"Over the past year, people have been fleeing their homes in parts of eastern Terai in order to escape ethnic tension and fighting. NRC is concerned about the situation. "People are scared of being harassed and attacked. The lack of security in the area makes humanitarian access very difficult," says Philippe Clerc, NRC's Country Director in Nepal.

No registration and monitoring

The new displacements are a challenge for NRC, which provides information, counselling and legal assistance to IDPs in Terai. Currently there are no exact figures on how many people have been forced to flee. The Nepalese government is not monitoring the situation and are not registering the new IDPs.

"We know that there is not a massive flow of displaced families. Instead you have scattered families fleeing from villages all over the region. This is in itself a difficult situation, but when the IDPs are not registered it makes it even harder for us to provide them with assistance and protection," Clerc says.

Another challenge for NRC is that many IDPs do not want to be registered. "Many IDPs avoid registration because they are afraid of being targeted later on. They are keeping a low profile to make sure that they are not tracked down," he says.

(...)

Security vacuum

East Terai has experienced increasing political and ethnic tension over the past year. Nepal is currently gearing up for its Constitutional Assembly election scheduled for April 10. The elected

assembly will draft a new constitution for Nepal and thus represents an important milestone for the country. Marginalized indigenous groups in eastern Terai are now increasingly demanding political representation. In February, the Madhesi movement, comprised of indigenous Madhesi people campaigning for a political voice, organized a strike that paralyzed the country for 16 days. Moreover, a weak state presence has created a security vacuum in the area. This is being exploited by criminal groups.

"The displacement in eastern Terai is partly caused by the security vacuum. You have political indigenous groups and other political fractions that are fighting for increased political involvement. In addition, you have criminal gangs and armed groups that are taking advantage of the situation," he says."

OHCHR, December 2007, pp. 4-7

"The most serious consequences of the security vacuum and limited state interventions have been felt in the Terai, where numerous armed groups have created a climate of fear and intimidation in certain districts which police have been unable or unwilling to control, placing lives and physical security at risk, as well as causing population displacement. While targets of killings by armed groups in mid-2006 were almost exclusively related to conflicts between Janatantrik Terai Mukti Morcha (JTMM) and the CPN-M in the Eastern Region, the armed groups and their activities proliferated especially after the Madhesi Andolan in early 2007, expanding also to the Central Terai. Other armed groups such as the Terai Cobra, Madhesi Mukti Tigers, and two other JTMM factions have also emerged in the two regions.

Unravelling the agendas and motivations of the groups is complex, even though most groups have articulated demands related to Madhesi issues, including an independent Terai. Underlying the violence there is often a complicated web of inter-relationships between personal, political, criminal and communal elements. Curtailing the illegal activities of the armed groups, as well as the need to address discrimination and lack of representation of marginalised groups is widely recognized as being among the requirements for an environment conducive to free elections and for sustainable peace in the Terai.

OHCHR has received reports of more than 75 killings, and 200 individuals being abducted by named or unidentified armed groups since December 2006; 67 of the killings and 160 abductions were reported in the last six months, since 1 May 2007.

(...)

Incitement to communal violence and racial hatred

Even though, as indicated above, the underlying issues are complex, in articulating their demands, some of the armed groups have increasingly been using inflammatory language, blatantly inciting communal violence and racial hatred between the Madhesi and pahadi communities. Both the main factions of JTMM have ordered pahadis to leave the Terai, especially government employees, for example in a JTMM-JS press release on 17 July. A pahadi secretary of a VDC was subsequently abducted and killed. VDC and court staff stopped work in protest at the threats and the killing. Some VDC staff moved to the district headquarters because of security fears and in November, many threatened to resign, further weakening local governance and delivery of local services. VDC staff have continued to protest at the lack of security, as abductions of VDC and other personnel have continued. Many persons of hill origin have now left the southern Terai plains. These threats and incitement to violence have been met in some places with counter-threats by the hill-dominated Chure Bhawar Ekta Samaaj (CBES) organization and have contributed to the cycle of unrest and rising communal tensions. The threats have also at times been fuelled by the apparently deliberate spread of false or unverified rumours of rape and other violence to incite hatred between communities.

(...)

Killings and other violence in Kapilvastu

The most serious recent outbreak of violence occurred in Kapilvastu and illustrated how easily underlying tensions and State neglect can result in an explosion of violence, revenge and hatred. Fourteen people were killed during retaliatory attacks and looting in September following the murder of a local Muslim landowner, former NC Party member and former member of the pro-monarchy vigilante group praktika samiti⁵. Several thousand people were displaced as a result, and there was widespread looting and destruction of property. According to official figures, more than three hundred buildings were damaged or destroyed, including five mosques, and including more than 200 homes which were set on fire. Violence also spilled over to neighbouring Dang District where property, including a mosque, was also destroyed and many temporarily displaced. OHCHR has had an almost continuous presence in the Kapilvastu area since the violence, gathering information on the incidents and also liaising with humanitarian organisations, local authorities and civil society to identify responses both to the basic needs of the communities concerned as well as ways of preventing further violence.

The Office's investigations concluded that the minimal presence of security forces, and the slow and inadequate response of police, local and national authorities yet again contributed extensively to creating the conditions for lawless and fatal violence."

OCHA, 31 December 2007, p. 3

"Due to threats, violent attacks and theft by members of the Madhesi Mukti Tigers (an armed opposition group) directed at certain families due to their ethnic origin, 150 were displaced within Eastern Region's Sunsari District. OCHA office in Eastern Region facilitated coordination meetings with district authorities and other operational UN agencies and the Red Cross movement to provide humanitarian assistance to the displaced. Media reports further indicated that about 3,000 other individuals have been displaced under similar circumstances in the neighbouring Siraha District. According to INSEC, the fatal shooting of two people on 18 December by Cadres of JTMM (Jwala Singh) have in Kalyanpur VDC have triggered fresh fears that might lead to further displacements in Saptari District."

IRIN, 29 November 2007

"In the past few weeks alone, over 100 Pahade families - at least 500 people - fled their homes in Bara, Rautahat, Siraha, Saptari and Parsa districts, the most affected areas in the Terai, a fertile lowland area of southern Nepal which is the breadbasket and industrial hub of the country.

Whilst the Madhesi are the original inhabitants of the Terai, the Pahade are hill migrants who moved to the Terai, own much of the land and dominate Terai's political life and economy. The Pahade make up about one third of the population of the Terai, which itself accounts for nearly half Nepal's population.

The two communities have had a long history of tensions especially over the control of forests and regional politics, but not to the extent of communal violence as in the past few months, say activists.

"There will be renewed displacement and a crisis if the current violence is not controlled," said rights activist Gopal Siwakoti of the International Institute for Human Rights, Environment and Development (INHURED).

Since pro-Madhesi political groups launched their protests in a bid to achieve more regional autonomy in February, violence has led to ethnic clashes and the displacement of both groups, with most displaced being Pahades."

OCHA, 25 September 2007, p.1

"The killing of local leader Moin Khan, President, Democratic Madhesi Mukti Morcha, on 16 September triggered violence between different groups in Kapilvastu, which spread to Dang on 20 September. Indefinite curfews were imposed by the district administration in Kapilvastu and Dang to curb the violence.

Figures on the death toll in Kapilvastu range between 21 and 31 killed, with around 25 reported injured. The Ministry of Home Affairs has recorded the destruction of 325 houses and shops in six village development committees, along with 155 vehicles torched and vandalized by mobs since 16 September. The Ministry also reports 20 houses being damaged in Dang district.

The Home Ministry reports that there are around 1,500 individuals displaced in Kapilvastu and 800 individuals displaced in Dang. However, other field sources estimate up to 5,000 individuals, mostly of hill (pahadi) origin, displaced in Kapilvastu and up to 900 displaced, mostly from the Muslim community, in Dang. Unconfirmed reports indicate anywhere between 5,000 – 7,000 individuals fleeing to India. Until the afternoon of 25 September the IDPs had been largely concentrated in ad-hoc camps; either inside area police offices or in local schools (please refer to the attached map for locations of the camps). During the afternoon of 25 September, based on a decision between political parties and security forces, many of the IDPs from Chandrouta camp were taken by truck to a new location closer to their original homes. It seems that many of the IDPs were unhappy with the move, though were given little option; an issue of concern that the UN raised with Home Ministry officials.

Overall the security situation has improved; curfews have been lifted during the daytime in both districts, but gatherings of more than five people are still prohibited. Educational institutions in Kapilvastu were opened from 25 September - nine days after the riots started. Goodwill rallies are being organized by various civil society groups in Dang."

OCHA, 18 July 2007, p. 2

"In addition to the ongoing dynamics relating to IDPs from the 11 year conflict, recent reports from inter- agency field missions indicate new displacement, particularly in relation to the current unrest in the East and Central Terai (southern plains bordering India).

(...)

Displacement in the Terai appears to have accelerated with the rise in abductions for ransoms and killings by different factions of the Janatantrik Terai Mukti Morcha (JTMMs) and other armed groups which have touched almost all ethnic groups, but people of hill origin have been especially targeted. An interagency assessment mission to the Eastern Region in April 2007 was informed that a substantial number of people of hill origin have already left for Kathmandu, and their land occupied by various agitating groups, some of whom are armed. Human Rights defenders noted two main reasons for the displacement of people of hill origin: i) 'terror' stemming from the threats being made directly against them; and, ii) new perceptions of disrespect from Madhesis; apparently most evident amongst civil servants of hill origin. Many civil servants are taking prolonged leave, seeking transfers or even resigning from posts, in particular following the JTMM-Jwala Singh faction press statement of 18 April 2007, which among other things, directed all civil servants of hill origin to leave the Terai. Since then, people of hill origin have been attempting to sell land and property. In some cases, they have fled before being able to do so or have sold the

property at less than half the market price. Most of the displaced have moved either to Kathmandu, Hetauda or Biratnagar. Some have been able to make day trips back to villages to carry out, or oversee, agricultural work on the land, and travelling back to the municipality at night.

The situation along the Central Terai districts is more or less similar. A regional level police source in Sarlahi District informed a UN mission that a substantial number of administrators either had left or were intending to leave. The emergence of the Chure Bhawar Ekta Samaj (CBES) in the Central Region, predominantly comprising of people of hill origin, is further expected to give rise to more inter-ethnic tension, and possible further displacement."

ICG, 9 July 2007, p.1

"Unrest in the Tarai plains has exposed the weaknesses of Nepal's peace process, could derail elections for a constituent assembly in November and, if not properly addressed, could start a new form of conflict. Madhesis –plainspeople who are some one third of the country's population – have protested, sometimes violently, against the discrimination that has in effect excluded them from public life. Weeks of demonstrations and clashes between political rivals recently left several dozen dead. The government has offered to address issues such as increased electoral representation, affirmative action for marginalized groups and federalism but has dragged its feet over implementing dialogue. Tension had been building for several years but was largely ignored by the political elites and international observers, and the scale of the protest shocked even its own leaders. The problems will only be resolved by strengthening the national political process and making it both inclusive and responsive –starting with free and fair elections to a constituent assembly later this year.

The Tarai plains stretch the length of the southern border and are home to half the total population, including many non-Madhesis (both indigenous ethnic groups and recent migrants from the hills). With comparatively good infrastructure, agriculture, industrial development and access to India across the open border, the Tarai is crucial to the economy. It is also an area of great political importance, both as a traditional base for the mainstream parties and as the only road link between otherwise inaccessible hill and mountain districts."

New displacement linked to threats, extortion and property capture by Maoist-allied groups (January 2010)

- Displacement incidents reported during 2009 were relatively minor and mainly linked to activities of armed groups against government officials or disputes between opposing political parties cadres. These have often involved the Maoist-affiliated Young Communists League (YCL). Active in most districts, YCL cadres have interfered in state tender processes, extorted donations and illegally levied taxes.
- Displacement was also reported as a result of seizure of land by armed groups in the Terai and by Maoist groups in Siraha and Saptari districts.

UNSC, 7 January 2010, p. 4

"18. Friction between youth wings of the political parties has continued, with violent clashes taking place between cadres of the UML-affiliated Youth Force and the Young Communist League of UCPN-M in the eastern and mid-western regions in early November and December, resulting in injuries on both sides. Some militant ethnic and identity-based groups, notably in eastern Nepal, have continued their extortion drives. Other ethnic and indigenous groups continue to lobby and organize demonstrations to press the Government to fulfil their demands, as among other things, for greater inclusion in the public sector. In early December, the Madheshi People's Rights

Forum-Nepal (MPRF-N), led by Upendra Yadav, announced a renewed campaign to mobilize the Madheshi community in this regard."

The Carter Center, 29 November 2009, p. 9

"The Young Communist League (YCL) and Youth Force (YF) are active in the majority of districts visited by observers. The majority of reports concerning YCL and, to a lesser extent, YF activities have been regarding interference in contract tender processes, "tax collection" or forced donations. Clashes between YCL and YF have been reported in a few districts by Carter Center observers including Darchula, Kailali, Gorkha, Lamjung, and Myagdi.

Interference in local contract tender processes is of concern to government officials, police and businessmen in nearly half of all districts visited, particularly in Western Hill districts. The YCL is reported to be interfering in contract tender processes in districts such as Arghakhanchi, Baglung, Banke, Dang, Gulmi, Syangja, and Tanahun; both YCL and YF are reported to be interfering in Darchula, Dhankuta, Lamjung, and Makwanpur. Such interference generally includes seeking to direct tenders to party-affiliated contractors, blocking the issuing of contracts to businesses affiliated with other political parties, or soliciting brokerage commissions on contracts that have been issued. In Baglung, YCL has reportedly been aggressively interfering in government tenders and one tender was reportedly canceled because of YCL threats of what would happen should their contractor not receive the tender. A dispute among Maoist cadres in one Western Hill district reportedly ensued after the "profit" earned by YCL from brokering a zonal hospital contract on behalf of the party was reportedly pocketed by a local UCPN(M) leader.

In addition to interference in tender processes, forced donation requests and "tax collection" by YCL and, to a lesser extent, YF, have also been reported. In several Hill districts as well as a number of Tarai districts, allegations of YCL cadres soliciting forced donations were reported to observers. In one Eastern Tarai district, YCL requested a donation from the desk clerk at the hotel where Carter Center observers were staying. Meanwhile, YCL and YF have been collecting "taxes" from vehicles at the Indian border in Kailali: in October, a dispute reportedly took place between youth wing cadres after YF members tried to collect taxes in the same area as YCL. "Taxes" have also reportedly been collected by YCL cadres on the profits of smugglers and illegal loggers in Rautahat."

IDP Working Group, 15 June 2009, p. 18

"Current political instability makes displacement an ongoing problem. The recent political confusion over the Prime Minister's resignation has also had negative consequences for IDPs. According to a recent article¹⁵ in the Kantipur Daily, the Young Communist League has threatened to chase away IDPs currently residing in Bardiya. The article also states that threats and property capture are causing fresh displacements in different parts of the country as well.

Six cases of land captured by the JTMM (Terai Armed group) and 17 cases of property capture by the Maoist in Siraha and Saptari was recently reported at NRC Lahan. Similarly, an article in The

Himalayan Times (12th May 09) reported NHRC's statement mentioning fresh attacks on leaders and cadres of opposing political parties in 13 Terai districts resulting in new displacements."

OCHA, 16 May 2009, p. 1

"Threats by some district leaders and groups allied to UCPNM resulted in some families allied to supporters of CPN-UML and NC getting displaced. On 9 May, cadres of UCPN-M reportedly assaulted CPN-UML and NC activists in Beluwa and Manau Village Development Committees (VDCs) of Bardiya District. As a result around 5-6 families were displaced to District Headquarters

(DHQ) Gulariya. On 12 May, political parties including local authority agreed to deploy additional Armed Police Force (APF) to the area."

OCHA, 1 April 2009, p. 4

"On 18 March, an estimated 65 families from Sahani community in Piparabirta VDC, Bara District, were temporarily displaced, due to an attack by people suspected to be linked to UCPN-M. The attack reportedly occurred following a dispute between two communities over construction of a local irrigation canal. According to media reports, local UCMN-M leadership accepted involvement of their cadres in the attacks. The Bara CDO allocated NPR 1,000 per affected household and recommended that an additional compensation of NPR 10,000 be provided to each displaced family."

Nepalnews, 22 March 2009

"Hundreds of families of Piprabirta VDC in Bara have been displaced from the village due to threats of attack from a group reportedly close to the Maoists.

Dozens of families of Sahani community have deserted their homes in search of safety after a group of about 400 people-who claimed themselves to be Maoist cadres- came to the village on Wednesday, assaulted them, vandalised their houses and looted their properties, reports say.

The displaced have been taking asylum in their relative's houses and in the district headquarter Kalaiya.

The attacks took place following a controversy between two communities over the construction of an irrigation canal in the village.

Bara district administration has deployed a team of 40 policemen under the command of an Inspector to check the exodus, after villagers continued to move out till Saturday."

Insecurity continues to prevail in Terai due to the presence of many armed groups (January 2010)

- Security situation in Nepal remains volatile mainly due to frictions between the youth wings of political parties (mainly the UML and UCPN-M) in the eastern and mid-western regions and because of the mobilisation of identity-based groups issued from the Madhesi community or indigenous groups lobbying for increase political participation in the Terai. The security vacuum has also led to an increase of criminal activity.

UNSC, 7 January 2010, p. 4

"18. Friction between youth wings of the political parties has continued, with violent clashes taking place between cadres of the UML-affiliated Youth Force and the Young Communist League of UCPN-M in the eastern and mid-western regions in early November and December, resulting in injuries on both sides. Some militant ethnic and identity-based groups, notably in eastern Nepal, have continued their extortion drives. Other ethnic and indigenous groups continue to lobby and organize demonstrations to press the Government to fulfil their demands, as among other things, for greater inclusion in the public sector. In early December, the Madheshi People's Rights Forum-Nepal (MPRF-N), led by Upendra Yadav, announced a renewed campaign to mobilize the Madheshi community in this regard."

The Carter Center, 29 November 2009, p. 3

"In the Eastern, Central and Western Tarai, the security environment is poor. Positively, public perceptions are that the security situation has been improving since early 2009. However, it remains unclear whether these improvements are sustainable.

Across the Eastern, Central and Western Tarai, citizens, government officials, human rights activists, and journalists reported that the security environment is poor, but that it has been improving since early 2009. Specifically, they note that criminal activities are still occurring; however, the rates of such activities as well as the activities of known armed groups have been decreasing in recent months. Many factors have been cited as reasons for this improvement. However, a large number of interviewees expressed concerns that the situation could easily worsen again in the near future.

Killings, abductions, threats, extortion, and bandhs² continue to be reported across Eastern, Central and Western Tarai districts. Among ordinary villagers, demands for donations from small criminal outfits, looting, and theft constitute the biggest concerns, particularly for those who live near the Indian border. The majority of extortion threats are primarily targeted at local administrators (DAO staff and VDC secretaries) and businessmen. Carter Center observers have been told that many extortion threats in recent months have emanated from small or unknown criminal outfits believed to have no political agenda. A VDC secretary in one Central Tarai district was recently abducted by a criminal outfit and now travels to and from his VDC in an Armed Police Force (APF) vehicle due to continued threats. Moreover, a large number of extortion threats by phone are reportedly being made by individuals who are alleged to be operating from Indian territory or using unregistered mobile telephone numbers.

Although reports of criminal incidents persist, it is generally perceived that the rate of incidents has decreased in recent months.³ Increased police presence, notably the establishment of new APF posts, and Nepal-India cross border cooperation seems to have had the most positive impact in curbing armed groups and general criminal activities. Citizens in Jhapa, Saptari and Siraha claimed that the presence of APF posts in some border area VDCs has helped to reduce the prevalence of incidents. A police representative in one eastern Tarai district told observers that a joint training involving Nepalese and Indian security forces was held in India in recent months, while in two separate districts there have been reports by local police saying that a number of wanted criminals who have been caught operating in Indian territory have been handed over to Nepalese authorities.

Other factors have also reportedly contributed to the recent improvement of the security environment in different districts. For example, the government's decision in July to engage in talks with several armed groups and the splintering of some groups into smaller, less organized factions have reportedly led to a decrease in major armed group activity. A change in local administration (specifically a new Chief District Officer and/or Superintendent of Police) has been credited as a key factor in at least three Tarai districts. In Nawalparasi, a local NGO credited local government officials with reducing forced donations by "90 percent" in the past few months while human rights activists estimated that "up to 40 arrests" of armed group cadres have been made during the same period.

Of serious concern to The Carter Center are reports of alleged "encounters"⁴ which resulted in the killing of known armed group members in July in Dhanusa and Siraha. The Center was informed that in the period of one week in Siraha, Madhesh Mukti Rastriya Janatantrik leader Ram Narayan Mahato (a.k.a. "Manager Mahato" or "Sandesh") and Madhesi Mukti Tigers senior leader Parashuram Yadav were reportedly killed in "encounters" with police. Human rights activists, journalists, and others interviewed expressed serious concern to Carter Center observers that some of these incidents may constitute extrajudicial killings and the Center

believes that impartial and thorough investigations of these and other reports of similar incidents is required immediately.

Despite the widespread perception that the security environment has been improving, there is concern that the progress which has been made is temporary or could be easily reversed should circumstances change. Some journalists and human rights activists believed that armed group leaders who are not engaged in talks with the government are remaining quiet, given increased police presence and recent reports of encounters, but may resurface again soon. Concerns were also expressed that armed group activity levels would increase should government talks with armed groups fall apart. At present, three rounds of talks between the Ministry of Peace and Reconstruction and representatives of armed groups have been held; a fourth round of dialogue to discuss political issues is about to begin. Finally, many believe that the activities of armed or criminal groups could spike again now that the harvest and holiday seasons have passed."

UNSC, 26 October 2009, p. 5

"19. Public security remains a matter of serious concern, especially in the Tarai, where many armed groups continue to operate in a climate of impunity, and in some hill districts in the eastern and mid-western regions. The Government, represented by the Minister for Peace and Reconstruction, held two rounds of talks with five Tarai armed groups in August and September. The talks ended inconclusively, and a new round is scheduled for 6 November.

20. On 26 July, the Cabinet approved the national Special Security Plan aimed at improving the law-and-order situation, particularly in the Tarai and eastern hills. Implementation by the Nepal police and the Armed Police Force has begun, and the Government has claimed that there has been a reduction in violent crimes. However, several Madheshi leaders criticized the plan, which has not been made public, alleging that extrajudicial methods were being used. The Government has also proposed recruiting up to 11,000 additional personnel into the Nepal police and 5,000 into the Armed Police Force, to increase the forces' strength to 67,000 and 30,000, respectively."

The Carter Center, 26 August 2009

"Several of the more well-organized ethnic-based groups appear to be taking unlawful steps to strengthen their ability to push for autonomous states. These activities are at least in part enabled by the weakness of the state at the central level. The TASC, for example, is reportedly forming a Tharu "Army" in the Mid-Western and Far-Western Tarai. In the words of one Tharu youth interviewed, "they are working for our rights and [will] take our issues to the central level. They make people at the center listen to us." Additionally, Tharu activists in the Far Western Region set fire to a number of VDC offices in Kailali and threatened local government officials during their two-week protest in April and May 2009. As a result, several VDC Secretaries have had to relocate to perform their duties. A few VDC Secretaries have also noted threats and extortion requests previous to and after the protests. Finally, there are also reports that some Limbu and Kirant groups in the Eastern region have allegedly been involved in illegal activities, including forced donations, unlawful taxation, inter-group clashes, and making threats against other ethnic communities. The FLSC-Sanjuwan is reportedly using the "whole timers" terminology that was used by the Maoists during the conflict."

UNSC, 13 July 2009, p.6

"22. Law and order remain a matter of serious concern, especially in the Tarai, where many armed groups are operating in a climate of general impunity. There were increased reports of tensions and violent clashes between the Young Communist League and UML-affiliated Youth Force cadres and the supporters of other parties in several districts, particularly during the UCPN-M protests.

23. A number of traditionally marginalized groups, several of which are Maoist-affiliated, also imposed general shutdowns across the country to press for their respective agendas. Militant organizations associated with several groups, including the Limbu, Tamang and Tharu, have been active and have reportedly increased their recruitment of young people.

(...)

38. Despite an increased police presence in the Tarai and the initiatives of the Maoist-led Government aimed at establishing dialogue with several armed groups, killings, abductions, intimidation and acts of extortion continued in central and eastern Tarai. The Government has directed Minister for Peace and Reconstruction Chemjong to continue efforts to facilitate talks with armed groups. Police officers who arrest politically connected individuals allegedly involved in serious criminal cases continue to be subjected to intense pressure from political parties to release

their cadres without charge. This atmosphere of impunity has been reinforced by reports that the previous Government had taken steps to order a further mass withdrawal of serious criminal cases against political party cadres."

Concerns about reports of human rights violations committed by government forces in the context of the Special Security Plan (January 2010)

- In mid-2009 the government launched a "Special Security Strategy" aimed at maintaining the law and order situation by deploying additional security forces in 36 districts of the the country. Half of these are situated in the troubled Terai region.
- In October 2009, a number of human rights organisations including OHCHR-Nepal expressed concerns at the high number of individuals killed in encounters with security forces and at credible allegations of extrajudicial killings involving police personnel.

UNSC, 7 January 2010, p. 4

"17. The Government has continued to implement a special security plan aimed, in particular, at controlling crime and road blockades in the Tarai districts and has reported an improvement in the security situation in the targeted areas as well as more widely throughout the country. There has been a significant increase in the number of security personnel deployed, including through the establishment of additional Armed Police Force bases and increased patrolling. Arrests of alleged members of armed groups and criminals have increased, but so have accusations of arbitrary arrests and ill-treatment of detainees by the security forces. The Armed Police Force has begun recruiting to fill over 11,000 new vacancies, of which 5,000 were approved during this reporting period. The status of the over 10,000 new positions proposed by the Nepal Police remains under consideration by the Ministry of Finance."

UNSC, 26 October 2009, p. 8

"38. Public security-related issues, including the failure of the Government to curb the violent activities of armed groups, groups advocating for ethnic autonomy and youth wings of political parties, continue to be the most serious cause of instability in rural areas. It is too soon to assess the impact in terms of human rights of the new Special Security Plan. Although Government efforts to improve public security in the Tarai region in particular are much needed, human rights organizations, including OHCHR in Nepal, have expressed concern at the number of individuals killed in encounters with security forces and at credible allegations of extrajudicial killings involving police personnel. OHCHR in Nepal has raised concerns about this issue directly with the Nepal police command and Government officials"

OCHA, 1 September 2009, p. 2

"The Minister for Home Affairs, Bhim Rawal, held regional level seminars at the end of August to ensure effective implementation of the Special Security Strategy that was launched by the government to maintain law and order situation. The Ministry of Home Affairs (MoHA) proposed the Special Security Strategy (SSS), which was endorsed by the Cabinet on 29 July 2009 and effective immediately, with a budget of NPR 1 billion. The SSS proposes additional security personnel of 16,000 be deployed to the targeted areas in 26 districts, including 15 districts in the Terai, 8 districts in the Eastern and Mid-western Hills and three districts in the Kathmandu valley.

The aim of the SSS includes:

- To deal with threats to internal security.
- To end highway/road obstructions, abductions, donation collection and other illegal acts.
- To take action against organized crime and those inciting lawlessness.
- To maintain law and order.
- To strengthen three security agencies: Nepal Police, Armed Police Force and National Investigation Department.
- To deploy additional security personnel to contain armed activities of underground outfits and conduct swift action against them.
- To launch an awareness programme about the SSS.

The security plan has been implemented in 36 districts. The government identified 109 armed groups in the Terai and the hills and has started disarming the criminal groups through the SSS. In a press meeting in Biratnagar on 23 August, the Minister for Home Affairs stated that police and administration were mobilized under five strategies of the SSS to bring about law and order. He claimed that the police have reduced the number incidents of murder, kidnapping, rape and extortion in the Central and Eastern Terai Districts. He also said police identified 18 organized criminal groups in Kathmandu and arrested most of these leaders."

Other causes of displacement

Ex-Kamaiyas freed but displaced by failed rehabilitation (2000-2009)

- In July 2009, it was reported that 9,600 out of the 27,000 freed Kamaiyas were still to be rehabilitated. Most were living as squatters in Dang, Banke, Bardiya, Kailai and Kanchanpur districts.
- According to the agreement signed between the government and the ex-Kamaiyas in July 2007, the 6,200 ex-Kamaiyas families are to receive land and other support by April 2008.
- As of November 2007, only some 700 out of 6,200 ex-Kamayia families in the Kailali districts had been allocated land and received support.
- In early 2007, the Tharus joined the Madhesis protest in the Terai, asking for an autonomous Tharuwat state.
- In July 2006, ex-Kamaiyas protested in Kathmandu and the Terai districts, demanding rehabilitation and livelihood support
- In August 2004, ex-Kamaiyas grabbed 10,000 acres of government land in protest over government's apathy and empty promises
- In January 2003, the government declared that the Kamaiya problem had been solved at that all had been rehabilitated, a statement which was contradicted by NGOs.

- In 2003, Kamaiyas were still living with the minimum support provided by the donor agencies and although some have been registered and given land others are still wandering from one place to another in search of land and shelter.
- Insufficient assistance caused the displaced to suffer from starvation, illness and lack of shelter and clothing. Under pressure, the government started allocating land to some of the displaced during 2001.
- The District Development Committee has commenced the task of identifying and registering the displaced Kamaiyas and a special committee has responsibility in each district for taking this process forward, but progress has been slow.
- Practice of Kamaiya (bonded labour), which existed mainly in 5 districts in south-west Nepal and affected some 35,000 to 100,000 persons, was outlawed by the government in July 2000.

Nepalnews, 2 July 2009

"The government has decided to rehabilitate freed Kamaiyas living in various districts within six months.

A cabinet meeting held Wednesday has decided to rehabilitate about 2000 Kamaiyas within mid-July and the remaining within six months.

Out of 27000 freed Kamaiyas, some 9600 are yet to be rehabilitated. They are living as squatters in Dang, Banke, Bardiya, Kailai and Kanchanpur."

IRIN, 28 December 2007

"Hardship continues to be a reality for thousands of children of former bonded labourers who are among the poorest and most neglected Nepalese citizens, according to Freed Kamaiya Society (FKS), a network of `Kamaiya' (bonded labour) families and human rights activists.

The practice of `Kamaiya', which existed mainly in five districts in southwestern Nepal and affected some 35,000-100,000 people, was outlawed by the government in July 2000, according to the Internal Displacement Monitoring Centre.

Eight years after their liberation, the `Kamaiyas' continue to suffer from illiteracy and landlessness, and survive on less than US\$1 a day, according to FKS.

It is the children who suffer most, with around 25,000 working in hotels, restaurants and households in the main cities and towns to support their families, according to Backward Society Education (BASE), a local non-governmental organisation (NGO) helping to rehabilitate and support the former `Kamaiyas'.

(...)

"State responsibility towards these children remains negligible and this is one root cause of their deprivation," said rights activist Khadga Raj Joshi from INSEC. He said the Nepalese government had failed to provide free land to all liberated bonded labourers as promised.

According to local human rights activists, only 16,000 out of 36,000 freed `Kamaiya' families have received land plots, while the rest live like nomads in makeshift huts wherever they find an empty space, in unsanitary conditions.

Government officials, however, said they were tackling the problem and would provide land to most of the `Kamaiyas' by the end of the year. A group of parliamentarians recently visited

`Kamaiya' families in western Nepal to assure them of the government's assistance and commitment.

"We are watching the government closely and if it fails to deliver on its promises, we will launch a mass movement in the capital in a few months," said Chaudhary."

OHCHR, December 2007, p. 18

"OHCHR has also been monitoring the situation of ex-Kamaiyas (freed bonded labourers). On 25 July, the Government signed an agreement which sets out a timetable for the allocation of land and other support measures to ex-Kamaiyas after protests in the Far and Mid-Western Regions and in Kathmandu. Although legislation was passed in 2002 which banned the use of bonded labourers and freed them from debt, compensation and rehabilitation measures have never been fully implemented. Some steps have been taken to begin implementing the agreement. As of November, according to reports, 700 out of 6,200 ex-Kamaiya families in the Kailali district (Far Western Region) had been allocated land and other support and local leaders expressed concerns about the slow pace of implementation, which must be completed, in accordance with the agreement, by April 2008."

ISN, 21 February 2007

"Taking their cue from the Madhes protests, other ethnic and indigenous communities have also begun to revolt.

The Nepal Adivasi and Janajati Mahasangh is an umbrella of nearly 60 organizations representing communities that were among Nepal's first settlers and yet remain the most exploited and underprivileged.

They include the Tharus, a community that was the first to dwell in the swampy land in the south, battling diseases to carve out an arable tract. With the invasion of hill communities and migrants from India, the Tharus became slaves in their own land.

Thus arose the infamous system of kamaiyas: bonded labor for generations. Though the government abolished it in 2000, the practice still continues, especially in mid and far western Nepal where grinding poverty is a way of life.

Now the Tharus want an autonomous Tharuwat state.

"When the Maoists started their war, Tharus flocked to them, lured by their promise to create a republic where all would be equal," Rajkumar Lekhi, general secretary of Tharu Kalyankarni Sabha, told ISN Security Watch. The group called a three-day strike in eastern Nepal last month to press its demand.

"About 700 Tharus died during the People's War. But the Maoists just used us, they had no intention of keeping their promise."

OCHA, 11 August 2006

"The month of July saw the freed bonded labourers, or kamaiyas, protest in Kathmandu and the Terai districts, demanding rehabilitation and livelihood support. The kamaiyas in the Mid- and Far Western Districts padlocked the District Land Reform Office in Banke, Bardiya, Kailali and Kanchanpur. The kamaiya system was abolished in five Mid- and Far Western districts in July 2000 but the former bonded labourers continue to struggle in the absence of livelihood support. According to a national survey carried out in 1995, there were more than 25,000 kamaiyas in the country."

Oneworld, 13 August 2004

"Over 200,000 Nepalese tribals freed from slavery and living in makeshift tents have grabbed more than 10,000 acres of government land in protest against the state's failure to rehabilitate them, more than four years after their release.

(...)

The FKS, founded in early 2001, claims to work among 200,000 former bonded laborers in the five southwestern districts of Kanchanpur, Kailali, Bardiya, Banke and Dang, some 400 to 600 kilometers southwest of Kathmandu.

Ishwar Dangoria, 41, one of 800 ex- Kamaiyas who have begun cultivating some 300 hectares of government land they occupied in Dang district, says, 'We will face bullets if needed, but we won't vacate the land.'

(...)

Moti Devi points out that of the 14,000 families of ex- Kamaiyas consisting of over 70,000 members in Bardiya district, only 5,000 families have been allotted land.

'Four years have passed but still most of us are languishing in tents. So we have resolved to fight back and occupy government land wherever available. Our campaign is going on in full swing. We are occupying land literally every day,' she claims."

LWF, 2003

"According to a recent update report from the daily newspaper the Kamaiyas are still living with the minimum support provided by the donor agencies. They are still the targets of anyone powerful. Kamaiya women have been assaulted and raped. The government has not been able to rehabilitate all of them except for keeping records of their population in the districts for the last three years. While being declared liberated they were promised some 0.15 hectares of land, guarantee of minimum wages and provision of temporary camps until rehabilitation. In the course of time some former Kamaiyas so far have been provided with identity cards and a few pieces of land for housing purposes in some districts, some are provided with mere certificates and some with pieces of land.

(...)

Some of the Kamaiyas are still wandering from one place to another in search of land and shelter. Some are living in the government supported camps and some in the self erected thatch in the jungles. Conflict between Kamaiyas and forest department officials has resulted in the burning down of huts. But those incidents went unnoticed since the culprits were not punished.

The cold wave this winter has aggravated the hardship they were already facing. As a result of the severe cold the children of ex-kamaiyas suffered from pneumonia and in Bardia district. 2 two infants died in the Srilanka camp of Kailali district. As per the data till January 28, 2003 severe cold claimed lives of 46 kamaiyas. Most of the deceased were infants and elderly people.

The kamaiyas have a difficult life in one hand and in the other hand government on January 22nd claimed that they have settled all the kamaiyas, to which many of the NGOs are furious and Backward Society Education (BASE) an NGO lobbying for the liberation of Kamaiyas has challenged the government's claim.

According to BASE, excepting Kailali district, the government has not yet provided a single kamaiya family with wood for the construction of their houses. Earlier the government had claimed that it had completed distributing 35 (earlier decided 75 feet which was fixed to 35) cubic feet of wood to all the kamaiyas for the construction of their houses. Freed kamaiyas have not received the money they had been promised and they feel cheated from the authority."

BASE, November 2002

"The government granted the Kamaiyas freedom from their landlords and their 'Sauki' (debts), but the landlords got infuriated. The Kamaiyas had been staying in the 'Bukara' (the shelter provided by the landlord), and they did not have their own house. From the moment the Government announced the freedom, the landlords did not allow the Kamaiyas to stay in the Bukaras. Thus, the freed Kamaiyas were forced out on the open.

Though food, clothes, tents, medicines and other materials were made available to the homeless freed Kamaiyas from various quarters as relief assistance, those materials were not enough to ensure continued livelihood for the Kamaiyas. So, the freed Kamaiyas began to suffer from starvation, illness and lack of shelter and clothing. On the other hand, the Government could not move ahead with the rehabilitation work that it had promised.

(...)

After Mid-April 2001, the freed Kamaiyas started putting additional pressure on the Government. So, the Government acted as if it was now really serious with the rehabilitation process. Some of the freed Kamaiyas were distributed the very land where they had been staying while some others were given uncultivated public land elsewhere. Each family was given 2 to 3 Katthas of land. Similarly, those who were occupying the public land were allowed to possess the land up to 5 Katthas per family."

ACT, 11 September 2000

"Background

On 17th July 2000, the Government of Nepal formally outlawed the long-established practice of Kamaiya (bonded labour). This system trapped successive generations of poor and illiterate people and their entire families into bonded farm labour for local landlords to pay of debts incurred sometimes generations earlier. The system existed in at least 5 districts (Kailali, Kanchanpur, Dang, Bardiya and Banke) of the terai (plains) in south-western Nepal. Estimates of the numbers trapped in this system ranged from 35,000 - 100,000.

Current Situation

Though the Government decreed the Kamaiyas to be freed and all debts waived, the sudden breakthrough was made in response to Kamaiya mass mobilisation including protests in Kathmandu, without consideration of the consequences. The sudden move has angered the landlords who are also organized. While some Kamaiyas have left their service, others have been thrown out. Many of these displaced are now squatting in temporary transit camps or living illegally on occupied land (including in the main District town) hoping for Government action to allocate land and provide assistance with resettlement.

The District Development Committee has commenced the task of identifying and registering the displaced Kamaiyas and a special committee has responsibility in each district for taking this

process forward. However official action is slow and uncertain. Since this emergency occurred during the monsoon season, conditions in terms of employment, availability of food, shelter and sanitation and health status are very poor. The NGO movement, which has been assisting and encouraging the Kamaiyas to appreciate and take action to improve their situation, is now morally obliged to accompany the Kamaiyas as they seek to be reintegrated into regular society. Thus the most pressing need is immediate survival and basic needs."

Nepal is highly disaster prone (2004-2009)

- In September 2008 an estimated 180,000 people were displaced by floods.
- Up to 70,000 families in 47 districts were reportedly affected by floods and landslides during 2007.
- A total of 18,000 houses were completely destroyed by the June 2007 monsoon rain and 16,000 people were displaced.
- Monsoon floods and landslides displaced thousands of people in the mid and far western region in August-September 2006 and left 14,000 families in need of assistance.
- Heavy rains in July 2004 resulted in widespread flooding and landslides in eastern and central Nepal causing an estimated 37,000 families to be evacuated.
- Up to 68,000 houses were destroyed and many schools damaged

OCHA, 10 December 2009, p. 5

"Approximately 42,800 Nepalese (7,563 households) were affected by the Koshi floods in Sunsari District on 18 August 2008, in addition to an estimated 11,000 Indian nationals (2,328 households), according to the Government of Nepal. Distribution of comprehensive compensation package- land and crop is continuing for the flood affected population. The distribution process started from 26 August 2009 and was expected to be complete within three months. As of 17 November, 2,763 families have received the package totalling NPR 320 million. Distribution of the package has been completed in the most-affected Shripur and nearing completion in Paschim Kushaha VDC. Under the provision made by government of Nepal, households will get 50% of the land compensation and 100% of crops compensation in first instalment.

According to the decision of the central government to provide 2 kattha of land for the 1422 landless families, CDO office has negotiated for some 25 bigha of land in Haripur VDC where the landless will be settled during the first phase. The DDC has designated a focal person to verify landless families, to distribute land and to support in the implementation of low-cost housing construction schemes. UNDP and WFP supported Food for Work with cash top up program has ended. The program provided 50 days of employment to 7085 households. QIPSI Program with UNDP support is still on going. UNDP and DDC/LDF have agreed for the implementation of livelihood programme under Koshi Early Recovery Programme (KERP) proposed by UNDP in flood affected areas.

Issues and Challenges:

Delay in releasing funding has affected the recovery activities. Asian Development Bank (ADB) is to support long term recovery activities in four sectors-Water and Sanitation, Irrigation, Rural roads and Agriculture in the flood affected areas.

It has been difficult to transport essential goods and materials to project sites due to bad road conditions.

There is a growing demand by the returnees to extend food for work and cash top up program since it is providing food security and short term employment. The LDO and CDO have appealed for further assistance for the Food for Work Program for returnees in the red zone areas.

There is need to have new intervention in red zone to start livelihood activities. Land improvement of the red zone is a priority. Intensive support in irrigation system is equally necessary to revitalize the red zone."

OCHA, 16 January 2009, p. 1

"In August 2008, Nepal was hit by consecutive flooding in the eastern and western regions, affecting more than 250,000 people. Flooding in the east was a result of the Koshi River, Asia's largest river basin, breaking a retaining wall and washing away the villages in its course. Humanitarian needs remain in the affected districts as an estimated 50,000 people are still displaced in camps and camplike conditions, and will require continued humanitarian support, especially shelter and livelihood, into 2009. Access to health, water, sanitation, hygiene, and education services has been considerably damaged in the disaster-hit areas. The effort to repair the embankment and redirect the Koshi to its original course is on-going. This joint undertaking by both India and Nepal must be completed before the next monsoon season to prevent additional flooding.

More broadly, Nepal is a high-risk country in terms of natural disasters. Located in a seismically active zone, it is highly prone to earthquakes and environmental hazards including annual floods causing displacement in the lowlands. The likelihood of a major earthquake in the Kathmandu valley also needs much greater attention as the loss of life anticipated under current conditions would be catastrophic."

IRIN, 30 September 2008

"The number of people displaced by heavy flooding in western Nepal has reached almost 180,000, according to aid agencies.

Thousands of affected families in the mid-west and far-west regions of the Himalayan country need assistance following torrential rains on 19 September. The number of displaced grew over the past week from an initial 80,000 to nearly 180,000 on 29 September following assessments by aid agencies and the government, with that number expected to expand further if immediate relief efforts are not stepped up.

International aid agencies say the number of displaced had more than doubled over the past 10 days, stressing the need for urgent emergency measures. The two regions are already considered the most impoverished and least developed of Nepal's five administration divisions, which include Central, Eastern and the Western regions, where most of Nepal's disadvantaged communities live. "

OCHA, 10 January 2008, p. 9

"According to estimates by the Ministry of Home Affairs, the 2007 floods and landslides directly affected 70,000 families in 47 districts (over 60% of the country) resulting in 185 deaths, 16,000 families temporarily displaced, 19,000 houses completely destroyed, 29,000 houses partially damaged (total loss estimated at 230 million rupees) and over 130,000 hectares of arable land inundated and sand-casted in the Terai. The impact of the floods and landslides increased food

insecurity for already vulnerable groups and impacted negatively on the livelihoods and nutritional status of severely affected households. Due to numerous agitations continuing in the Terai, the delivery of humanitarian aid was significantly constrained."

OCHA, 12 September 2007, p. 5

"During the reporting period, the Monsoon rains that started in Nepal on 10 July continued causing damage through floods and landslides. According to information released by the Ministry of Home Affairs (MOHA), as of 10 September, 185 people had been killed, majority by landslides that were triggered by the ongoing monsoon rains. The Home Ministry further listed the districts that have been most affected by landslides this year as Baglung, Gulmi, Baitadi, Darchula and Banke. Further statistics from MOHA indicate that by 10 September, the ongoing floods and landslides have affected an estimated 69,398 families, displaced 16,273, completely destroyed 18,753 house, partially destroyed 29,335 houses and caused a total loss of 229.98 million Nepali Rupees."

FAO & WFP, 27 July 2007, p. 10

"Nepal is vulnerable to several types of natural disasters, including droughts, floods, landslides, windstorms, hailstorms, cold waves, disease epidemics, glacial lake outburst flood (GLOF), fires and earthquakes. Droughts, floods, hailstorms and landslides are by far the most serious and recurrent natural disasters and annually cause significant material and human losses. Based on official disaster statistics, floods and landslides from 1998 to 2002 occurred some 256 times on average in one year and affected on average 24 264 families annually. The middle Hills are mainly prone to landslides and hailstorms while the Terai region is prone to floods and fire. Windstorms, thunderbolts (lightening strikes) and heavy snowfall also affect many areas of the country on a regular basis, causing loss of human lives and considerable damage to the standing crops. While earthquakes are not frequent, Nepal has experienced several destructive earthquakes, with more than 11 000 people killed in four major earthquakes in the past century."

OCHA, 5 October 2006, p.2

"September heavy monsoon rains caused floods and landslides in 26 districts, the most affected being Banke, Bardiya and Achham in the Mid West and Far West. Nearly 50 deaths were reported and thousands were displaced from their water-logged homes for days. After detailed assessments, the Nepal Red Cross Society (NRCS) put the number of disaster-affected population at 84,449 in the three districts. Supported by a number of UN agencies, notably WFP and UNICEF as well as I/NGOs, the Red Cross provided the needy population immediate relief in the form of food and non food.

(...)

The District Administration Office and the NRCS district chapter in Banke and Bardiya estimated that 3,297 houses have been damaged by floods. However, a detailed inter-agency assessment led on the longer term house rehabilitation needs is under revision."

OCHA, 8 september 2006

"The monsoon floods and landslides that started in late August have left some 14,000 families in the mid and far western affected districts in need of assistance. Crops and houses have been critically damaged and an impoverished population is threatened by possible disease outbreaks.

A major concern now is how to distribute the food/relief items to all the affected population before the Dashain festival."

Map showing flood and landslide-affected areas



Source: OCHA, 29 August 2006

IFRC 11 August 2004, p. 2

"Heavy rains which began in early July resulted in widespread flooding and landslides, causing suffering to thousands of people in eastern and central regions of the country.

As of 10 August a total of 800,000 people had been affected in 25 of Nepal's 75 districts. The official death toll remains at 185. Many families were forced to evacuate with parts of southern Nepal submerged for over two weeks. There have been numerous landslides in the hilly region, sweeping houses away and forcing families to flee. More than 37,000 families are now displaced in the affected areas. Large areas of cultivated land and newly planted rice has been washed away. Up to 68,000 houses have been destroyed or damaged and many schools have been damaged. Infrastructure has been severely affected with bridges swept away and roads destroyed or damaged.

Water levels are receding but that threat is now being replaced by illness, with cases of waterborne diseases and diarrhoea on the increase. There is a need for caution despite the improvement in the weather over the past 10 days with the monsoon season forecast to last into next month. Nepal remains vulnerable to further flooding and landslides."

Map showing affected districts

Source: UN Country Team in Nepal, 28 July 2004

OCHA/IDP Unit June 2004, p. 5

"9.1 Nepal is highly disaster prone, affected by frequent floods, drought, earthquakes, fires, epidemics, avalanches, glacier lake outburst flood, and windstorm. Of immediate concern is the risk of a massive earthquake in Kathmandu valley, which could occur at any moment. Significant earthquakes have been known to occur in Nepal with a regular interval of approximately 70-75 years. The last such earthquake (registering 8.4 on the Richter scale) occurred in 1934 with an epicenter in Kathmandu, killing over 9,000 people. According to a recent study, Nepal has the highest per capita earthquake risk in the world, and is especially vulnerable largely because of the use of poor quality construction materials and poor design and construction practices."

Displaced from their lands by government development policies (March 2008)

LAHURNIP, 2004, pp. 23-25

"During the territorial unification of Nepal and thereafter, indigenous peoples have been displaced from the lands they traditionally occupied, used or controlled (See p. 2). The khat lands of indigenous peoples were provided through special laws like lalmohar, sanad and sawal. At present, such khat lands have for all practical purposes been terminated, however, there are provisions for them in existing laws. Article 2(2) a of the Land Act 2021 BS has accepted those who by custom occupy khat land as landowners and khat land itself as under landlord (jamindari) tenurial system. 'The land of indigenous peoples khat' according to Article 2(4)h of the Act has been terminated by Land Measurement Act 2019 BS, Pasture Land Nationalization Act 2031 BS and Private Forest Nationalization Act 2013 BS. Khat has been terminated contrary to the legal provision that the right to khat holding was provided for by special Acts and that khat tenure has come down from customs and traditions, hence decisions regarding it should be taken only by bringing forth special Acts related to it. Indigenous peoples have in numerous cases been displaced from their khat lands by devious means. Article 45 of the Land Act 2021 BS provides that for anyone keeping land as collateral while taking a loan, if the income from the land is more than 10% of the total loan, the income could be used for the phase-wise repayment of the loan. When the entire loan amount was repaid the land could be recovered. This arrangement or facility was however not provided to khat land and thus the land kept as collateral often fell into the hands of non-indigenous peoples. The Land Act wrongfully eliminated khat land by converting it into raikar tenure. There was no compensation provided for the loss of khat lands.

Prevailing Nepalese laws have not recognized the lands and resources traditionally used, occupied and controlled by indigenous peoples, and there is no provision for the special protection of such lands and resources. The land used and occupied historically by indigenous peoples has not been registered due to lack of citizenship certificates. Article 7(4) of ILO Convention 169 states that special measures should be adopted for the protection of the environment of areas inhabited by indigenous peoples. Indigenous peoples have the right to participate in the utilization, management and the protection of natural resources (Article 15(1)).

Even if the right over land, natural resources and minerals is to reside with the State, at the time the State utilizes such resources, it is the responsibility of the State to consult with, share benefit with and provide appropriate compensation to indigenous peoples dependent on such resources (Article 15(2)).

Looking at most of the laws in Nepal related to natural resources, there are a number of legally sanctioned arrangements for those indigenous peoples dependent on such resources. In other words, in theory the dependence of indigenous peoples on resources seems to have been recognized. Local indigenous peoples who have traditionally earned their livelihood through fishing are allowed to fish following the payment of an annual amount Rs. 50 (Royal Bardiya National Park Regulations 2053 BS, Schedule 1). The right has been provided to Darai, Kumal and Tharu indigenous peoples (Royal Chitwan National park Regulations 2030 BS, Schedule 1).

Although it has not been specifically provided for, the provision of transferring religious forest and leasehold forest by taking into account the benefit to dependent groups and the provision of representation of backward classes in the sharing and balanced use of natural resources in protected areas is in accordance, albeit to a limited extent with Article 7.4 of ILO Convention 169. However, provisions of Article 49 of the Forest Act 2049 BS have prohibited livelihood related activities of indigenous peoples in national forests. For example, there is a prohibition on clearing land for cultivation in community forests and severe penalties for its violation. Furthermore, peoples who have traditionally occupied and utilized lands, but do not have the official documentation to prove it, have been displaced by the establishment of community forests.

Chepang Family Displaced

Hetauda, 22 Push –A dozen Chepang families were displaced after the District Forest Office three months ago handed over the Chepang settlement of Churedanda, Raksirang VDC–8 to

local villagers. After being displaced from the land they had been living on for generations, these Chepangs have been forced to live on the banks of the Rapti river at the foot of Churedanda (Chure hills) in makeshift shelters made of leaves, Friday, 23 Push 2061 BS, Annapurna Post (Daily)

The Pasture Land Nationalization Act 2031 BS nationalized, without providing for any alternative, pasture lands that indigenous peoples dependant on animal husbandry had been using unhindered as pastureland, thus displacing them from their traditional livelihoods. The pasture lands were legally given for the planting of tea, herbs and fruits, thus letting non-indigenous peoples appropriate the lands of indigenous peoples and displace them. The spiritual relationship between indigenous peoples and their lands and resources, as mentioned in ILO Convention 169, has not been recognized in current legislation in Nepal nor has the provision of providing appropriate compensation for being displaced, or of seeking consent prior to displacement, been adhered to.

IA, September 2007, p. 31

"In Makawanpur the Chepang community, which number between 17,000 and 22,000 in this district, 18 are still entirely dependent upon food and materials gathered from the forest for three months of the year. Many Chepang communities are facing forced displacement from ancestral land to make way for limestone quarrying to feed the growing demand for cement from Kathmandu and other urban areas. Protests organised by the Chepang community to campaign against, and draw attention to, their marginalization and exclusion have faced obstruction from Maoist cadres."

OCHA, 18 March 2008, p. 3

"An estimated 2,307 households (An estimated 4,000 women; 3,000 children and 3,000 men) have set up temporary camp at Dhaka, Dhakatbhuli VDC, wardno.1, in Kanchanpur District of FarWestern Region.

They were displaced by a Wildlife Reserve Expansion Project in 2002 and had since then lived in 14 temporary camps in seven VDCs (Pipaladi, Dekhatbhuli, Rautali, Beldadi, Sundarpur, Suda, Krishnapur, Kalika and Laxmipur).

In 2002, the Shuklaphata Wild Life Reserve Office had Forcefully moved the occupants off the land for the extension of The wildlife reserve boundary. Compensation was not provided Immediately and the displaced families set up camps in 14 sites across Kanchanpur District. The demands for compensation and resettlement were not met. Two months ago, the Committee decided to return to the land that they previously Occupied to pressure the government for compensation for Land lost in 2002.

For almost 60 days, the 2,307 households have lived in adhoc structures, mostly made of scrap branches, used cloth and plastic. Their situation is increasingly desperate, in particular related to health concerns. Cold and flu have affected the majority of the population. The community reported over five cold-related deaths in the past two weeks. The hospital is located two hours away by vehicle. One month ago, the people received de-worming tablets, iron tablets and re-hydration tablets from the health service. The polio campaign has not covered this site in the past two months. Over 100 women are reported pregnant (with 8 newly born babies). After having used the river for drinking water and cleaning the community has set-up ten hand-pumps for water supply.

There is a complete lack of livelihoods and of food supplies. Only a small number of livestock has been observed in the area. The community has established a school for levels 1-3. Older Children are starting to return to their previous schools.

OCHA's rapid assessment team observed that many primary school aged children were not attending school. The CDO of Kanchanpur requested immediate support in responding to the Humanitarian needs of the IDPs. OCHA is seeking support from Health organizations to conduct a needs assessment of the site, With the possibility of setting up a mobile health centre or Providing immediate health assistance."

Thousands of people displaced by actions of Indian security forces along the border in Dang district (July 2009)

- Thousands of people from 22 villages were displaced by actions of the Seema Surakchya Bal (SSB), India's border security force, in early June 2009 in Dang district near the Indian border. The SSB reportedly encroached on Nepali territory, forcing residents out through threats and human rights violations. According to the UN, most of those displaced started returning home shortly after their displacement.

OCHA, 1 July 2009, p. 3

"Dang Displacement: Following the report of encroachment of Nepali land by Indian security leading to the displacement of 200 families, from different Village Development Committee (VDC) along the Nepal India border in Dang District, the villagers left and started living in the Kaari Community Forest (KCF) following the threats and intimidation from the India Sasharatha Sima Bal (SSB) - Border Armed Police. The displaced people have started to return home following the action plan on basic services and relief to the people of 22 Nakas (border)."

Nepalnews, 2 June 2009

"Reports say that hundreds of Nepali families - around 6,000 of them - living along 22 bordering villages of Dang district have been driven out by the Indian border security force, the Seema Surakchya Bal (SSB).

Some 2,000 displaced people, who are currently living in make-shifts tents at Satbariya VDC-2 in Deukhuri region, recount gross atrocities of Indian armed forces and criminal outfits including torching of houses, robbery, even abductions and rape.

They say they have fled their homes fearing further persecution from SSB and other Indian criminal outfits.

(...)

Absence of border security

There are SSB units along the Nepal-India border at close distances, but there is no mechanism to look after border security on the Nepali side, according to reports.

This is the reason why the local authorities have no clear data on the number of abducted women and fail to keep tab on other instances of crime and atrocities that take place in the bordering areas of Dang district.

Similarly, the absence of any security provisions in the bordering areas has also led to encroachment of Nepali land in Dang, according to Kantipur Daily.

Reports also quoted locals as saying that the SSB has moved border pillars some 35 meters inside Nepali land and displacing residents claiming the land to be India's.

The Indian border force is said to have ready encroached Bousahi, Sunpathri, Khangra of Rajpur VDC and Baruwa, Patauli, Siriya, Sukouli, Gurung, Koilabas of Bela VDC.

Similar encroachment has been reported in Bara district also, where farmers have claimed that Indian villagers have been encroaching upon Nepali land for farming purposes.

(...)

Petty politics

Meanwhile, the Unified CPN (Maoist) has decided to generate national consensus against encroachment of Nepali territory by the Indian side.

A meeting of the party's parliamentary board held Wednesday also decided to call a joint meeting with other political parties to discuss the matter.

On Tuesday, the Maoists had demanded that the Indian government end encroachment of Nepali land on the border and immediately return all seized land of Nepal to create an environment of peace.

"India has time and again encroached Nepal's land, forcing locals to flee from their homes which is an open challenge to Nepal's national territorial integrity," Maoist Spokesman Dinanath Sharma said in a press release issued by the party to protest the encroachment and atrocities against Nepalis citizens living in border areas.

The press statement said that even International Relations and Human Rights Committee of the Parliament had in its report stated that border pillars of that area had gone missing and the land has been encroached.

It should be recalled here that Maoist chairman Pushpa Kamal Dahal had while announcing resignation from the post of prime minister said his party won't bow down before "foreign lords" and tolerate interference in Nepal's internal affairs, in what was clearly a tirade against the Indian hegemony in Nepal.

Political observers are also saying that Maoists may ramp up nationalistic feelings to garner sympathy for themselves, and the party may have seen the latest incident in Dang as an opportunity for this.

But it is also true that the Unified CPN (Maoist) is the only party that is openly voicing its concern over the encroachment of Nepalese territories by SSB forces and the atrocities committed by them against Nepalese citizens.

Apparently other political parties, far from expressing concern over the serious matter, are treating the issue as if it is not even happening. Observers say that even the new government will mostly ignore the issue as it will not want to annoy India and risk losing its support that is so crucial for it to stay in power."

Nepalnews, 2 June 2009

"The Indian border security force, Seema Surakshya Bal (SSB), has driven out hundreds of Nepali families living along Nepal-India border in west Nepal.

More than 6,000 have been displaced as SSB personnel drove Nepali families out from various bordering villages of Dang district along Nepal-India border.

Of them, 1,800 have taken refuge at the Satbariya community forest of Deukhuri, Dang after SSB encroached Nepali land and torched their homes, Kantipur daily reported.

"They torched our houses saying you can't live here," Purna Kumari Bista, 70, of Rajpur, Dang told the daily. "We had to leave with the family to protect our lives."

She also claimed the SSB shifted border pillars some 35 metres inside Nepali land.

Villagers from some 22 entry points bordering Dang district on the Nepali side and Balarampur, Shrivasti and Gonda districts on the Indian side have fled their homes.

The displaced said the SSB assaulted and raped women. "We are forced to become mute spectators when they rape our ladies," said Begaram Pun of Siriya. "More than 15 girls have already gone missing."

Even though the villagers had been facing atrocities since years, they were forced to flee when the atrocities became intolerable, the report says.

They were forced to flee after the SSB did not allow them to buy essentials in the Indian market and took away theirs, according to Cham Kumari Gharti of Khangra.

"They (used to) come to our houses brandishing guns and take away our ration and live stocks," said Gharti. "They beat us up if we tried to oppose. Probably there is nobody that has not been beaten up at least once."

The displaced have been living in make-shift tents at Karri community forest in Satbariya.

Chief District Officer of Dang Rishi Ram Dhakal said an all-party meeting would be called soon to resolve the issue."

Peace process

Peace process revived as nationwide mass protests force king to reinstate Parliament (October 2006)

- In October 2006, during a second round of talks, both side agreed to hold elections to a constituent assembly by June 2006.
- INSEC charged both parties of having repeatedly violated human rights despite the May 2006 truce.
- On 26 May, a 25-point Code of Conduct was agreed between the Seven Party Alliance government and the Maoists.
- In April 2006, following weeks of massive nationwide protest, the King announced the reinstatement of parliament and the return of the power to the people.
- In November 2005, the main political parties and the Maoists had reached a 12-Point understanding, agreeing to work together to reclaim the power from the King.

IRIN, 10 October 2005

"Maoist rebels and Nepal's interim government have agreed to hold elections for a constituent assembly by June 2007, negotiators from both sides said on Tuesday at the end of three days of high-level peace talks."

Human rights violations still ongoing despite truce: Human rights group

INSEC, 10 September 2006

"Both the Nepali government and Maoist rebels are killing people and violating human rights despite their truce, a leading rights group in the Himalayan nation said on Sunday.

Subodh Pyakurel, chairman of rights group Informal Service Sector Centre (INSEC), said the Maoists had killed 11 people while nine had died in action by security forces.

Both sides have been observing a truce since May after King Gyanendra gave up absolute rule following street protests and handed power to an alliance of seven political parties.

INSEC also reported the Maoists had violated the truce 144 times compared to 22 cases involving government forces.

"The state is still carrying out killings, torture, intimidation, beating, arbitrary arrests and military action," it said in a statement.

"Maoists have also continued murder, abductions, physical assault, extortion of money through forced donations ... torture in the name of people's courts and labour camps."

A senior government official denied systematic violation of rights by troops but added some deaths attributed to the state were being investigated.

Maoist leaders also rejected the charges of systematic abuse.

"There may have been some cases of violations unknowingly, but there are no abuses in a planned way," Maoist leader Dev Gurung said."

Reinstatement of parliament and truce between Maoists and government paves the way for resumption of peace talks

OCHA, 18 July 2006, p. 1

"King Gyanendra's address on 1 February reaffirming the royal takeover as a means towards restoration of democracy, as well as the highly opposed 8 February municipal elections, triggered an escalation of the conflict across the country.

However, only a few months later an understanding between the main political parties and the CPN-Maoist reached in November began to prove fruitful. Nineteen consecutive days of nationwide pro-democracy strikes and protests called by the SPA and supported by CPN-Maoist, brought hundreds of thousands of people on to the streets throughout the country in defiance of curfews imposed by the Government in Kathmandu and some other towns. 21 protesters lost their lives due to violent reprisals and hundreds were injured.

On 24 April King Gyanendra appeared on television to announce the reinstatement of the dissolved House of Representatives (HoR), expressed condolences for all those who had lost their lives in the people's movement, and handed sovereignty back to the people. This followed an attempt by the monarch a few days earlier to end protests by inviting the SPA to nominate a new Prime Minister, an offer that was rejected.

The HoR met for the first time on 28 April and announced plans to work towards the formation of a constituent assembly – a longstanding demand of the CPN-Maoist. The HoR also removed a 'terrorist' label from the CPN-Maoist.

The CPN-Maoist declared a unilateral ceasefire for three months on the day before the first sitting of the HoR, which was reciprocated by the Government on 3 May for an indefinite period.

On 19 May the HoR formally removed references to the palace in the name of the Government and army - renamed as the Government of Nepal (GoN, formerly His Majesty's Government) and the Nepali Army (formerly Royal Nepal Army). Nepal was also declared a secular state, with nondiscriminatory citizenship rights for women. Many appointments made during the royal regime were annulled, including those from the February municipal elections, and twelve Ambassadors were recalled.

The first round of peace talks between the CPN-Maoist and the SPA Government took place in Kathmandu on 26 May resulting in a 25-point Code of Conduct (included as Annex II). As a result, CPN-Maoist cadres started moving freely in urban areas, opening offices and holding mass rallies, including a first-ever in Kathmandu on 2 June joined by an estimated 500,000 cadres and supporters. A number of discussions between the UN and the Government have taken place to understand the ongoing process and express readiness by the organisation to support in any way needed. While preparing this MYR, initial discussions have suggested possible roles to support arms management and Disarmament, Demobilisation and Reintegration (DDR). No formal request had yet been made by the Government to the UN."

Social exclusion and injustice is a major threat to the peace process despite new legislation and CPA's commitments (December 2007)

OHCHR, December 2007, p.15

"Longstanding discrimination - on the basis of caste, ethnicity, gender, geographic and other considerations – has emerged as a critical issue affecting the peace process.

(...)

New legislation has been passed and political agreements reached which should have had some impact on fulfilling the Government's international human rights obligations. The CPA committed both parties to addressing discrimination. The Interim Constitution included for the first time provisions, in Article 14, defining the right to non-discrimination and the right not to be subjected to untouchability¹⁰ as fundamental rights. However, these provisions do not explicitly prohibit acts of discrimination in private places, nor do they include provisions to order the enforcement of laws which punish such acts and provide compensation. Without such provisions, implementation remains a challenge.

Another important piece of new legislation is the Citizenship Act, adopted in November 2006, which enabled many to obtain citizenship certificates for the first time, including in the Terai. This Act also removed some aspects of gender-based discrimination – for instance by permitting both mothers and fathers to transmit citizenship to their children. The Act, however, still contained some discriminatory provisions against women. In particular, the Act places additional requirements with respect to the spouses of, and children born to Nepalese women married to non-nationals than those required by the spouses and children of Nepalese men married to non-nationals. Some concerns remain about certain Madheshi, Dalit, and Muslim communities, and women from these communities not being able to obtain citizenship certificates, especially given the documentation requirements imposed by the Act, including land ownership/tenancy receipts, or in their absence, statements from three (existing) citizens.

Despite commitments to inclusiveness in the CPA, official statements and the Interim Constitution, social exclusion remains a major problem. Women, Madheshis, Dalits, Janajatis and other marginalized groups continue to be severely under-represented in most political party central committees, state structures such as courts and police, local authorities and other entities. In August, a new Civil Service Bill was adopted, requiring 45 percent of posts for women (33% of the 45%), Madheshi (22%), Janajati/Adivasi (27%), the so-called 'backward regions' (remote/underdeveloped areas) (4%), Dalits (9%), and physically challenged people (5%), but the legislation still needs to be implemented."

ICG, 18 December 2007, p.10

"The peace process has delivered little justice and practical assistance to those affected by the conflict. The fate of over 1,000 people forcibly disappeared during the conflict (most of them apparently from army custody) remains unknown. Neither side has fulfilled its commitment to investigate and report. A June 2007 Supreme Court ruling ordered compensation for the families of 83 individuals who disappeared from the custody of security forces, formation of a disappearances investigation commission and drafting of an anti-disappearance law. The commission is yet to be set up, though its terms of reference have been discussed. The National Peace and Rehabilitation Commission, mandated by the CPA to provide relief and rehabilitation works for victims and IDPs", has not been established.

The proposed truth and reconciliation commission has not materialised, though partly for the positive reason that public criticism forced the ministry to consult more widely on a draft bill. More worryingly, almost no steps have been taken to tackle impunity or hold accountable those responsible for gross rights violations. For example, despite the CPN(M) admission of responsibility, Maoist cadres have not been held accountable for the 2005 bus bombing at Madi, Chitwan district, that killed three dozen people; nor has action been taken against army officers responsible for systematic abuses such as the well-documented torture and disappearances in Kathmandu's Maharajgunj barracks from 2003 to 2004. The CPA commitment to tackle corruption has been quietly forgotten."

IA, September 2007, pp. 15-16

"However, whilst the initiatives set out in the CPA are aimed at establishing a degree of security and stability, failure to recognise and address effectively the underlying causes of the conflict may lead to a renewed escalation of conflict and to continuing insecurity at the both the national and local levels. In particular, these initiatives have failed to address diverse and complex security needs at the local level, instead focussing on issues of national security over community security, and physical security over human security. One fundamental underlying cause of the conflict which the nascent peace process has so far failed to address is the ingrained culture of exclusivity that characterises every arena of public life in Nepal and which perpetuates the insecurity of many vulnerable and marginalised groups. Instead, a struggle for power at the expense of the needs of the majority of the population has generated the conditions within which long-standing grievances have festered and begin to re-emerge in ever-more aggressive forms. The above factors combined mean that the potential for communal violence among marginalised caste, ethnic, linguistic and regional groups and communities remains high in the post-settlement context.

The progress of the peace process in Nepal thus far has naturally raised the expectations of the Nepali people for rapid peace dividends. Managing these expectations in the coming months and years will present an enormous challenge for all involved in the peace process. High expectations have also been placed upon the UNMIN monitoring mission which so far have proved difficult to

meet. Sporadic incidents during the registration and monitoring process (which began on 15th January 2007) indicate that there is little trust, between the conflicting parties and within communities themselves, that either side will respect strict arms control. Furthermore, rhetoric at the national level regarding the inclusion and empowerment of marginalized groups has so far failed to satisfy many and marginalised communities have yet to receive dividends from the peace process. This has resulted in frustration amongst such groups and has allowed for the emergence of groups offering radical alternative means of enacting socio-political transformation.

The movement of large numbers of Maoist combatants from rural villages into the cantonments and the withdrawal of the Nepal Army back into the barracks post-CPA has left behind a considerable security vacuum. Lacking a clear mandate in the provision of security, the police force (who now have full responsibility for local security) are struggling to fill this vacuum. Local governance mechanisms have also been striving to fill the vacuum left by the dismantling of parallel Maoist 'People's Government' structures. This security and governance void has resulted in the emergence of splinter groups and criminal gangs who are able to take advantage of the current, fragile, stage of the peace process and the lack of effective security mechanisms at the local level.

In this context, organisations offering radical solutions to long-standing grievances have gained support. Breakaway factions of the Maoist party, criminal gangs (Indian and Nepali), radical new groups, many arranged along ethnic lines, are able to take advantage of weak state provision for law and order to emerge as significant threats to peace and security in Nepal. The fact that the nationally agreed arms control measures do not take into account the control of militia forces and their weapons is also enabling such groups to flourish."

Monarchy officially abolished 18 months after peace deal (May 2008)

OCHA, 28 May 2008, p.1

"Following a swearing in ceremony of newly elected members On 27 May and under tight security arrangements, and after more hours of delay, the first session of the Constituent Assembly (CA) convened at the Birendra International Convention Centre (BICC), Naya Baneshwor, in Kathmandu in the evening of 28 May. As planned, the CA decided to declare Nepal a democratic republic and thereby abolished the 239-year old monarchy. Nepal's erstwhile king Gyanendra was given a two week period to leave the Royal Narayanhiti palace."

OCHA, 15 May 2008, p.1

"On 8 May the Election Commission (EC) issued the final list of Constituent Assembly (CA) members elected under the first-past-the-post (FPTP) and proportional representation (PR) system polls, setting off a 21-day timeframe within which the CA must be convened. For the 335 PR seats a mandatory quota regulation for women, ethnic, caste and other groups was applied (women will be 33.22%, Madhesi 34.09%, Dalits 8.17% and Janajatis 33.39%). The electoral process is thus almost completed. 25 parties will be represented, with the Maoists holding 220 out of 601 seats. Five members doubly elected through the FPTP had to resign, and by-elections will be held. Also, 26 additional members will be appointed by the Council of Ministers.

Discords have been reported in most large parties over the PR candidate lists submitted, including within CPN/M (Maoists), Nepali Congress (NC), Unified Marxist Leninist (UML), Madhesi Janadhikar Forum (MJF), and others.

Preparations are now under way for the convening of the first session of the CA which is scheduled for 28 May at the Birendra International Convention Centre in Kathmandu."

OCHA, 15 April 2008, pp. 1-2

"Some 17.6 million people were eligible to vote on 10 April for Nepal's first Constituent Assembly election, which is seen as the cornerstone of the peace process. A total of 20,882 polling centres were setup in 9,821 polling locations. Some 240,000 staff were deployed for polling day. The total number of Constituent Assembly seats is 601, of which 335 are elected through a proportional representation system; 240 seats elected through a constituency-based first-past-the-post (FPTP) electoral system and 26 seats are to be appointed by the Council of Ministers. 55 parties competed, with 3,947 candidates in the FPTP system and some 5,701 in the proportional system.

148 domestic observation organizations were accredited and some 56,000 domestic observers were active on election-day, beside more than 800 international observers of 28 international missions. In addition to the technical assistance provided to the Election Commission (EC) in all 75 districts, UNMIN and OHCHR mobile teams operated across 45 districts; UNMIN arms monitors were present at all 28 Maoist army cantonment sites and operated mobile patrols from the five regional headquarters, visiting Nepal Army locations. The UN's Expert Election Monitoring Team which reports directly to the Secretary General also monitored the election. Nepal's government had declared a five-day holiday from 7 to 11 April to ensure broader participation and for security reasons. The sale and consumption of alcohol was also prohibited.

The Election Commission said there was a turnout of more than 60 per cent. Members of the Maoist army and the Nepal Army voted at specially assigned polling centers close to their designated locations.

(...)

About 43,000 regular police, 56,000 temporary security officers and 25,000 armed police were deployed across the country and were ensuring law and order during the election and in the light of threats by different armed groups in some Terai districts. The government also arranged for around-the-clock police hourly escorting of vehicles for the section of the east-west Mahendra Highway from Bara to Sunsari, beginning a week before the election. Aerial surveillance was provided with helicopters patrolling from Kathmandu, Simara, Biratnagar, Pokhara, Nepalgunj and Dhangadi. The border between Nepal and India remained closed from the evening of 7 through 11 April to prevent the smuggling in of arms and explosives by armed groups.

Local curfews were imposed by district authorities following pre-polling clashes or incidents in a number of areas, including Dang, Dhading, and Surkhet."

OCHA, 31 December 2007, p.1

"On 14 December, after considerable inter-party consultations, the three main political parties; NC, UML and CPN-Maoist reached a consensus on an amendment of the interim constitution to specify that the future constitution should be for a republic, subject to endorsement by the first sitting of the Constituent Assembly. Consensus also started to emerge on the issue of electoral system to be used during the CA election.

Consultations were finalized on 23 December when the Seven Party Alliance signed a 23-point agreement. The agreement provided for the declaration of a republic subject to implementation by the first meeting of the Constituent Assembly, a mixed electoral system with 60% of the members of the CA to be elected through proportional system and 40% through first-past-the-post system, and an increase in number of seats in the Constituent Assembly (CA) from the current 497 to 601 members. Moreover, it was decided that several committees for the implementation of previous agreements would be formed within a month and that the CA election would be held before mid-April 2008. The CPN-Maoist would rejoin the interim government with immediate effect. The

agreement further vested all the executive powers on the Prime Minister and asked the PM to act as head of state until the implementation of the republican declaration. The Interim Constitution will likely be amended to reflect the points reached in this agreement."

ICG, 18 December 2007, p.7

"The immediate task of separating and managing the armies has been successful. Although the number of Maoist weapons registered with UNMIN (3,475) was barely a tenth of the number of personnel registered in the cantonments, there is no evidence they have hidden large stores.¹¹ The Nepal Army (NA) fulfilled its side of the bargain, placing a similar number of weapons in storage and remaining confined to barracks, apart from fulfilling security duties permitted by the CPA. UNMIN registered 31,152 Maoist personnel in the cantonments and has now completed a round of verification. Although no figures have been officially released,¹² indications are that some 12,000 personnel have not met the criteria for verification, either because of being underage or because they were not part of the Maoists' regular forces before the May 2006 cut-off date. Although there were some incidents involving weapons designated for leadership and camp perimeter security, the Maoists have not removed weapons from storage; the NA has similarly refrained from unauthorized transport of weapons or other activities."

Reuters, 18 September 2007

"Nepal's Maoist former rebels quit the interim government on Tuesday and vowed to disrupt preparations for historic elections in November unless the Himalayan nation's monarchy was abolished immediately.

The move is a major setback to last year's peace deal in which the rebels ended a decade-old insurgency and agreed on elections for a special assembly to decide the fate of the monarchy.

"We will not accept the code of conduct announced by the election commission and we will disrupt all ongoing election plans," Maoist deputy leader Baburam Bhattarai told a rally in Kathmandu.

Bhattarai, speaking hours after the Maoists quit the government after failed talks with Prime Minister Girija Prasad Koirala and major political parties, also warned the former rebels could take up arms again if their demands were ignored."

OCHA, 17 July 2007, p. 4

"The formation of the interim legislature, subsequent promulgation of the Interim Constitution, and formation of the long awaited interim Government were the highlights of the first quarter of 2007. The CPN-M joined the Government of Nepal on 1 April; Constituent Assembly (CA) elections are planned for 22 November 2007.

Despite these important developments, fresh political protests and violence have emerged in the Central and Eastern Terai regions (southern belt, bordering India), where an increasing number of political and sometimes armed groups have been demanding 'self-determination' on behalf of the Madhesi population. On 8 April, the Government formed a ministerial team to address the concerns of marginalised groups in the Terai, which had a first formal meeting on 1 June; whilst the meeting was inconclusive, there was acknowledgement from the Government that many of the demands raised by the Madhesi groups were reasonable.

The CPN-M combatants remain in cantonment sites under United Nations Mission to Nepal (UNMIN) monitoring; a total of 30,852 combatants were registered in a first phase of registration. At the same time, a total of 3,428 weapons were registered and stored, also under UNMIN

monitoring. The second phase of registration will involve a greater level of detailed questioning to identify minors amongst the cantoned fighters, as well as other recruits that may have joined since the ceasefire on 26 May 2006. Dependent upon political agreement, this phase is expected to start in mid-June.

On 1 June, the Legislative Parliament convened after being disrupted for one and a half months by Madhesi and CPN-M Parliamentarians, the former demanding autonomy and the latter demanding the announcement of a Republican state."

AFP, 21 November 2006

"Nepal's Maoist leader and its interim prime minister signed an historic peace deal on Tuesday to end a decade of war that has claimed at least 12,500 lives in the impoverished Himalayan nation, an AFP reporter at the scene said.

Prime Minister Girija Prasad Koirala and Maoist rebel leader Prachanda signed the deal seven months after King Gyanendra abandoned absolute rule following violent street protests.

Under the deal, the rebels are to end their "people's war", join an interim government and enter parliament. They must also place their arms and troops under UN monitoring."

See [Full text of the CPA](#), 22 November 2006

Stalemate among political parties blocks peace process (October 2009)

- More than 3 years after the signing of the CPA, the peace process remains incomplete.
- As of January 2010, the stalemate among the political parties that has held up the peace process remains unresolved. No agreement has been reached on critical issues such as the integration and rehabilitation of Maoist army personnel, the democratization of the Nepal Army and the scope of presidential authority.
- Other significant obstacles to the peace process include a lack of infrastructure, weak institutional structures, a legacy of discrimination, lack of progress on security sector reform, poor economic performance, geographic isolation and harsh climatic conditions.

UNSC, 7 January 2010, p. 1

"3. The peace process remained largely stalled during the reporting period. The tensions, deep differences and mistrust among the parties which I highlighted in my last report have persisted. While the major political parties maintained some level of dialogue and communication, no agreement has so far been reached on critical issues, including integration and rehabilitation of Maoist army personnel, democratization of the Nepal Army and the scope of presidential authority. The proposed high-level political mechanism to serve as a dedicated forum for multi-party dialogue on key peace process issues has not been established. UCPN-M continued its series of nationwide protests calling for what it terms "civilian supremacy" over the Nepal Army, a demand that has its roots in the President's reversal, in May 2009, of the dismissal of the Chief of Army Staff by the then Maoist-led Government, following which the Government resigned.

4. The Special Committee to supervise, integrate and rehabilitate Maoist army personnel has not made headway in its work nor has it formally considered the draft proposals submitted by its Technical Committee. Important progress was achieved in November, with the announcement by

UCPN-M that it would proceed quickly with the discharge of all its personnel disqualified through the UNMIN-led verification of the Maoist army in 2007. On 16 December, further significant movement was made with the signing of an action plan by the Government, UCPN-M and the United Nations for the discharge and rehabilitation of those disqualified as minors. Meanwhile, the Constituent Assembly has made slow progress on drafting the new constitution, which is to be promulgated by 28 May 2010.

5. As the stalemate has continued, tensions have risen within and among the parties, and talks among senior leaders of the Nepali Congress, the Communist Party of Nepal-Unified Marxist-Leninist (UML) and UCPN-M have remained inconclusive. The major Madheshi parties have continued to voice dissatisfaction with what they regard as their exclusion from political discussions among the major parties. President Ram Baran Yadav and UCPN-M Chairman Pushpa Kamal Dahal, "Prachanda", also held discussions during the reporting period, but without apparent progress. In other forums, the President's role was discussed extensively in the context of the legal situation that could arise if the new constitution is not promulgated by 28 May 2010, and if no fresh deadline can be set.

6. UCPN-M-led protests calling for "civilian supremacy" disrupted daily life as well as the functioning of Government offices around the country. On the first day of a nationwide general strike held from 20 to 22 December, a major clash occurred between Maoist demonstrators and the security forces in Kathmandu, during which some of the worst violence since 2006 led to a reported 75 people being injured, several seriously. The protracted blockade of the Legislature-Parliament has resulted in a backlog of bills for consideration, including one that could resolve the issue of the Vice-President having taken his oath of office in Hindi. The obstruction was lifted briefly from 23 to 25 November to allow passage of the budget for the fiscal year 2009-2010, averting an imminent financial crisis. On 23 December, UCPN-M ended its almost seven-month blockade of the work of the Legislature-Parliament.

7. On 11 December, UCPN-M began a series of declarations of "autonomous federal states", notwithstanding the current work within the Constituent Assembly to determine the future federal structure of Nepal. The President, the Prime Minister, leaders of several parties, the media and several organizations representing ethnic groups in areas where the "states" have been declared strongly criticized this step, which UCPN-M downplayed as a "symbolic" action. My Representative has strongly urged that all parties should refrain from provocative statements or actions and permit the democratic process to function.

(...)

10. The brinkmanship and confrontation between the Maoists and the Government, accompanied by a sharp and dangerous hardening of positions, is making a negotiated solution significantly more difficult."

Carter Center, 26 August 2009, p.1

"Nepal has made significant progress on the path to peace and inclusive democracy over the past three years, but the future of the process now appears in question. Reminiscent of politics in the 1990s, political leaders in Kathmandu are focused on zero-sum power politics at the expense of the constitution drafting, peace process, and provision of basic government services. The current political stalemate in Kathmandu is leading to a worrying move away from the common agenda set out in the Comprehensive Peace Agreement (CPA) and subsequent political agreements. At the same time, rising challenges at the local level are being largely ignored.

(...)

Constitutional Process

1. While the Constituent Assembly has made progress since its inception, The Carter Center is concerned by the delays in the constitution drafting process.

2. The lack of substantive public dialogue on the issue of state restructuring at the national level has left a vacuum that is presently being filled by ethnic-based organizations and other groups at the local level.

3. In general, citizens appear alienated from the constitutional process and prioritize basic needs, such as irrigation, education, health, food security, employment, and "peace."

Peace Process

4. While much commendable progress has been made in the peace process, there remain significant outstanding obligations to address. Primary among these is the fulfillment of commitments regarding integration and rehabilitation of Maoist combatants, the immediate discharge of disqualified combatants, and democratization of the Nepal Army, as per the CPA and the Agreement on Monitoring of the Management of Arms and Armies.

5. The International Labor Organization Indigenous & Tribal Peoples' Convention 169 has articulated new responsibilities for the government towards Adivasi/Janajati communities, but is being misused by some ethnic-based organizations to justify unlawful actions.

6. While in many districts land return and reform reportedly are not overt sources of conflict at present, there are some areas in which these issues continue to provoke disputes and violence.

7. Progress has been made in establishing Local Peace Committees; however, politicization curbs functioning in many districts.

8. The process of providing relief to conflict-affected persons is ongoing in most districts; however, it has reportedly been a source of concern in some areas.

Security Environment

9. The increased aggressiveness of certain ethnic-based organizations threatens security.

10. YCL violence appears to have decreased across all regions, but prominent incidents continue to be reported. YCL and Youth Force activities now appear increasingly aimed at financial gain.

11. Weak law enforcement against politically affiliated individuals is perpetuating the long-standing culture of political impunity.

12. The activities of armed groups continue to plague the security environment, particularly in the Terai. While positive instances of police effectiveness have been noted, there are some groups who express concern about the government's new security strategy."

OCHA, 16 January 2009, p. 1

"The signing of the peace agreement in 2006 may have ended hostilities, but the peace process itself remains incomplete – hampered by a lack of infrastructure, weak institutional structures, a legacy of discrimination, lack of progress on security sector reform, poor economic performance, geographic isolation and harsh climatic conditions. The conflict's residual impact has weakened social safety nets, causing a lack of basic services. Communities with a meagre resource base and marginalised populations are pushed beyond emergency thresholds and need life-saving humanitarian assistance in response to external shocks. Protection continues to be a concern, especially in the Terai, where the presence of armed groups has resulted in rising lawlessness and limited the reach of the State as well as operational space for aid workers. 2009 will see a number of highly politically-charged issues under debate – such as the future of the Maoist army combatants still in cantonments and the contours of future states under a federal structure – which will undoubtedly raise tensions and potential conflict."

POPULATION FIGURES AND PROFILE

General

Applying the UN IDP definition: who are the displaced in Nepal? (2007)

- There is a clear necessity to distinguish between forced displacement and economic migration in Nepal, even if this distinction is particularly difficult to make in the Nepal context.
- According to the IDP definition contained in the UN Guiding Principles, all those who flee their homes in order to avoid the effects of armed conflict, situation of generalized violence or violations of human rights are considered to be displaced. This applies to those who fled direct attacks but also to those who fled in anticipation of these attacks.
- Those who decide to permanently migrate because of the effects the conflict has had on their capacity to make a livelihood should also be considered as IDPs. The majority of the displaced in Nepal and many of those who have fled to India are likely to fall into this category
- Those who have fled their homes and achieved some level of security within Nepal, but have then decided to move to India should not be considered as IDPs but as migrants. They, however, retain the right to return.
- An inter-agency mission argued in 2006 that the scope of displacement in Nepal and the degree of attention dedicated to the phenomenon should be assessed and determined based on the number of persons that have left their homes for conflict-related reasons and could choose to return in safety one day.

OCHA, 18 July 2007, p. 1

"During the 11 years of conflict an estimated 100,000 – 200,000 Nepalis were displaced due to protection and other related concerns¹. A majority of this group preferred to remain anonymous and blend with host communities for fear of persecution, either by the CPN-Maoist or government security forces. Only around 8,000 families registered themselves as Internally Displaced Persons (IDPs) with District Administration Offices, with the government acknowledging that the actual number was likely to be much higher².

IDPs in Nepal can be broadly categorized into the following three groups: 1) Land-owning families, 2) Politically affiliated persons, and 3) Persons subjected to general insecurity, threats and human rights violations."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 3

"The somewhat belated attention given to the phenomenon of forced internal displacement in Nepal is partly due to the difficulty in determining clear boundaries between more recent, conflict-induced displacement and historically on-going seasonal and economic migration from the hill districts to Terai areas and to India. Given that forced displacement, whether by State or non-State actors, constitutes a violation of human rights/international humanitarian law and consequently creates preventive and protective legal obligations on behalf of State and non-State actors, there is a need to distinguish forced displacement from economic migration. In order to do so, the mission used the definition of an internally displaced person in the UN Guiding Principles on Internal Displacement and applied it to the Nepalese context.

The Guiding Principles describe internally displaced persons as:

"persons and groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border."

It is clear from above that those persons that have fled their homes as a result of direct attacks fall within the definition. However, those that quietly leave their homes in anticipation of the negative affects of the conflict are also conflict displaced and most likely constitute an even larger group of persons that is also covered by the above definition. Needless to say, but contrary to the government definition of an IDP, this applies to victims of non-State actors and State actors.

In addition, it can be argued that those persons that would normally not migrate permanently but have lost the basic conditions necessary for securing a livelihood due to armed conflict and have, therefore, had to leave their homes also fall within the definition in the Guiding Principles. According to the definition a person does not have to be "forced to flee" at the barrel of a gun to be an IDP. Consequently, the lower threshold of coercion in the definition is also reached if he/she has effectively been "obliged to...leave their homes....in order to avoid the effects of the conflict". Further, the Annotations to the Guiding Principles¹ refer to the "involuntary character of movement" (in addition to explicit coercion), which would indicate the inclusiveness of the definition in relation to the above category of persons. Therefore, while those persons that leave for India or the Terai for reasons independent of the conflict would be considered migrants, those that have been obliged to leave as a consequence of or in order to avoid the effects of the armed conflict - be it directly or indirectly - fall within the definition of an IDP in the UN Guiding Principles (UN GP).

Those in the latter category (IDPs according to the UN GP) that through their displacement have achieved a minimum of safety and economic survival with friends and family in the Terai, Kathmandu or elsewhere but in a second move decide to migrate to India are technically no longer IDPs (have crossed an internationally recognized border). They have however not forfeited their right to return to their places of origin in safety. From a rights perspective, the scope of displacement in Nepal and the degree of attention dedicated to the phenomenon should therefore be assessed and determined based on the number of persons that have left their homes for conflict-related reasons and could choose to return in safety one day, rather than simply on the number of persons currently living in a situation of forced displacement in Nepal and who are in need of humanitarian assistance."

Close link between conflict-induced displacement and economic migration

CHR, 7 January 2006, pp. 6-7

"13. Although Nepal has been a home to refugees from Tibet and Bhutan, there has also been a history of economic migration in the recent years within Nepal and especially from Nepal into India. Movement within Nepal has mainly meant migration southwards, following the rivers and into the fertile and accessible Terai region in the search of land. By far the most common geographic pattern is the movement of people even further southwards into India in search of better economic prospects. A large proportion of Nepal's annual GDP derives from remittant income. The Government's policy has always been to support such economic circular migration, facilitated by the 1951 Open Border Treaty between India and its neighbouring countries. The largest number of economic migrants to India come from landless groups, the highly indebted and members of the "low caste" groups and is especially high in the Far Western Region. Traditionally, they work in seasonal labour, on construction sites, as household help, as artisans or in factories.

14. Regarding IDPs, Nepal has a long history of displacement due to natural disasters. In addition, a widespread pattern of conflict-induced displacement has emerged today, next to and obscured by the traditional economic migration. It is difficult, in the present situation in Nepal, to make a precise distinction between economic migrants and conflict-induced displaced persons. The already difficult economic situation has worsened as a result of the conflict; infrastructure has not improved and administrative structures have retreated from remote areas back into district headquarters. This in itself brings about a gradual isolation of the villages in the mountain areas. In addition, restriction of movement by the CPN-M through the bandhs (strikes) and through the requirement for a permit to travel, combined with the taxation of goods, means that the rural economy is slowly grinding to a halt. In this context, economic migration and conflict-induced displacement are often closely interlinked."

Variety of causes of displacement reflected in the variety of profiles of the displaced (June 2006)

- The wealthy and politically active members of the villages were the first to be displaced as they were specifically targeted by the Maoists. Most fled to districts headquarters and Kathmandu where they generally managed to re-establish a livelihood, sometimes with the support of the state.
- Youth and children is another important group of displaced as they have fled forced recruitment by the Maoists were sent by their parents to the main urban centers or to India.
- Those displaced by state violence, in particular since the intensification of the conflict in 2001, fled quietly and are nearly invisible.
- The majority of the displaced are poor people who have fled both harassment by the Maoists and by the security forces and more generally the negative socio-economic effects of the conflict. Most have fled to India in search of better economic opportunities.

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, pp. 6-7

"The causes and agents of displacement are varied and so is the profile of those displaced.

One group consists of the wealthier and politically active members of the village communities forced to leave by the CPN/M. These movements began seven to eight years ago. They were targeted because they are large landowners with tenant farmers, local mayors (Village Development Committee Chairs) with official administrative functions, and active political party representatives. Most fled to Kathmandu or the district headquarters in Nepal where they have remained. These people are largely, although not exclusively, reasonably well-off and with political support and have been able to care for themselves by using their own resources, such as savings and revenue from their landholdings, or through the assistance of relatives.

It is primarily this group of persons which has been registered by the government and recognized as "IDPs" according to current HMG-N criteria. Although the majority do not have any overt material humanitarian assistance needs, rights to property, documentation, and other protection concerns need to be addressed. The circumstances of these displaced families and individuals are likely to be diverse and divergent and will need to be assessed and addressed on an individual basis. However, despite their relative wealth and higher standard of living, other needs should not be dismissed or ignored.

Another group of displaced consists of the youth avoiding recruitment by the CPN/M. Youth are often suspected of being CPN/M cadres and fear the security forces as a result. Many parents have sent their children to urban centres such as Nepalgunj, Biratnagar and Kathmandu for

schooling, or to India as manual labourers to avoid the conflict. Although some have originally departed as 'seasonal labourers' many have stayed away from home for several years due to threats from the CPN/M if they returned.

Other children stay with relatives while others are living in boarding schools or children's homes in urban areas in Nepal. The situation of large numbers of separated children is uncertain and the protection environment of these children should be carefully assessed. This includes providing opportunities to maintain communications with the parents and pursuing eventual reunification with their parents or guardians. Children have also been reportedly sent to India in large numbers. Unfortunately, little is known about the situation of these separated children.

Those displaced by state violence are nearly invisible. The mission team did not meet many persons claiming to be displaced as a result of state violence. The mission team had reports of camps of such persons having been established in CPN/M-held areas but was not able to verify their authenticity. The existence and needs of these people requires further investigation.

To avoid retributions and extortion by the CPN/M and the state, many poorer rural families have also left their villages. While some are direct victims of threats or attacks by either or both sides, some families have left due to the deterioration of the economic and social life of their communities provoked by the conflict. Requisition of food by both the CPN/M and state forces prompted many villagers to leave fields fallow or to abandon their homes. In other homes, the departure of the male members of the family has left behind only women or older persons to manage a reduced household and agricultural exploitation. As these IDPs are rarely, if ever, registered with the government authorities, little is known about them.

Nevertheless, this group most likely represents the bulk of the displaced persons in Nepal, as well as those who have found refuge in India. Organisations such as the Nepal Red Cross and other NGOs have made informal lists of their names, family size and locations, and some have provided them with one-time or ad hoc forms of assistance such as cash for educational costs or loans to begin small businesses. Those met by or known to the mission team live in rented rooms or small houses on the outskirts of major towns or in informal settlements mingled with other poor Nepalese. They are engaged in various forms of wage labourer such as construction or agricultural work, domestic work or collecting firewood for sale. Some express the desire to return home should conditions permit, while others have reconstructed their lives in more urban environments where they wish to remain. Some have built homes in their new locations, with the men heading to India for truly seasonal labor.

As with other groups, their needs will need to be assessed on an individual basis but the response to their needs is best done within large initiatives addressing poverty as a whole within Nepal – to the extent possible. This category of displaced persons is the source of disagreement among the actors about IDPs in Nepal in terms of their numbers, their reasons for relocation, and how to assist them. Nevertheless, as stated earlier in this report, the mission team strongly supports that they be recognized as IDPs. Failure to do so hides the actual impact of the conflict on the rural Nepalese, and does not give the government or the international community the complete picture necessary to develop appropriate responses to their needs. While on the surface, the needs of economic and conflict related migrants may appear similar, the differences are critical particularly regarding protection and return considerations."

Three main IDP profiles

TDH & SC Alliance, June 2006, pp. 4-5

"Three profiles of internally displaced persons can be identified. The core thrust of the Maoist insurgency has been against government officials, local party members and affluent landowners

whom the Maoists believe have failed to provide open governance and basic rights to the people as expected after the establishment of a multiparty system in 1990. Consequently, those persons have been directly threatened and targeted by Maoist forces. Significant to this IDP population is the fact that the vast majority are from the Brahmin/Chettri ethnic group, which has long dominated landholding, government service and political power in Nepal (more than 90% of government servants were of Brahmin/Chettri ethnicity prior to 1990, and the percentage increased during the rule of the 'democratically-elected' parties). The displacement of people of Brahmin/Chettri ethnicity is reflected in the ethnicities of the children investigated in this study.

The second and largest group of internally displaced persons are the 'collateral victims' of the armed conflict, primarily poor villagers who have fled their homes due to general insecurity, degradation of the local economy and services, food scarcity, fear of abduction by the Maoists, or fear of harassment and violence by either the Maoists or the government's security forces (including the national police, Armed Police Force and Nepalese Army). This group includes a wide range of rural castes and ethnicities. The internal displacement of villagers has not been chaotic and random, however. These IDPs have generally followed routes already established by rural-to-urban labour migration, settling in destinations and finding employment with the assistance of already-migrated family and community members.

The third group of IDPs due to the armed conflict are youth, primarily boys and young men above the age of 12. These youth have fled due to fear of abduction and recruitment by Maoist forces or fear of harassment and violence by Maoists or security forces (or both). While many of these young men appear to have migrated to India, many have fled to Nepal's major cities, particularly those in the Kathmandu Valley.

Children, naturally, are included in all three groups of IDPs, and this is demonstrated in this study. Throughout the armed conflict, the Maoist forces have directly targeted children, both boys and girls. Hundreds of school children have been abducted from schools for political indoctrination, many have been forcibly recruited as soldiers into the Maoist army, and many have been used as informants, porters, message carriers and weapons smugglers. These latter children have thus faced pressure, and sometimes torture and violence, from both Maoists and security forces, being suspected of allegiance to 'the other side.' Children have also suffered from the social and economic disruption caused by the conflict, including the psychological impact of seeing family and community members killed or tortured, destruction of protecting family units, illness due to malnutrition and lack of health services, cessation of their education, and in some documented cases among girls, sexual abuse from either Maoists or security forces. While many older family members have stayed in the villages in an attempt to protect their property, families have sent many children away for their safety. In this study, the majority of girls and two fifths of the boys had been sent to the cities by their families."

Teachers, civil servants, political party affiliates and army/police family members particularly vulnerable to displacement (2009)

- Some professional groups, such as civil servants, political party workers, teachers, health workers and family members of persons in the police or army are particularly vulnerable to Maoist abuses.
- Some 1,200 RNA family members reported to be forced to flee due to Maoist actions of retaliation.

SIRF, 6 May 2009, p. 68

"During armed conflict teachers were the most targeted group to be used and abused by both warring sides. The Maoists used the teachers to broaden their revolution. They tapped them to

campaign their political manifestos, vision, mission, and its implementation at local level, especially villages. They were forced to pay certain percentage of their salary to the Maoists as donations. In many incidences teachers were taken by Maoists for their campaigns. They were one of the major target groups for Maoists recruitments. They were either convinced or forced to join them. This created a major threat for them from security personnel. After they returned back from campaigns they were detained by the security forces and were extremely tortured and inhumanly treated. Furthermore, they were prosecuted, imprisoned, and their salaries seized for certain months by Government administration. Besides, they were forbidden to donate to the Maoists. In this way they were sandwiched between the two warring sides.

Maoists as informants. They were many incidents where teachers were tortured or brutally killed. One of such case in Mugu where a teacher was displaced by Maoists accusing him of supporting to the security forces in similar cases.

(..)

The presence of the local government in villages was minimal. The VDCs and its secretaries were threatened. 1260 VDCs were attacked by Maoist. The secretaries were also one the most displaced groups in the district.

In some places VDC secretaries were tortured and even killed. Many of the VDC secretaries who were displaced to district headquarters have not been able to return but occasionally visit to conduct some work. Instead people from villages had to come to the district headquarters to have their works done. This has created a difficult life for both local people and VDC secretaries. According to them the local administration took no security measures to protect them. Police stations were removed or not reestablished after being blasted or attacked. Security people from forest Range Posts were moved to district headquarters. Similarly, Banks too were moved.

(...)

Many men and youths, at times entire families, were displaced internally in cities or migrate to India or abroad. During armed conflict it was difficult time for people in villages to lead a normal life. They were terrorized by the activities from Maoists and security forces as well. During researches many people shared that they had to lead a tough life. Many people were displaced and youths have gone for foreign employment. Some of the groups who were displaced were VDC secretaries, teachers, political cadres, and youths. Many innocent people suffered in the armed conflict, as the saying goes "when two elephants fight the grass gets crushed." or "when two bulls fights calves get crushed"

One of the negative impacts of the armed conflict was people had to leave their homes and communities for their security. The first targets of Maoist were the feudalist landlords of the villages especially those who raped women, abused locals, and laborers. Many of them either were killed, tortured or displaced. One example is of a social worker from Kailali who narrated how he was accused of being a feudalist and was internally displaced. Majority of politicians from various political parties had to leave from their villages to urban area and district headquarters to protect themselves from the threats of Maoist. They either had to accept Maoist ideology or leave their village. Maoist's 'One house one person policy, in which at least one person from each household had to join the them which forced many to run away from their villages. Maoist established their own Jan Sarkar, their governance system which defunct and destroyed local government system in which they prosecuted ward/VDC chairs and secretaries. They either had to accept Maoist ideology or to flee away. Nominations of Jan Sarkar members too had to escape if they were not interested in it. In addition, who had no knowledge or interest to be in Jan Sarkar had to flee as they were automatically in wanted list of security force Those who were not ready to give required donations, too had to flee. Major displaced were accused of being informants and supporting the security forces.

Security force, on other hand, many were accused of being spies. Many languished in torturous barracks and jails for years for doing so. During search operations people were interrogated for information about Maoists and their activities in their villages and in the vicinity. Besides they were asked about their family members and if any of the family members were not in the village they were interrogated a lot and harassed. During the height of conflict security force would conduct search operations in the disguise of Maoist and vice versa. Many people were killed innocently. To prevent many of these aspects people fled to cities or district headquarters."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 4

"While the entire population is potentially subject to forced provision of services to the CPN/M, certain professional groups are particularly vulnerable to involuntary involvement with the CPN/M, often leading to displacement and other violations. These include the local civilian authorities, political party affiliates, teachers, health workers and family members of persons in the police or armed forces. In Kalikot district, all VDC Secretaries has been displaced to the district headquarter and a large number of teachers have been displaced and killed.³ A series of issues contribute to the vulnerability of the teachers in a rural setting dominated by the CPN/M, including CPN/M disapproval of the existing curriculum and symbols⁴, the use of the school infrastructure for meetings and exercises, the use of the school for recruitment, levy of "taxes" on teachers' salaries, etc.

Rural health workers experience a similar situation in their inevitable interaction with the CPN/M and the security forces. The mission met with several health workers. Many are reportedly under pressure from the CPN/M to provide 25% of the government allotted medicines to the insurgents, as well as 7% of their salaries. They also reported being forced to provide 'intelligence' reports on CPN/M activities to the security forces when travelling to the district headquarters.

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5

Most local authorities have been displaced by the CPN/M. Some 95% of the VDC Secretaries exercise their functions from district headquarters. In general, health workers indicated that they could travel with little or no restrictions and that they were free to move around more than other government staff. All health workers interviewed in both Taplejung and Panchthar reported a high degree of pressure by the CPN/M. The pressure ranged from having to take instructions as to where and when they should treat patients to being taken for 1 – 3 days to treat wounded and sick Maoists. One health worker shared the experience of being severely threatened and verbally abused by the SF. In addition, all health workers reported that they pay one day salary per month in tax to the CPN/M. In Taplejung, the CPN/M routinely confiscates 40% of government medical supplies administered through the health posts. In Panchthar, approximately 25% of supplies were taken."

Kathmandu Post, 15 May 2005

"While soldiers of the Royal Nepalese Army (RNA) are battling Maoist rebels across the country, the latter, in clear violation of Geneva Conventions, have stepped up violence against the soldiers' family members, forcing a number of them to flee their homes. As per data available at the RNA's human rights cell, 1,270 members of 292 families have already informed the RNA about their displacement. A large number of others are yet to come to government's account.

"This trend of displacement has been increasing," admitted Colonel Raju Nepali, who looks after human rights issues in the RNA headquarters.

Most of the displaced family members are from Dolakha, Kailali, Dailekh, Surkhet and Rolpa districts where 31, 30, 23, 22 and 20 families respectively, have been displaced after the Maoists locked up their houses and expelled them.

(...)

According to army sources, an RNA officer is entitled to family quarters facility in Kathmandu Valley just for two years. He can keep his family members at the quarters during that period.

Those who live in remote hills and have sons in the RNA have become easy targets of the Maoists after most of their political rivals already fled their homes when they were ruling party members. Local leaders of Nepali Congress, CPN-UML and Rastriya Prajatantra Party were major targets of the rebels when the parties were in power."

Low caste and indigenous people were often specifically targeted by state security forces during the conflict and were more likely to be displaced (May 2009)

- Low-caste and indigenous groups like the Dalit or the Tharus, who have long been discriminated against in Nepal's caste-based society, were specifically targeted by the security forces during the conflict as most were believed to be pro-Maoist.
- Many indigenous people were left with little choice than to join the rebels who sympathised with their oppression.
- Data from INSEC showed 2/3 of those killed by security forces in 2003 belonged to indigenous groups.

SIRF, 6 May 2009, p. 64

"(...) These groups were victimized by both of the warring parties and subjected to harassment by the State forces for being "Maoists", even when this may not have been true; tortured and victimized by both State and Maoists; pressurized and forced to join the insurgents. The Maoists particularly targeted the dalits and indigenous groups in their political mobilization as they bears the brunt amongst the disadvantaged groups in caste discrimination, high illiteracy, landlessness and lack of political power (Mahat, p-319).

Many of the respondents during the research in almost all the target districts had similar experiences and narration. In addition they were arrested by the state forces; extra-judicial disappearances and abductions and killings of members of such indigenous and low caste groups. The violence against these groups forced them to enter into a cycle of revenge and further violence by either joining the Maoists or the State.

(...)

The government forces mistreated and abused the indigenous people. Many particularly were oppressed and exploited for centuries, for instance the Tharus. During the conflict, being Tharu was sufficient justification to be suspected as a Maoist in the Mid and Far Western regions. Majority of them were tortured, nobody even young or old were spared from being beaten, tortured, or sexually abused. One woman respondent from Ram Shikhar Jhala, Kailali said being from this particular place was enough to be viewed as Maoist; even the public vehicles would not let them ride in it. They would ask them to get off the bus as the State Forces and the public viewed everyone from this village to be Maoist. They had to say they were from neighboring areas and get off the bus accordingly.

For majority the threats and mistreatment of the government forces, forced them to join the rebel forces that sympathized with them. Quite a few indigenous families, particularly affiliated to mainstream political parties, in the public services and security forces, were pressured, threatened and physically abused by the Maoists, too. According to Raji community, one

drunkard falsely reported the security force about the Maoist being in the village. Therefore, the security force gathered the whole community at a public place and torture them. Even elderly and children were not spared of it.

During the armed conflict the indigenous people were one of the hardest hit groups. Their appearances have been one of the major threats. Security forces had presumed that people with particular appearance would be Maoists. They suspected indigenous as one of the major groups involved in the conflict. This could be confirmed through the "Nepal Human Rights Yearbook 2004" INSEC (2004), 2/3 of 1763 killed by state were from the indigenous group. This was the highest number killed amongst identified groups. During interviews, people from different districts shared that indigenous groups have been targeted by the security forces. In Kailali, Tharu community was taken under custody and was intensely interrogated by the security personnel. In Sindhuli indigenous groups were forbidden to speak in their languages even in public phone booths, to prevent sharing of vital information secretly. They were sternly directed to talk in Nepali."

Assessment shows high caste children over-represented among working IDP children (June 2006)

- Study on working IDP children revealed that young children from ten to 12 years were significantly present in labour situations with the highest levels of vulnerability and risk, and/or lack of safety nets.
- Children from the major hill ethnicities dominated the working child population and the percentage of Brahmin/Chettri children among IDP working children far exceeded the percentage of Brahmins/Chettris in the general population of the country.
- The majority of children had received primary education or higher prior to displacement

TDH, CREPHA & SCA, June 2006, p. 19

The study focused on children from ten to 18 years of age. While a relatively even age distribution was found in most labour situations, young children from ten to 12 years were significantly present in three of the labour situations with the highest levels of vulnerability and risk, and/or lack of safety nets. Young children accounted for half of those in stone quarry work (with a high level of workplace injuries), two fifths in rag picking (with high levels of personal vulnerability, extremely poor living conditions and high external risk factors), and one third of domestic workers (with inadequate social safety nets and protection).

The castes and ethnicities of the children illustrated the caste-directed offensive of the Maoist insurgency as well as traditional economic responses of certain populations of Nepal. As expected, children from the major hill ethnicities dominated the working child population, particularly in occupations such as carpet factory labour which have traditionally drawn their workers from hill ethnic groups. Notably, nearly as many boy children were from Brahmin/Chettri castes, which have been extensively targeted by the Maoists in rural areas. The percentage of Brahmin/Chettri children among IDP working children far exceeded the percentage of Brahmins/Chettris in the general population of the country. Children from marginalized castes, generally considered to comprise a high proportion of migrant child labourers, were relatively few, particularly those from the southern Terai districts.

The study examined the level of the children's education prior to their displacement. The majority of children had received primary education or higher prior to displacement, and notably nearly one fifth of the children had attended Class 6 or above, indicating a severe disruption of children's education in the conflict areas. Those with the highest levels of education were predominantly older Brahmin/Chettri boys working in restaurants and as mechanics, who had fled or been sent

away from the conflict for fear of forced induction into the Maoist army or retribution by either Maoist or security forces."

Majority of people displaced by ethnic unrest in Kapilvastu (Terai) in September 2007 were hill-origin Pahadis (June 2008)

OHCHR, 18 June 2008, pp. 8-9

"Thousands of residents of the affected villages and towns fled their homes and gathered at different locations. In Kapilvastu, an estimated 6,000-8,000 individuals, mostly Pahadis, fled to the northern part of the district where the local population is predominately Pahadi. Around one third of these went to stay with family members while the rest, an estimated 4,000, were sheltered in IDP camps. The majority of displaced Madheshis headed south, across the border to India.²⁶"

Global figures

Between 50,000 and 70,000 people remain displaced (November 2009)

- No accurate displacement figures available since movements have not been monitored and no comprehensive registration has taken place.
- In September 2009, the government estimated that a total of 70,425 people had been displaced by the conflict between 1996 and 2006 and that most had returned home since.
- In June 2009, the IDP Working Group estimated that between 50,000 and 70,000 people displaced by the conflict had not been able to return, resettle or integrate locally.
- In January 2009, OCHA estimated the number of IDPs at between 50,000 and 70,000.
- In March 2008, some agencies estimated that between 35,000 and 50,000 people remained displaced.
- In July 2007, the UN estimated that between 50,000 and 70,000 people remained internally displaced in Nepal due to the Maoist insurgency.
- At least 5,000 people were displaced by ethnic violence in east and central Terai in September 2007
- The majority of the displaced have since 1996 followed traditional migration routes to India
- As a consequence of a biased governmental IDP definition, the majority of IDP have been excluded from assistance and the "IDP" term has become a negative label designating a small group of displaced closely linked to the state. This makes future registrations as well as assessments of the scope of displacement very difficult.

How many are currently displaced?

In the absence of any comprehensive registration of IDPs and of any systematic monitoring of population movements by national authorities or by international organisations, it is difficult to provide any accurate estimates on the total number of people displaced since the conflict started in 1996, or for that matter of people currently displaced.

>In September 2009, the government shared the result of the work of a nationwide taskforce which revised the total number of deaths of the conflict from 13,000 to 16,278

and estimated the total number of IDPs at around 70,000. It also added that most of the displaced had since been able to return home.

>In July 2009, the media reported that the government was questioning the findings of the previous Maoist-led government which had put the total number of IDPs at 52,000. As a result, the government had decided to freeze the second installment of the IDP fund.

>In January 2009, OCHA reported that between 50,000 and 70,000 people remained displaced by the conflict in Nepal.

>In March 2008, OCHA reported that some agencies working with IDPs estimated that between 35,000 and 50,000 people remained displaced by the conflict.

>In July 2007, the UN IDP Protection Group estimated the number of displaced people in Nepal at between 50,000 and 70,000. This figure does not include displacement to India where the majority of the displaced have sought refuge since 1996 and where a 1,500 km-long open border has made the monitoring of movements extremely difficult.

The table below shows various IDP figures collected from various sources and documents since 2003:

IDP figure	Source	Date	Comment/limitation
70,425	Government of Nepal	Sep-09	Total number of people displaced between 1996-2006
50,000-70,000	IDP Working Group	Jun-09	Number of people who have not yet found durable solutions
35,000-50,000	OCHA	Mar-08	Estimate of agencies working with IDPs
25,000	Government of Nepal	Jan-08	Based only on compensation applications
50,000-70,000	OCHA	Jul-07	Estimate of the IDP Protection Group
38,000	Government of Nepal	Aug-06	Sourced to the NHRC, 2006
212,985-272,600	Caritas	Aug-06	Only covers IDPs living in district headquarters
200,000	UNHCR	May-06	
350,000	Caritas	Feb-06	
At least 100,000	CHR	Jan-06	"Between 100,000 and a few hundred thousands"
400,000	UNFPA	Nov-05	
18,666	Ministry of Home Affairs	Jul-05	Only includes those displaced by Maoists
17,583	SCA & CCWB	Jul-05	Nb. of children migrating to India between July-Oct. 2004
40,000	ILO/CWIN	Jun-05	Children displaced since 1996
300,000-600,000	Minister of Finance	May-05	
50,000	INSEC	Apr-05	Only covers 2001-2004 period
2,4 million	ADB	Sep-04	Cumulative figure since 1996. Includes displacement to India
More than 100,000	Government	Aug-04	
More than 60,000	NMVA	Aug-04	IDPs in Kathmandu displaced by Maoists
350,000-400,000	CSWC	Jan-04	Based on the identification of 160,000 IDP in 5 districts
100,000-150,000	GTZ, INF, SNV & cie	Mar-03	
500,000	EC & RRN	Apr-03	Includes forced migration to India
80,000	UNDP/RUPP	Jan-03	Only covers 2001-2003. Extra migration to urban areas
7,343	Ministry of Home Affairs	Jan-03	Only includes those displaced by Maoists

NPTF, 15 November 2009, p. 15

"The project B1 [Special Programme for Relief and Rehabilitation of the Internally Displaced Persons] has to continue as the identification of the IDPs is an ongoing process. Presently there are only 52,160 persons (14,031 families) identified as IDPs."

AFP, 22 September 2009

"The Nepal government has revised the official death toll from the country's 10-year civil conflict, increasing it by more than 3,000 after new casualties came to light, an official said Tuesday. A nationwide task force launched when the war ended in 2006 to investigate and record casualties has so far uncovered more than 16,000 deaths, the official told AFP, adding that the toll may rise further.

"So far we have recorded at least 16,278 deaths during the armed conflict, while the previous estimate was around 13,000," said Dhurba Gaida, secretary of the task force. "The death toll has increased because more people in the villages lodged complaints about losing relatives during the conflict."

The task force also found that 70,425 people were displaced by the conflict, although most have now been able to return home.

Republica, 27 July 2009

"The process of collecting data about the displaced people began only three years ago after the Maoists joined the mainstream politics. The Maoist-led government put the number of Internally Displaced People (IDPs) at 52,000. However, the present government suspects the number is exaggerated.

The Ministry of Peace and Reconstruction, after receiving complaints, has questioned the credibility of the data collection process of the previous government. About five months ago, the ministry stalled the release of Rs 250 million budget allocated for the displaced.

Reports presented to the ministry recently by district-level committees formed in all 75 districts showed that a total 52,613 members from 14,000 families were displaced from their ancestral homes due to the Maoist war. But before this new data was presented, the ministry data showed only 36,000 people were IDPs.

Accordingly, the ministry had then released Rs 250 million for the IDPs.

"Later we received many complaints questioning the authenticity of the IDPs data. Also, we were not supplied with the details about how the money released for IDPs was spent," Durga Nidhi Sharma, Joint Secretary at the ministry said, adding, "We, therefore, stalled the second installment and the money will not be released unless we receive details about how the money was spent."

NPTF, 30 June 2009, p. 11

"The project B1 [Special Programme for Relief and Rehabilitation of the Internally Displaced Persons] has to continue as the identification of the IDPs is an ongoing process. Presently there are only 52,160 persons/14,031 families identified as IDPs."

Nepal IDP Working Group, June 2009, p.7

"The actual number of people displaced during the decade-long armed conflict has never been documented with accuracy due to the lack of systematic registration and movement monitoring

mechanisms. According to I/NGOs and UN agencies, the number of internally displaced persons (IDPs) reached an estimated number of 100,000 to 200,000 during the peak of the conflict.

Even 2 ½ years after the peace agreement between the Maoist party and the government of Nepal, an estimated 50,000 to 70,000 IDPs are still unable to return to their homes, integrate peacefully or resettle elsewhere within the country. Moreover, the violent ethnic tussle in the Eastern and Central Terai region that has begun in 2007 resulted in a new phase of displacement. Significantly less in number than those displaced during the former conflict, the Nepali State made no effort to either register these IDPs or monitor their movements. Ground conditions worsened, and tension persisted throughout 2008, leading to an increased trend of displacement.

(...)

According to the MOPR 5th Report, they have registered 52,163 IDPs (14,031 families) through its task force. This figure is expected to grow significantly by the time the 6th Report comes out in May or June 2009. "

OCHA, 16 January 2009, p. 14

"An estimated 50-70,000 IDPs remain displaced from the conflict, and returnees face protection issues."

OCHA, 18 March 2008, p. 3

"Some 35,000-50,000 people are still displaced in various cities and towns, despite the end of the 1996-2006 armed conflict, according to estimates by agencies dealing with IDPs."

Nepal Human Rights News, 1 January 2008

"An initial report by a high-level government committee has put the number of internally displaced person's (IDPs) in the decade-long Maoist insurgency at 25,000, the Kathmandu Post reports. The committee formed under the Ministry of Peace and Reconstruction also concluded in its report submitted a month ago, that the number of displaced people is highest in Kailali, Bardia and Surkhet districts."

ICG, 18 December 2007, p.7

"The situation of those displaced during the conflict is unclear, with no reliable statistics. Since the CPA, estimates suggest the number of internally displaced (IDPs) may have fallen from 200,000 to 50,000. An interim report prepared by a peace and reconstruction ministry task force has estimated a total of 25,000, based solely on compensation applications, but expects the number to rise significantly."

OCHA, 17 July 2007, p. 1

"Since the May 2006 ceasefire, and despite the fact that many returnees still face security and protection concerns, there has been significant return of populations displaced during the conflict in most parts of the country. The Internally Displaced Person (IDP) protection working group estimates that the remaining caseload of IDPs is between 50,000 - 70,000 people."

New displacement in 2007

During 2007, new displacement occurred in Nepal, mainly caused by ethnic violence between Pahade and Madhesis and concentrated in east and central Terai (Kapilbastu and Dang districts).

-In February, up to 10,000 people were reported to have fled their homes in the south and to have crossed into India.

-In September 2007, at least 5,000 people, mainly Pahades were displaced. Thousands also fled across the border to India.

-Additional displacement of possibly several thousand people took place during November affecting mainly Pahades in eastern Terai (Siraha district).

OCHA, 31 December 2007, p.3

"Due to threats, violent attacks and theft by members of the Madhesi Mukti Tigers (an armed opposition group) directed at certain families due to their ethnic origin, 150 were displaced within Eastern Region's Sunsari District. OCHA office in Eastern Region facilitated coordination meetings with district authorities and other operational UN agencies and the Red Cross movement to provide humanitarian assistance to the displaced. Media reports further indicated that about 3,000 other individuals have been displaced under similar circumstances in the neighbouring Siraha District. According to INSEC, the fatal shooting of two people on 18 December by Cadres of JTMM (Jwala Singh) have in Kalyanpur VDC have triggered fresh fears that might lead to further displacements in Saptari District."

OHCHR, December 2007, p.22

"It is disturbing to note also that new forced displacement is currently taking place as a result of continuing violence in the Terai. Although accurate figures are not available, as indicated above, many people of hill origin (pahadis) have left the southern parts of the Terai temporarily or permanently, in fear of threats, abduction and other actions by armed groups. Several thousand people, including many children, were displaced as a result of the violence in Kapilvastu. While many have returned now, some are still in camps."

IRIN, 26 September 2007

"Since 16 September violence between the Pahade and Madhesi ethnic communities has led to at least 18 deaths, and over 5,000 displaced people requiring humanitarian assistance, according to local human rights activists.

Child rights workers are concerned about the impact of the violence on children - some of whom witnessed their parents being killed, have been displaced, and are now traumatised, according to Child Workers in Nepal (CWIN), a local non-governmental organisation (NGO).

Nearly 6,000 people have been displaced from both Pahade and Madhesi villages, said the Human Rights Treaty Coordination Committee (HRTCC), a joint forum of Nepalese human rights NGOs. Around 4,000 are Pahades and 2,000 Madhesis, according to HRTCC."

Xinhua, 2 February 2007

"About 10,000 Nepali citizens of Indian origin have crossed the border into north Indian state Bihar due to continuous violence at home, said an Indian government official here Friday.

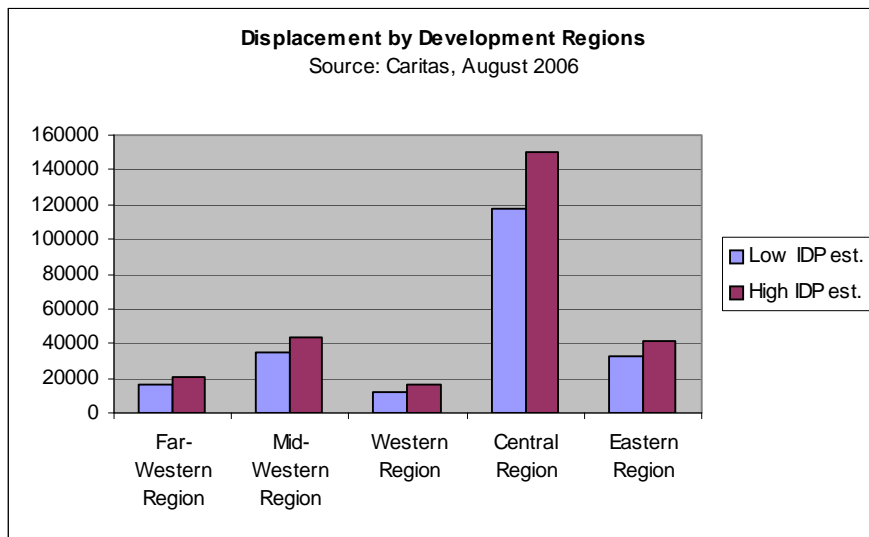
Most of them stayed at Jogbani region in Araria district of Bihar bordering Nepal, said the official with the Araria district government.

The district administration has banned the people in Jogbani from moving in groups or meeting at a place provided the violent situation along the border continues.

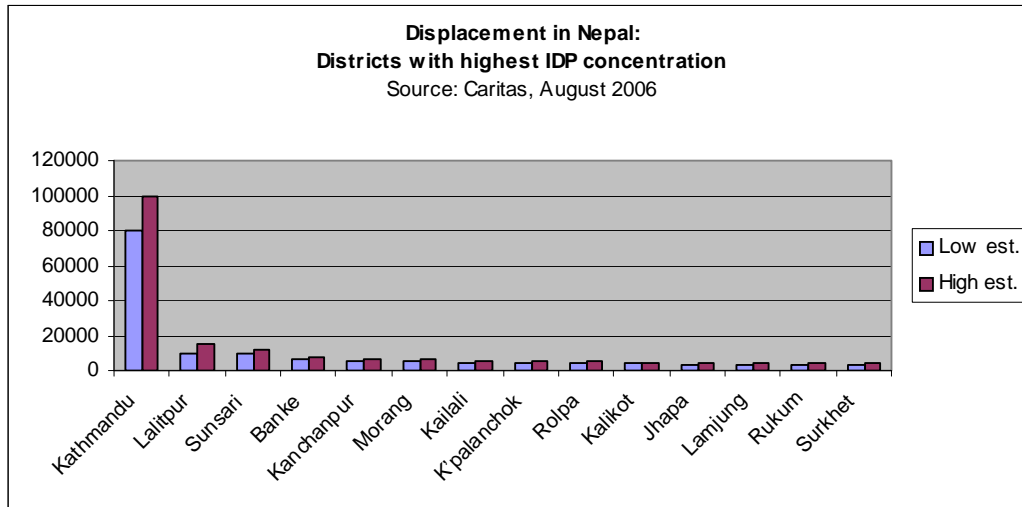
Where are the displaced located?

A. IDPs displaced by the Maoist insurgency (1996-2006)

The following chart shows which Development Regions host the highest numbers of IDPs. It is based on figures gathered by a Caritas study team during 2005 and only covers IDPs living in the districts headquarters. The study team collected ranges in each districts, which were then compiled by IDMC to obtain regional ranges. A low and a high estimate is therefore provided for each region.



The chart below shows the 10 districts with the highest number of IDPs living in the district headquarters. Kathmandu is by far the main destination for the displaced with between 80,000 and 100,000 estimated to have settled there.



B. IDPs displaced by ethnic unrest in 2007 in east and central Terai

As shown on the above map, as of 5 November 2007, only a total of 1,500 people were still reported as displaced in Kapilbastu district. There are mainly concentrated in 3 locations.

Where do the displaced come from?

The map below shows the districts where most people fled from between 2001 and 2004. As the map clearly shows, the Mid-Western Region, where the conflict started in 1996 and where fighting has been the most intense, is the Region where the majority of IDPs have been displaced from. The data was taken from INSEC's yearly Human Rights reports 2003 and 2004.

Source: IDMC, June 2005, based on INSEC figures.

Although incomplete and showing only the "tip of the iceberg", it is assumed here that the figures used do reflect the patterns of regional distribution of IDPs in Nepal. For more information on the regional distribution of displacement as well as the districts most-affected, see the next envelope on "Geographical distribution of IDPs and most-affected districts"

The following charts show the regional distribution of conflict-induced displacement in Nepal and the districts most-affected.

Both charts are based on data collected by the Nepalese Human Rights NGO INSEC from 2001 to 2004.

15 districts most-affected by displacement

Both graphs by the IDMC, based on data from INSEC, April 2005

Problems with the identification of IDPs in Nepal

Major obstacles to assessing the scope of forced displacement have been the weakness of the government's IDP definition, which has only included people displaced by Maoist actions, as well as the very selective provision of assistance, which only reached the pockets of the well-connected among the displaced. Fear of ending up on an IDP list which would fall into the hands of the Maoists also convinced many that there was nothing to gain from registering as an IDP. As a consequence, the majority of those displaced by the Maoists remained either unaware of their status or preferred to remain unidentified. They moved quietly to safer destinations, relying on family networks or traditional migration routes to cope with their situation. While those displaced by Maoist actions had little incentive to register as IDPs, those who fled abuses by the security forces had absolutely none as they did not even qualify for assistance.

An uneven and incomplete registration process (June 2009)

- In 2007 the government started setting up a number of task forces to collect and compile information on IDPs. The process of registering has however been described as uneven and incomplete, with some IDPs reportedly facing political and procedural obstacles. IDPs have been required to return to their home districts to submit a registration application. Many face difficulty in getting a confirmation letter from VDC secretaries, especially from those who have relocated to district headquarters.
- In the absence of any information campaign by the government, many IDPs remain unaware of the possibility to register while others are told they have missed registration deadlines.
- By August 2008, the government had registered 52,000 people and in September 2009 announced that it considered the total number of conflict-displaced people to be some 70,000. It also added that most of the displaced had been able to return home.
- In July 2009, the government questioned the validity of IDP data presented by former Maoist-led government because of reported threats during data collection

IDP Working Group, 15 June 2009, p.19

"Since 2007, the government of Nepal formed several task forces (through MOPR) to compile information on IDPs throughout the country. DAOs were the main source of information for these task forces. According to government sources, the process of collecting names of conflict victims through DAOs started in 1999, but the concept of IDPs was only applied to registration procedures after the adoption of the National IDP Policy in February 2007.

IDPs registration applications collected by the Ministry of Home Affairs (MOHA) were handed over to the Ceasefire Code of Conduct Monitoring Committee and the task forces, but they are still being reviewed, and consequently these IDPs are not yet registered.

The Displaced Person Identification Committee¹⁶ provisioned by the National IDP Policy is the responsible mechanism for the identification of displaced people in the district, yet according to current CDO practices prevalent in most offices, all IDPs registration-related work is done using an ad hoc committee with representation from political parties and civil societies. CDOs revealed that they had no other alternative than to generate political and civil society consensus for the identification of IDPs in the present context of inefficient National IDP Policy implementation.

One particularly thorny problem in regards to reporting and registration has cropped up since CDOs last reported to MOHA. The MOHA has given limited instructions to DAOs and CDOs on registration procedures. Consequently, the registration process is not consistent and the willingness to ensure efficient registration varies significantly among the different CDOs. The government has tried to regulate registration practices through the Local Peace Committees (LPCs) that are located in a few districts, but the same ad hoc practices still exist in other districts where no functioning LPCs exist.

NRC revealed that they had regular meetings with the Chief District Officers and major political parties on registration issues while implementing the ICLA project, but found it difficult to discuss the IDP registration issue, since various political parties have different political agendas and have a strong partisan approach in regards to registering IDPs.

Another main obstacle to IDP registration is that the IDP needs to return to their place of origin to submit a valid IDP registration application. Clearly this poses a difficult choice for displaced people, since they fled home because of threats or other conflict-related issues, and they have little desire to return to those conditions just to complete some paperwork.

IDPs with political connections can easily be registered on the MOPR list, whereas IDPs without any political connections experience difficulties. IDPs directly affected by the conflict (i.e. their houses were burnt down or they were injured by Maoists) can easily have their case confirmed by the VDC or local Police. Other displaced people who have received undocumented threats from the Maoists and security forces cannot easily be registered, since these harassments cannot be verified. For other IDPs, getting a letter of confirmation from the VDC Secretary proves difficult, as VDCs are remotely located and a State vacuum left from the former conflict exists in many areas.

Unlike processes outlined in the National IDP Policy, a task force publishes public notices at regular intervals for filling up registration applications. However, these notices often failed to reach IDPs, since there is little in the way of dissemination campaigns undertaken by CDO offices. In a few cases, CDOs have had gaps in receiving information, since there is very little coordination with MOPR. NRC has received complaints from CDOs about a lack of streamlined systems to register IDPs and about the mismanagement of the compiled lists forwarded to them by the government after verification.

Since there is no systematic system for IDP identification and registration, there is no reliable data set to describe the situation of IDPs in Nepal. I/NGOs and UN agencies have been collecting information for their own purposes, and various other organizations have made estimates. However, there are many differences in number from these estimates. Spikes during some periods can be explained by short-term displacements as a consequence of a surge in conflict (based on either Maoist or Government Security Forces operations¹⁷). The introduction of a relief package by the state could also explain these spikes. In 1996, the government in power started a relief & assistance program that was later expanded systematically in the name of the Ganesh Man Singh Peace Campaign. Similarly, another 2004/2005 campaign called the Relief Program for Internally Displaced People Due to Conflict netted an IDP estimate of 6,930 registrants in 58 districts.

According to the 5th report of the task force (August 2008) the latest figures of registered IDPs is 52,163 (14,031 families). MOPR also stated that the task force has verified around 10,000 more names - IDPs who had themselves registered after the announcement of the relief package - which will be added to the 6th report's totals due out by May/June 2009.

Incidences of Unregistered IDPs

Counting how many IDPs that remain unregistered is another challenge. Incidences of unregistered cases depend on the degree of information that can be disseminated at the grass

roots level, as well as the participation of political parties and civil societies in the registration process. With cumulative challenges, it has been difficult for CDOs to count the number of unregistered IDPs in their districts. However, some quantitative and qualitative data regarding the number of unregistered IDPs has been received from political parties, civil societies, CDOs and even IDPs themselves.

Nine CDOs were able to articulate that they do have few unregistered IDPs which, in an average, is roughly around 25%. Kavre CDO estimates that 50% of IDPs in that district remain unregistered. Bhojpur CDO estimates that the number is 45%. Similarly, CDOs in Baitadi and Kailali expect around 40% of IDPs to be unregistered and living in their districts.

Focus group information shows (through discussions with political parties and non governmental organizations) that the majority of unregistered IDPs are politically neutral and are not confident they will get support from the government. In addition, these discussions revealed that Maoist representatives in Jumla District say that all issues related to IDPs have been resolved. However, other political parties argue that the registration process was obstructed and that many IDPs are still unable to register. Regardless of this dispute, no actual figures for Jumla district have been established.

From these reports, or lack of, not all IDPs have been able to register. Some IDPs are unaware of the existing registration system, while those who are aware do not want to submit to a lengthy registration process. It has been assessed that a lack of information about applying for registration and the limited time period set to register are the major reasons for poor IDP registration. The Norwegian Refugee Council (NRC) says that a few CDOs have refused to accept receipt of IDP registration applications, reasoning that the deadline for receiving those applications has expired. According to the National IDP Policy, the registration process should not be subject to deadlines.

IDPs that are not able to get registered will not be entitled to receive aid from the return relief benefits package, nor will be eligible for future resettlement and integration packages. Furthermore, IDP registration is necessary in order to legally obtain civil documents concerning the displaced IDP."

Republica, 27 July 2009

"The process of collecting data about the displaced people began only three years ago after the Maoists joined the mainstream politics. The Maoist-led government put the number of Internally Displaced People (IDPs) at 52,000. However, the present government suspects the number is exaggerated.

The Ministry of Peace and Reconstruction, after receiving complaints, has questioned the credibility of the data collection process of the previous government. About five months ago, the ministry stalled the release of Rs 250 million budget allocated for the displaced.

Reports presented to the ministry recently by district-level committees formed in all 75 districts showed that a total 52,613 members from 14,000 families were displaced from their ancestral homes due to the Maoist war. But before this new data was presented, the ministry data showed only 36,000 people were IDPs.

Accordingly, the ministry had then released Rs 250 million for the IDPs.

"Later we received many complaints questioning the authenticity of the IDPs data. Also, we were not supplied with the details about how the money released for IDPs was spent," Durga Nidhi

Sharma, Joint Secretary at the ministry said, adding, "We, therefore, stalled the second installment and the money will not be released unless we receive details about how the money was spent."

"There is higher possibility of embezzlement in the distribution of the first installment," another source at the Ministry told myrepublica.com.

The then government had set up a high-level task force to investigate and collect data on the numbers of victims of various conflicts including the Maoist insurgency, Tarai violence and the 2007 ethnic riots of Kapilvastu. The task force was headed by former secretary Shree Kanta Regmee.

Regmee later resigned from the task force, expressing questioning the credibility of the data on the IDPs.

"Regmee resigned because Maoist-affiliated members of the task force hindered free and fair collection of data," a Ministry source said.

"I resigned because there was no environment to work in a free and fair manner while collecting the data on martyrs, IDPs and others," Regmee told myrepublica.com.

Later, the government handed over the responsibility of investigating and collecting data on IDPs to district-level committees headed by concerned chief district officers (CDO). To qualify as IDP, a person needed recommendation from the concerned municipality or village development committee.

"Names of those who were injured in bus accidents and who fell from trees have also been listed as IDPs," a highly-placed source at the ministry told myrepublica.com. According to the source, Tarai-based CDOs faced threats during the data collection process. "Threat was used to compel CDOs to recommend people injured in minor accidents as IDPs. Fake documents were presented in many instances," the source further added."

Government fails to consider people displaced by unrest in the Terai as IDPs (June 2009)

- The registration process initiated by the government in 2007 does not apply to people displaced by ethnic unrest in the Terai since 2007 who are not recognised as IDPs.
- At the end of 2009, however, the government had reportedly started collecting data on them in a number of districts in the context of a broader revision of the IDP policy and implementation directives.

IDP Working Group, 15 June 2009, p. 8-18

"Several incidences of new displacement in the Eastern Terai have been induced by armed groups and from the ethnic tensions of 2007 onward. These displacements have been widely reported by both international and national media outlets, and recorded by the IDP Working Group's field activities. Largely ignored by the government, these new IDPs have received little or no attention from the state.

There is no registration system for these IDPs, and CDOs have received no instructions on how to collect such information. To date, none of the newly displaced people have been registered as IDPs. In fact, the term "IDPs" is not even being applied for the displaced Terai people, as the term

is currently limited to describing people displaced by the former conflict¹. MOPR makes it clear that the relief and assistance package is not applicable for these new IDPs, leaving them without any specific protection and assistance.

(...)

Small in number, compared to those displaced by the 10-year conflict, these IDPs received little or no attention from the state. There is no registration system for these IDPs, and Chief District Officer

(CDOs) have received no instructions on how to collect such information. During the assessment, however, two CDOs from Sunsari and Kapilvastu mentioned that 58 families in Haripur, Sunsari, and 900 families in Tripalnagar, Kapilvastu, (who were displaced after the CPA) have been reported in District Administration Offices (DAOs) and have received food and nonfood items from government. Similarly, the CDOs reported that there are three to four families in Banke and Bara who have been displaced recently, and have fled to Kathmandu. CDOs from other districts could not specify actual figures, although they did mention hearing about similar incidences.

After holding discussions with political parties and other non-state actors, focus groups have verified these reports. The assessment team found that the government is not looking at new displacement issues. According to MOPR, they have been considering IDPs only for the period of conflict (2052/11/1 to 2063/08/04) when developing programs to assist these IDPs. However, the Ministry admitted that the National IDP Policy should apply for all IDPs, and that MOPR should look into these newer displacements as well."

Problems with the government's IDP definition and registration system prior to the adoption of the 2007 IDP policy (September 2006)

- Majority of the displaced in Nepal are not recognized as such by a politicised government's IDP definition, which only considers victims of Maoist violence as IDPs.
- In addition to ignoring the majority of the displaced, the government's registration system is far too complex and potentially dangerous for people displaced by Maoist who fear retribution from them.
- Lack of funds available for the displaced explains why so few have chosen to register.
- New IDP policy issued in March 2006 has failed to improve on its main weakness, i.e the biased IDP definition.
- As a consequence of the flawed registration system, the "IDP" term has become a negative label used by the Maoists in many areas of the country to designate a small group of displaced people, who were seen as closely associated to the state since they managed to qualify as IDPs.
- In the east, the Maoist classified the displaced into three main groups:
- While IDPs belonging to the third group -those who quietly left in anticipation or in fear of the conflict- were welcome to return, those belonging to the second group, and who were accused of some "wrong-doing", had to accept conditions imposed by the Maoists before being allowed to return.
- Those belonging to the first group were accused of serious "crimes" and would never be allowed back

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 8

"The majority of displaced in Nepal are not officially recognized as such by the State, and at present there are few measures in place to monitor and ensure that their rights and basic protection concerns are met.

(...)

Another protection problem relates to the HMGN's system for the registration of internally displaced persons. In actuality the current registration process does not target internally displaced persons but rather those who wish to declare themselves officially as victims of the CPNM and to receive compensation from the government as such. The process of being accepted as a "Maoist victim" requires that an individual's claim be reviewed by security forces, local VDC Chairs as well as political party leaders. Many displaced, including those displaced by the CPN/M, are not willing to make such overt and public statements against the CPN/M for fear of possible retributions at a later time. In addition, all recommendations for compensation are reviewed on an individual basis by the Ministry of Home Affairs in Kathmandu, further dissuading many from providing their names to the authorities. Since the suspension of cash aid and compensation to "Maoist victims" the number of persons applying to register with the government has dropped to almost nil.

By definition, the victims of state violence are excluded or not covered by the current system. The government should establish a registration system for IDPs that is not politically motivated if it wishes to properly address the needs of displaced Nepalese. In addition the current system is technically deficient in terms of data collection and management standards. "

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p.10

"The same registration process exists in the Eastern Region as elsewhere. Many IDPs met with had been told that they had to register with the CDO in their own district; some had been rejected by the CDO in their own district when they returned. The decision to define a person as an IDP is taken by the district security committee, which is chaired by the CDO and includes the army chief, the police chief, one national investigation committee officer and sometimes members of the political parties. Recognized IDPs tend to be politically affiliated or influential members of the community.

In spite of the recent political changes and a new IDP policy of March 2006, still only Maoist victims are categorized as IDPs. There has been no systematic collection of data on IDPs' movements and profiles."

"IDPs" as a negative concept in the eastern region

OCHA, 6 September 2006, p. 2

"One of the most worrying realities observed by UN agencies— OHCHR, UNHCR and OCHA— and other Organizations— Norwegian Refugee Council and INSEC—in the course of their most recent IDP assessment missions throughout the country is that CPN-Maoist cadres, government officials and even community members consider IDPs as "spies" or class or conflict "enemies". Strikingly, the term IDP is used to refer to a very limited and specific group of displaced persons, namely the wealthier land-owners, the politically affiliated, the money lenders, 'exploitative' employers and persons accused of being informants for then-Royal Nepal Army (RNA).

This general confusion and stigmatization of IDPs has been exacerbated by the lack of a clear national policy defining an IDP. To date, the definition⁵ used by the Nepali governments has explicitly failed to recognize those persons displaced by the state forces. It identifies 'the conflict-displaced person or family' as the victims of 'terrorists' (meaning CPN-Maoist), leaving aside any victims of state or, as defined by the UN Guiding Principles for IDPs—any person having been 'forced or obliged to leave their homes...in order to avoid the effects of armed conflict'.

The limited understanding of the concept of an IDP has not only distorted the perceived scope of the IDP problem in Nepal; it also has the potential to influence the public perception of people who remain displaced, the returnees and those that are still hoping to return.

An incomplete IDP policy

Another fact hampering a rights-based and recognized intervention in support of the displaced persons in Nepal is the lack of a comprehensive policy. A number of genuine attempts have been made by different governments to formalize the situation of the IDPs through a state policy. In March, the pre-April government presented its National Policy on Internally Displaced Persons. The policy is currently on hold pending an implementation plan and possible modifications. No revised version will however be formally issued while the existing version does not take into consideration all the basic principles and recommendations stipulated by the UN Guiding Principles on Internal Displacement.

Given the current context of major political turnaround, the subsequent return movements and the prospect of elections, the UN considers the adoption of a comprehensive IDP policy and related implementation plan to be an urgent priority. Such a document will need to address the issues of protection and assistance during the displacement and upon return, specify the rights of the persons displaced and ultimately prevent displacement. Furthermore, an inclusive definition of IDPs is a prerequisite for such a policy."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, pp.3-4

"The 2005 inter-agency mission to the Mid West led participating agencies to consider the international definition of internally displaced persons and its application in Nepal, as well as the weaknesses in the government's definition. This mission also raised concerns about the definition of an IDP in Nepal. CPN/M, community members' and government officials' perception of who is a displaced person is a cause of concern. The mission noted that in the areas visited the term 'IDP' - or rather label - is used for a very limited and specific group of displaced persons, namely the wealthier land-owners, the politically affiliated or those openly opposed to CPN/M, as well as persons the CPN/M judges to be "bad or anti-revolutionary people". These include money lenders, "exploitative" employers, and persons accused of being NA informants.

One CPN/M VDC commander publicly stated that as a "defensive war strategy" they had forcefully displaced people considered informants. In discussions with the mission, a CPN/M district commander called the IDPs "political criminals". In a meeting with NGOs in a district headquarters, some participants expressed little sympathy for IDPs, arguing that most of them were "bad guys".

Independently of the actual integrity of individual displaced persons, the mission was concerned to find that many de facto displaced persons were not necessarily considered as IDPs by neither themselves, the CPN/M, the local authorities, or by members of the community. The mission was surprised to often find that in each VDC only a handful of persons were referred to as IDPs, frequently identified by name and with alleged "wrongdoing" attached. However, a much larger number of individuals have fled quietly due to threats of forced recruitment, extortions or other violations. This limited understanding of the concept of an IDP distorts the perceived scope of the problem and risks influencing the public's general attitude to all displaced persons.

The mission found that these perceptions and misunderstandings of the IDP concept are further fuelled by an unofficial, but commonly referred to, CPN/M categorization of IDPs:

Group A: IDPs that CPN/M and the community (according to CPN/M) consider having committed such "crimes" that could not be forgiven.

Group B: IDPs that had committed some “wrong-doing” but could be reintegrated into the community through a CPN/M-led process (see return section).

Group C: IDPs that had left preventively or out of fear, without having any specific issue pending with the local CPN/M authorities, and who are now welcome back.

The mission teams made efforts to discuss the concept of an internally displaced person and to contribute to a more comprehensive understanding of who was forced to flee from the area and who should consequently be entitled to support during displacement and be granted a right to voluntary, safe and dignified return. There is a great need to increase awareness of the many low-profile IDPs that left quietly (Group C) and might now be able to return, possibly needing support to do so.

IOM, 29 June 2006, p.13

"The Ministry of Home Affairs and District Development Committees (DDCs) are mandated to register IDPs, but lacks the capacity to implement a comprehensive program. International agencies that often register IDP populations, the World Food Program and UNHCR, have also not conducted a comprehensive registration process. During interviews with NGOs, political parties, and agencies, the following reasons were advanced to explain why so few IDPs have been registered:

The politicization of the term IDP dissuades the majority of IDPs from self-identifying;
IDP populations are unaware that registration is available;
IDPs perceive no value in registering, as relief support is virtually non-existent;
Many IDPs fear Maoist retribution should they register;
The system for IDP registration is insufficient to deal with the volume of IDPs; and
Slow and cumbersome verification procedures, including documentation requirements, which many IDPs have lost or never had to begin with.

Without registration, it is difficult to adequately monitor the scale of displacement and identify critical protection gaps. This is also true in the context of planning for post-conflict return programs. A national registration process is desperately needed, but will need to be designed to mitigate IDP fears, administrative weaknesses, and lack of information."

Most people displaced by the Koshi floods have returned (July 2009)

OCHA, 21 July 2009, p. 5

"The repair of the Koshi River embankment has led to the return of 70,000 people previously displaced by the August 2008 floods, leaving fewer than 500 families in four camps. This substantially reduced those in need of humanitarian support, and activities in the affected areas have shifted to recovery and re-construction. However, given the widespread threat of flooding in Nepal, there is a continuing need for disaster preparedness as the monsoon approaches.

"

Disaggregated data

Half of the displaced are women (April 2009)

IPS, 9 April 2009

"According to a MoPR task force to collect data of the conflict affected individual, family and infrastructure, the number of IDPs has gone from 9,000 families (a total of 25,000 individuals) in 2005 to 14,063 families (52,332 people) in 2008. The numbers swelled dramatically after the endorsement of the National IDP Policy.

Khem Bahadur Giri, a member of the task force, told IPS that data on a total 67,000 people has been collected till date but the new IDPs are yet to be registered in the official document. Roughly 50 percent of the displaced and documented are women, he said."

RUPP, August 2007, pp. 4-5

Altogether, a total of 11371 persons are displaced by the conflict in these municipalities, out of them 48 % are female. The following chart depicts a clear picture detailing the situation of conflict induced population of five municipalities.

Chart no.2: Conflict Displaced Population (Municipality wise)

More than half of the displaced population in these municipalities are of the age-group 15- 49. The age group of 50 years and above makes 8% of total displaced population. The following pie chart illustrates a summary of the age-group break down of the conflict induced population of these municipalities.

Chart No.3: Age-group Breakdown of Conflict Displaced Population

"

PATTERNS OF DISPLACEMENT

Displacement in the Terai

Following the September 2007 violence in Kapilvastu, most Pahadi fled to safer areas in the north of the district, while Madhesis went south across the border to India (June 2008)

- Following the September 2007 violence in Kapilvastu, between 6,000 and 8,000 people, mostly Pahadis fled to the north of the district where the majority of the population is of the same ethnic origin.
- An estimated 4,000 people were sheltered in IDP camps, while the rest stayed with family members.
- Most displaced Madhesis went south, seeking refuge in safer Terai areas or across the border into India
- Persistent tension in the following months between Madhesis and Pahadis in other Terai areas have led displaced Madhesis to seek refuge within the Terai. Many are also reported to have traveled to Kathmandu.

OHCHR, 18 June 2008, pp. 8-9

"Thousands of residents of the affected villages and towns fled their homes and gathered at different locations. In Kapilvastu, an estimated 6,000-8,000 individuals, mostly Pahadis, fled to the northern part of the district where the local population is predominately Pahadi. Around one third of these went to stay with family members while the rest, an estimated 4,000, were sheltered in IDP camps. The majority of displaced Madhesis headed south, across the border to India.²⁶

The primary responsibility for the protection of IDPs rests with the state and local authorities of Nepal; nonetheless, humanitarian agencies, including the International Committee of the Red Cross (ICRC) and National Red Cross Society (NRCS), the United Nations (UN) and International Non Governmental Organisations (INGOs) reacted immediately to assess the situation and provide relief and assistance to the IDPs and affected villages. The CDO organized relief coordination meetings with the assistance of the UN Office for Coordination of Humanitarian Assistance (OCHA) to facilitate relief to the victims. IDP camps were established at schools in Chandrauta, Birpur VDC, Sundaridanda and Magargatta, Shivagadi VDC and, later in Shankarpur, Patthardaiya VDC.²⁷

Security in the IDP camps was initially provided by the IDPs themselves, and included regular night patrols. After two or three days, the CPN-M affiliated Young Communist League (YCL) was also present, though not actively patrolling. IDPs stated that the YCL presence provided an added sense of security. Later, security was provided by the NP and the APF.

The YCL also became engaged in the management of the Shankarpur IDP camp and provided or distributed some of the humanitarian assistance (clothing, food, and medical assistance). According to the CPN-M, the party tried to engage other political parties in the IDP situation, but the CPN-M remained the only political party with an early and sustained presence in the IDP camps. OHCHR did not receive any statement from the local population opposing the presence of the YCL at the camps. However, some interlocutors expressed concerns about the politicization of IDPs.

In a 24 September meeting between the Kapilvastu CDO, representatives of political parties, human rights activists and journalists, it was decided to temporarily relocate IDPs from Chandrauta to an interim camp in Sundaridanda before moving them to the Shankarpur IDP camp. The CDO insisted that the transfer would be voluntary and IDPs who opted to remain behind in Chandrauta would still receive assistance.²⁸ However, OHCHR found that there had been no consultation with the IDPs before taking the decision to transfer them and no efforts by the authorities to explain the situation to the IDPs.

Agencies, including OHCHR, OCHA and ICRC, expressed concerns to the district authorities over the relocation of the IDPs to areas that were perceived as less secure in terms of risks of further attacks. An estimated 145 families resisted leaving Chandrauta and unilaterally settled at two locations in Barkalpur and Barganga along the Mahendra Highway. As of April 2008, most of the IDPs along the highway had moved into a forested area next to Gorusinghe along Gorusinghe-Sandikharka highway in Kapilvastu where they are living in poor conditions without support from authorities or civil society.

The last week of December 2007 and early January 2008 saw the return of several displaced families from Shankarpur camp to their homes, leaving an estimated 82 families, who in April 2008 told OHCHR they do not wish to return to their villages for security reasons.

OHCHR received reports of hundreds, perhaps thousands of people, mostly Madheshis, fleeing across the border. It was very difficult to obtain reliable confirmation, however, of the numbers and situation of these refugees in India. It appears that most of them were provided with shelter and other support by family members in India.²⁹

IRIN, 29 November 2007

"Rights activists say Madhesi families have also been displaced, among them those who do not support militant groups.

Madhesis working for the government, media and human rights organisations also live in fear as they are constantly under threat of losing their jobs or being killed.

The worst affected are middle class families and well-off farmers who own large tracts of land or have a lot of property. They are forced to pay large sums to militant Madhesi groups, activists said.

Displaced Madhesi families are now taking refuge in safer Terai areas like Biratnagar, Inarwa, Janakpur and near the main highway leading towards the northern belt of the Terai, according to INHURED. Many Madhesi families have moved to the capital for protection and better security.

Dangerous trend

"This is quite a different form of displacement and it is likely that the displaced families will never be able to return to their homes," said an international aid analyst requesting anonymity."

Displacement due to the civil war

Most people fled rural areas for the safety of urban areas/main cities or travelled to India (December 2006)

- The general pattern appears to be a movement of people from remote hill areas, first to the District centres and then on to larger towns or per-urban areas, often on the Terai. Many then continue over the border into India
- Lack of work in the mountains and hills during the slack agricultural season in winter, of non-agricultural sources of income and of basic services annually induce a large number of Nepalese workers to move to the Terai and India in search for work
- Conflict has modified traditional patterns of migration and forcibly uprooted certain groups of population from their homes.
- More recent features of migration pattern: over the last year entire families have left their villages, migrating to the Terai, urban areas like Kathmandu and to India.
- Also, recently youngsters migrate by themselves inside the country and abroad, instead of traditionally migrating with adults from the village.
- The flow of migrants across the border into India has dramatically increased since the escalation of the conflict in 2001.

IDP Working Group, 15 June 2009, p. 21

"Based on the responses received from structured questions - where 150 IDPs from 19 districts were polled - it was found that IDPs have been displaced for an average of six years, with lengths of displacement from 1.5 years in Kapilvastu to 10 years in Rolpa. We have found that in a few districts like: Rolpa, Baglung, Dang, Banke and Makwanpur, there was a spike of displacement during the early stage of the conflict. In other districts, the trend was steadier growing as the conflict escalated. Kapilvastu, however, had a different momentum: displacement of large groups during the ethnic violence of September 2007."

MCRG, December 2006, p. 49

"Nearly two-third of the respondents (66 per cent) directly came from the place of origin and over one third (34 per cent) had undergone multiple displacements. Although the conflict in Nepal is fairly recent compared to other conflicts in South Asia, people are living as IDPs for a fairly long time. One-fourth of the IDPs interviewed were displaced between four and five years. About 18 per cent left their homes more than five years ago. But the highest percentage (over 40 per cent) of those displaced have lived as IDPs for one to three years."

NHRC, 28 July 2006, p.8

"iv. Due to the Conflict 101 families with 827 persons are displaced from various village development committees to district headquarter Janakpur by the cause of Maoists. Some of them are living in public place Gopal Dharmashala and Madal Kuti. Some IDPs are living in rented house and some of them were living in their own houses (recently bought). Where as the data status of those persons who are displaced due to the cause of state are concerned is very unclear and uncertain. Dhanusha district consists of 101 village development committees. Neither did they unit nor did they become publicly with their status of displacement. Maoists also could not able to provide data of internally displaced persons by the cause of state.

v. It is difficult task to find out the general status of those people who are displaced by the State. Generally people were displaced during the period of 2001 to 2003 in Dhanusha district. Generally they left their homes when the situation became more stressful and returned after the

situation seem sound for them. Usually people were not able to stay at their home if their any family member was affiliated with Maoists. Security forces searched that house from where any family member involved in Maoists and security forces made unnecessary enquires and tortured to other family members as well. They left their home due to terror and threat of security forces (3 families). During the period of displacement they stay in different places with their relatives and other places. Maoists gave some foods to eat and cloths at some times during their displacement. Most of the people are displaced from their own villages to other villages of district and district headquarters."

CHR, 7 January 2006, p. 7

"16. Two patterns of displacement can be distinguished. In most cases, displaced persons leave villages or small rural towns individually, with their families or in small groups. Some are direct victims of violence or have been threatened by Maoists. Many of these persons are party workers, village authorities, members of RNA families, rich farmers or otherwise influential persons in the village. Others, including many poor, feel that they can no longer cope with the generally prevailing climate of insecurity. Such families often sell their belongings, if possible, and following classic transportation routes go first to the district headquarters and then move on to urban or semi-urban areas in Terai, where they live with family members or rent their own accommodation. From there, they often go on to the Kathmandu valley or to India. This type of displacement is not very visible. The displaced merge into their new environment and are often too afraid or ashamed of being recognized as IDPs.

17. The Representative also encountered some cases where whole villages were displaced within days or even hours. Such mass displacements occurred in particular where vigilante or self-defence groups emerged in a specific location, threatening or even killing alleged Maoists. This was followed by retaliation from the CPN-M, causing mass displacement. These people fled to the next district headquarters or, in the case of areas in Terai, over the border to India. The Representative visited areas affected by such mass displacement in Kapilvastu and Dailekh districts. Village mobs or vigilante groups reportedly killed over 20 alleged Maoists in Kapilvastu district between 17 and 23 February 2005. The houses and properties of alleged CPN-M supporters were burnt or looted by the rampaging villagers, provoking the displacement of over 300 families, partly across the border. It was reported to the Representative that some politicians from the capital had encouraged these acts. He also heard allegations of RNA detachments standing by the mobs but not interfering with these extrajudicial killings. At the time of the Representative's mission, no judicial investigation had been started to find or punish the culprits. In the villages of Namuli, Toli and Soleri, in the district of Dailekh, villagers formed local committees to parlay with the CPN-M to stop abducting children and teachers and to desist from the taxations. Reprisals by the CPN-M in November 2004 led over 400 families from the region to flee to the Dailekh district headquarters.

SAFHR, March 2005, p. 8

"It appears that most of the people from the districts of the East, North east and South Central/East of Nepal have moved to Kathmandu while the Western, North and Southern West have moved to Surkhet district headquarters at Birendranagar. However, we also found that some people from Far West districts like Rukum, Salyan, Baitadi, Kailali and Darchula had moved to Kathmandu, over a period of time. This information is further corroborated through our findings from informal discussions and focus group discussions with groups of people in Kathmandu and Surkhet.

Most of the people came directly to the district headquarters. However, even within that area many have moved house several times. Some people have gone to district headquarters and

then come to the capital city. A majority of people seem to have moved mainly to urban or peri-urban areas, primarily with the expectation of finding some kind of succor and a greater abundance of opportunity for finding some kind of work."

OCHA/IDP Unit June 2004, p. 3

"5.1 The mission paid particular attention to the situation of the internally displaced. It was often difficult to determine whether economic or conflict-related factors provided the overriding motivation to move. It is also nearly impossible to verify the number and location of IDPs, as they generally move in small groups and merge into a social network of families and friends. The typical pattern of displacement is from poor, conflict-affected rural areas to larger towns or across the border to India. Many of those displaced by Maoist violence appear to be individually targeted landowners, government officials and others who have reserves to live from for a period of time. The poorer IDPs fleeing generalised violence or human rights abuses move to district headquarters or, if they can afford the journey, to India where economic opportunities are slightly better than in Nepal."

CSWC 1 February 2004, p. 4

"Pattern of Displacement Movement

1. District Headquarters,
2. City Centers-Terai
3. Capital,
4. India,
5. Third Country for employment (Malaysia and Gulf countries)

The number of IDPs falling in each category is not known."

INSEC April 2004, pp. 113-114

"A family prepares to migrate as soon as possible after the Maoists kill any of its members. The tendency of migration after killing of a family member is also seen and they even abandon all their properties in the rural areas. People of this category have mostly migrated to the capital city or the regional headquarters. Members of the political parties and security personnel are found to immediately migrate to bigger and relatively safer places after killing of a family member.

(...)

Those displaced by the ongoing violence have not migrated towards a certain place and the background of the people being displaced is also not the same. The family members, capacity, economic ability, probability of employment opportunities all have played important roles to determine the destination of the displaced people.

Source: INSEC, April 2004, p. 115

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, p. 10

Some people have resided in nearby villages with their relatives to instantly seek refuge from increasing dangers, the others for long term security have sought refuge in district headquarters and the other district headquarters where they have some one of their acquaintance. But there are many people who have directly migrated to the capital city or such other larger towns where they have access. "

"The data gathered provides a mixed and complex picture. The general pattern appears to be a movement of people from remote hill areas, first to the District centres and then on to larger

towns or per-urban areas, often on the Terai. Many then continue over the border into India. Against this general pattern there were other types of movement, for example some people moved in an east – west or west – east direction. These patterns of movement are illustrated in figure 4 (See Annex 9)."

Save the Children UK, March 2003, p.12

"People consulted during the assessment agreed in considering the migration phenomena much wider than what it traditionally is. While there are reports of entire villages virtually derelict of men between 12 and 60 years of age, the lack of monitoring and the open border with India makes it virtually impossible to gain a clear picture of migration in Nepal. It is possible however, to identify some more recent features of migration pattern. Over the last year entire families have left their villages, migrating to the Terai, urban areas like Kathmandu (this is where the confusion with IDPs happens), and to India. But more interesting, is the recent phenomena of youngsters migrating by themselves inside the country and abroad. Traditionally these migrated with adults from the village. From the little data collected about migration, it would seem that in addition to economic reasons there are protection concerns pushing people and youth to leave their villages. Most wealthy families have managed to migrate to the capital; or to send their children to boarding schools outside the conflict area. Poor people more often did not migrate and tried to cope *in loco*."

Martinez, Esperanza, July 2002, pp. 5-7

Maoist insurgency has modified traditional patterns of internal and international migration

"Nepal has traditional patterns of internal and international migration, mostly related to the search for better job opportunities. However, the outbreak of the Maoist insurgency in 1996 and most especially, the deterioration of the security situation after the failure of peace talks at the end of 2001, have modified these patterns and forcibly uprooted certain groups of population from their homes.

1. Seasonal migration

Seasonal migration in Nepal from the highlands to the lowlands in winter has a long history in the country. The massive internal migration was facilitated by the building of the east-west and north-south highways, and after malaria was controlled in the south.

Lack of work in the mountains and hills during the slack agricultural season in winter, of non-agricultural sources of income and of basic services annually induce a large number of Nepalese workers to move to the Terai and India in search for work. The largest number of migrants to India comes from landless groups, the highly indebted and members of the "low caste" groups and is especially high in the Far Western Region. Wealthier people tend to go to East and South Asian countries where earnings are significantly higher.

Other factors that have contributed to the large numbers of people migrating to India on a seasonal basis are the open border between Nepal and India, high demand for cheap labour in India and a common linguistic and cultural background across the border. Needless to say that the fact that the Far Western Region is better linked by road to India than other parts of Nepal has also played an important role.

There is no available data on the exact scale of seasonal migration, but some studies conducted in villages in the Western Region have shown that between 60-80 percent of the male population are away from home during the winter.

The official current figure on the number of labour migrants (except those in India) is about 12,000. However, independent estimates show that more than 200,000 people have gone to several countries as foreign workers from Nepal. Other figures indicate that as many as 500,000 Nepalese workers are working abroad.

Concerning the benefits obtained from migrant labour, many argue that remittances form a high proportion of the total household income for the seasonal migrants' households. However, other studies show that in poor households, especially in the Far Western Region, the benefits from migration are low and consist mainly in a reduced number of household members to be fed on the household income at the place of origin. There is also a general observation that migrant households are poorer than non-migrant households, with less access to agricultural production.

For those migrant Nepalese workers who return home with remittances, the deterioration of the security situation in Nepal places them at the risk of robbery and subject to extortion by the Maoists. In some Asian countries, migrant workers use an informal money transfer system through private agents as it is a cheap and efficient form of money transfer and involves lower transaction costs and a better exchange rate. However, this so-called *Hundi* system is not applicable in India.

The flow of migrants across the border into India has dramatically increased since the escalation of the conflict in 2001, and especially after the imposition of the state of emergency, according to district and municipal authorities in the Mid and Far Western Regions. The majority of migrants are male youths escaping forced recruitment into the Maoist forces and the pressure imposed on them by HMG/N's security forces. As the Nepalese-Indian border is open, there are no available figures as to the extent of the increase in migration.

According to Douglas Coutts of WFP, "the unrest in Nepal has affected the traditional coping mechanisms of communities. Men used to leave to work and come back with cash or food. Much of that traditional migration has been affected". In fact, at the beginning of the monsoon many men return from India to Nepal in order to help in the rice planting. A phenomenon widely observed by district government officials and development workers in Nepalganj –one of the main crossing points to India- is that very few people are returning home this planting season.

2. Conflict-related Displacement

With the deterioration of the security situation in 2001, in many mid and far western districts the Maoists expanded their intimidation and violence practices targeting landowners, members of the ruling party, VDC chairmen and wealthy people. As a result, most of them decided to migrate to the district headquarters in search of safety. In recent months, remaining government officials and teachers under threat from the Maoists have been forced to migrate from their villages. Field reports indicate that these targeted persons have, in most of the cases, moved to the district headquarters leaving their families behind. Those reports also suggest that the families are not being further threatened at this stage.

The declaration by the Maoists of the "district people's government" strategy in August 2001 and the beginning of forced recruitment from every family of one young man or woman, prompted the increased exodus of young people to India. In addition, the military pressure from the security forces since the imposition of the state of emergency in November 2001 has further increased the migration of especially males aged 13-28."

Study shows 10 per cent of urban migrants have been displaced by conflict since 2001 (August 2007)

RUPP, August 2007, p. 4

"Out of the 27690 households of the in-migrants of the five municipalities, only 2785 households were displaced due to conflict. The following chart illustrates the number of conflict induced households in the five municipalities.

Chart No.1 : Households Migrated to Municipalities

It is clear from the above table that every 1 out of 10 in-migrant households are, in fact, displaced by the conflict and the rest 9 households can be categorized as economic migrants.

Altogether, a total of 11371 persons are displaced by the conflict in these municipalities, out of them 48 % are female. "

IDPs prefer not to be recognized as such to avoid stigmatisation (July 2006)

- Most displaced have either moved to India or settled in the district headquarters, generally unaware of their status or remaining voluntarily unidentified out of fear of retribution by Maoist or security forces.
- In the east, although the effects of displacement are very visible in the empty villages, the displaced themselves are rather invisible, the majority preferring to keep a low profile to avoid the stigmatisation associated to the "IDP" label, often used by Maoists to refer to political criminals.
- Many health workers and teachers have been transferred to different areas as a result of threats.
- Large-scale displacement took place in Kapilbastu district as a result of vigilante violence, forcing up to 35,000 to flee across the Indian border.

OCHA, September 2006, p. 1

"Monitoring the dynamics of displacement in Nepal has never been a straightforward task. Unlike other contexts where IDPs remain within the internationally recognized borders of the country to seek refuge in established settlements or easy-to-trace host families, in Nepal IDPs have either gone to India through the 1,500 km-long open border or quietly settled in the district headquarters.

The majority have remained voluntarily unidentified due to fear, insecurity or unawareness of their status. The unclear boundaries between conflict-related displacement and historically seasonal and economic migration from the hill districts to the Terai and to India have further complicated the task of identifying and monitoring IDPs.

(...)

The wide range and diversity of the persons displaced has further hampered the ability to trace them and contributed to the relative 'invisibility' of the IDPs. Traditionally, landowners, political party workers and the village elites were the first to flee following or fearing harassment by the CPN-Maoist. Forced recruitment of men and youth by the CPN-Maoist combined with the Security Forces' suspicion of their collaboration with the CPN-Maoist forced many young people and male heads of households to move out. As the conflict evolved, extortions, closure of schools, disruption of local commerce and failure of basic services prompted entire families to abandon their homes in numerous instances."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 7

"In spite of the very visible consequences of forced displacement in the villages themselves³, the magnitude and nature of displacement to district headquarters and other urban areas in the East is not nearly as visible. By and large displaced persons are assumed to have had an association with the CPN/M or security forces and face suspicions from their host communities, preferring to keep a low profile in their new environments. Admitting to be displaced also involves social stigmatization as the term "IDP" has become generally associated with an unpopular group of people - "the exploiters or betrayers of the people" as labeled by the Maoists in some areas, but also referred to as informers, village bullies, criminals, or corrupt politicians by normal villagers.

In response to threats, the State transferred teachers and health workers from one area to another. The mission met with some teachers living in the district headquarters and commuting to their teaching posts daily by foot due to continued fear of the Maoists. Occasionally, transferal to a remote area was used as a threat to health workers and teachers who did not cooperate and give information about the Maoists' activities. The mission was told that the State had recently informed displaced teachers that they had to return to their original posts or their contracts would not be renewed. Most displacements in response to forced recruitment have been of individuals. They have not been given 'IDPs' status in the district HQs as they do not meet the Government's restrictive definition which does not include threats as a basis for IDP status. However, there is a growing awareness among local NGOs, security forces and even with local government officials that they have fled the consequences of the conflict. Many have left Nepal, fleeing to India and to Gulf states."

OCHA, 7 October 2005

"There are various complex dynamics of conflict-related displacement occurring in Nepal. The first to be displaced have generally been members of the mainstream political parties, the land-owning elites, and other enemies of the so-called 'People's War'. Whilst these groups have specific protection concerns, they have usually had the resources to move and the connections to allow them to integrate at their new destinations, both inside and outside Nepal.

Other individuals and families have had to leave their homes as a result of being unable to sustain their livelihoods because of the conflict and because of threats from the warring parties, and in particular by the CPN (Maoist)'s drive to recruit 'one fulltime member from each family'. These people, especially poor and marginalised people, have often settled in slum areas around district headquarter towns and in the Terai⁶. Many have continued to Kathmandu or India. A recent mission from the UN Inter-agency Internal Displacement Division was told that in some highland villages up to 80% of the population has left. This has resulted in a breakdown of village social structures where only old and vulnerable groups are left behind as most young men and many of their immediate families have fled.

Others have fled in large groups from new intensive fighting. A number of districts have recently witnessed the re-emergence of 'village defence committees', or vigilante groups. In Kapilbastu district, in a recent 'civilian uprising' against the CPN (Maoist), a 4,000-strong mob killed or terrorized individuals suspected of aiding CPN (Maoist) cadres, and torched an entire village. Recriminatory attacks by the CPN (Maoist) left further casualties. It is estimated that up to 35,000 people fled across the nearby border to India. Many started to return only a month after the attacks. Similar incidents have been recorded elsewhere, notably in Dailekh and Surkhet. On the rare occasions when IDPs have settled in ad-hoc camps they have not received sustained or coordinated aid. Most displaced have integrated into urban centres and there are currently no large permanent camp-like populations existing in Nepal."

Majority of working IDP children were accompanied when traveling to urban areas (June 2006)

- Study by TDH and SCA showed that the majority of children migrating to urban centers in the past years and who engaged in some form of productive work, traveled safely from source to destination thanks to family and village networks.
- Based on INSEC's data, the study observed that 3/4 of the children came from seriously conflict-affected districts.
- Half indicated that they had fled Maoist problems, while the other half cited economic motives as the main reason.
- Half of the girls and three-quarters of the boys had knowledge of the type of work they would be doing.

TDH & SC Alliance, June 2006, p. 2-20

"The study challenged the somewhat dramatic assumption that much of child IDP migration is made up of children separated from their families and travelling unaided in a hostile environment, prey to abusers and traffickers. The majority of children travelled with family or persons from the same village, went directly to the destination and were provided support upon arrival. Exploitative labour agents and traffickers were not reported. Although some of the children indeed travelled at risk and definitely needed support and protection, the majority of children and their families did not appear to need 'safe migration' interventions. Family and village networks supported the children well during migration, although the support from these networks weakened after the children arrived at their destination. The problems of children appeared to be most significant at the source and destination rather than during the migration process.

(...)

The study used the article 'IDPs in Nepal: Most Affected Districts' from the INSEC Human Rights Yearbook 2004 as the basis for differentiating between districts that were either moderately or seriously affected by the conflict. The study showed that three quarters of the children came from seriously conflict-affected districts. More than one half of the children stated that Maoist problems, among other reasons, was the cause of their migration. Nearly one half attributed home economic problems, among other reasons, as the cause of their migration. The extent to which these economic problems are a direct result of the conflict could not be determined, although other studies indicate severe disruption of rural economies, particularly in seriously conflict-affected areas. A small but notable number of children migrated because they had been abandoned by their families. Whether this abandonment is due to the conflict or other reasons is not clear. However, a significant lack of family care and support is indicated and requires further investigation.

It is clear from the study that the majority of the families of these working children took concrete steps to protect their children from the conflict by arranging their placement in work situations in Nepal's urban areas. In two thirds of the cases, families unilaterally made the decision for their children to migrate. The great majority of children travelled directly from their homes to the urban destination, and the majority were aware of that destination at the time they migrated. Almost all families provided protection to their children en route, sending them to the cities accompanied by family members or persons from the same village. It should be noted, however, that neither village acquaintances nor distant relatives necessarily provide the support and protection to a child that is provided by close family members. Almost all the girls and three fourths of the boys travelled accompanied by someone they knew. As expected, those who travelled alone were primarily older boys. In the cities, relatives and persons from the same village most often placed the child in the work situation. In some cases, such as stone quarry work, entire families migrated together for employment. In other cases, such as carpet factory labour, children entered workplaces with long-existing presence of family members or fellow villagers. Children were not

always knowledgeable of the work they would perform at the time of their migration, however. Approximately one half of the girls and three quarters of the boys had no prior knowledge of the work they would engage in."

Study suggests change in profile of IDPs with poorer strata of society also affected by displacement (March 2005)

- The SAFHR study noted in 2005 a change in the profile of those displaced by the conflict: while those who moved to the main cities in the early phases of the conflict belonged to the well-off strata of Nepalese society, as of 2005 middle-strata displaced people also started fleeing the effects of the conflict and sought refuge in the main cities.

SAFHR, March 2005, pp. 41-42

"In connection with IDPs, there also appears to be the assumption that people who come to Kathmandu are those who are able to, as they have the money or other means to make a life in the capital city. Unfortunately, earlier studies and research have indicated that those persons who leave homes and come to urban cities like Kathmandu or Nepalganj, belong to the well off sections of society. While that may have been the case in earlier years, our survey has shown, that it is no longer true that only the wealthy and persons of ability have chosen to be displaced and come to Kathmandu. It is true, that most families we met had some landholdings in their place of origin and some ability to subsist on land, but this should in no way be understood as that these are families who are 'relatively' well off.

Notwithstanding what these IDPs had at their place of origin, what is known is that they no longer have anything. In fact some families are at starvation point.

(...)

Our survey has also shown that it is no longer only the "individually targeted landowners, government officials and others who have reserves to live from for a period of time" who have been displaced. Table 3 clearly shows that those who have come to Kathmandu have an average landholding of 2.7 hectare /family and 1.34 hectare/family of those who are in Surkhet District headquarters, this in no way signifies that these families who have been displaced are "landowners" or that they have "reserves" to live off for a period of time. The average period of time these people have been displaced is 32 months but should be seen within a range of one month to 102 months (or over 8 years!). If seen in tandem, with the picture of their current status of income and livelihood earning opportunities, the condition of the IDPs in these two areas is self-evident."

Displacement to India and elsewhere

Large flow of displaced people moving to India illustrates the transboundary nature of the displacement crisis (December 2008)

- Between 10,000 and 16,000 displaced children reported to have crossed the Indian border in only three months time, between June and August 2004.
- Indian embassy officials claim 120,000 Nepalese moved to India fleeing the conflict in January 2003 alone.
- During 2002, the displaced fleeing the conflict have added to the traditional flow of migrants to India.

- More than 8,000 people passed through the border with India during the week 4-11 December, the highest weekly figure that they have ever recorded.
- Many of the Nepalese end up as apple pickers in Simla, where they have friends. Others find work as construction crew, kitchen help in restaurants, or even rickshaw-pullers in cities of north India.
- Wealthier people from the northern districts have moved permanently to Nepalgunj, buying property and building houses on the outskirts of the city.

WFP & NDRI, 17 December 2008, p. 3

">Over the past millennium there has been a common west to east migration trend within Nepal and then to India

>Increasing globalisation is resulting in Nepalese migrants now taking positions in the Middle East, and South East Asia

>Seasonal migration patterns are historically linked to local agricultural production patterns and availability of other forms of employment

Conflict, poor crop harvests, natural disasters and increased ease of migration has increased migration over the past 10 years

(...)

Migration is now so common in Nepal that it involves 25% of the adult male population¹, from around 44 % of households

Age:

Average age is 30

12% of surveyed migrants were under 18

33% of female migrants were under 18

Education:

Education level was low

57% were just literate

22% were illiterate

only 21% had attended secondary school

Gender:

74% of migrants were male

Female migrants were most commonly from households with other migrant member

Caste:

Migrant households were: 31% Dalits; 19% Janajatis; 44% Brahmin & Chhetris

Wealth:

Over 70 of surveyed migrants were from poor or very poor households

Less than 5 per cent had above average

Why people migrate

>Food shortages and lack of employment are by far the two most important reasons for migration among the surveyed population

>Lack of access to food is especially important to the very poor,poor and below average wealth groups, but is not a reason for people with aboveaverage wealth to migrate."

IOM, 29 June 2006, pp. 13-14

"Between one million and five million Nepali citizens live in India. Major concentrations can be found along the border region, as well as in New Delhi, Calcutta, and Mumbai. Nepal and India have shared an "open border" since 1950, and Nepalis have the right to live and work in India without a visa. According to the 1950 Treaty of Peace and Friendship, the citizens of both countries are entitled to the realization of all rights while in each other's territory, with the exception of voting rights. As a result, India claims that no Nepali in India qualifies for refugee status as per the 1951 Convention Related to the Status of Refugees.

Seasonal migration patterns make it difficult to distinguish between conflict-forced migrants and economic migrants. Many displaced persons move within Nepal first, winding up in the District Centers in the Southern lowlands that border India (the Terai), and then crossing into India in search of employment and subsistence. According to Refugees International, "...the conflict is now so all-pervasive that it is impossible to separate purely economic migrants from those fleeing the conflict. India has become a safety valve for those seeking security and economic survival. NGO leaders who monitor the situation worry that as larger than usual numbers of Nepalis keep coming to India, the Government of India will become concerned about the effect on domestic and national security. There are concerns about potential linkages between left-wing insurgency groups operating in India and Nepali Maoists in India..."¹³

In addition, trafficking is becoming increasingly common, with criminal organizations moving IDPs to India under the pretense of restaurant or domestic employment, only to traffic them into the brothels of New Delhi and Mumbai.

During the assessment visit, civil society organizations and the political parties voiced strong support for including Nepalese citizens in India in the referendum process, but few had concrete ideas about how that might happen. Given the limited timeframe of the assessment visit, it was not possible to visit India. Follow-up programming to better understand the demographics and issues confronted by this population is warranted.

Kantipur Online, 9 June 2005

"India is worried about the influx of people from Nepal, especially those living in the rural areas, because of continuing instability in Nepal, reported The Himalayan Times Thursday.

'The number of people coming from Nepal to India through various checkpoints has doubled,' said the THT report filed from New Delhi quoting an official source. 'The number of people streaming across the border is increasing with every day.'

Between 10,000 and 16,000 children reported to have left Nepal for India between June and August 2004

SAFHR, March 2005, p. 37

"In September 2004, discussions with the Save the Children Norway, revealed disturbing trends of displacement of children and young persons. This information emerged from a survey they carried out at five of the exit points along the western border of Nepal and India that showed a regular flow of young persons in the age group 14-18, but many others as young as 6 years, out of Nepal into India. In the monitoring during the months of June, July and August 2004, it appeared that at least 10,000 young persons went over to India. Whether these children will return is a matter of conjecture, even though many of them said they were going to India to earn some money and return to Nepal for Dassain (major festival of the Hindus in Nepal). While there were a number of young girls, usually with family members, a majority in this age group are

young boys who are with friends or other members of their community. There is no monitoring done on the Indian side.

Subsequently, a report published in The Kathmandu Post, December 6, 2004 (Conflict drives children towards muglan), further highlights these findings, stating that over 16,000 children to date had left Nepal, with only 5458 of them having returned to Nepal. The report also mentions that these children find work as "hotel and factory labor and in apple plantations".

ICG, 10 April 2003, p. 2

"Indian embassy officials indicate that roughly 120,000 displaced Nepalese crossed into India during January 2003 alone – fleeing both forced recruitment by the Maoists and RNA attacks."

The Nepali Times, 19 December 2002

"They come across the border by the thousands every day. Young, old, men and women fleeing the fighting in Nepal for safety and jobs in India. It is happening in most towns along Nepal's 1,800 km frontier with India, but the exodus is most visible here on the Indian side of the border from Nepalganj.

(...)

This is not new, Nepali hill farmers have been migrating for decades after their harvests to find seasonal work in India. But what is different this year is the sheer volume of displaced people, and the fact that they are not seasonal migrants—many are not going to return until Nepal returns to normal. It is obvious that added up, there is a massive humanitarian crisis brewing here.

The outflow of villagers from insurgency-hit mid-western districts has now reached a peak. Officials at the border police post at Nepalganj told us they counted more than 8,000 people passed through during the week 4-11 December, the highest weekly figure that they have ever recorded.

Those leaving Nepal range from three-month old children in the lap of mothers to 60-year-old villagers. Clad in torn jackets, dirty caps, slippers and jute sacks full of belongings, they have been travelling on foot and bus for days to reach this border. But here, their ordeal has just begun as they face an uncertain future in a foreign land. 'We left because it was getting more and more dangerous. The soldiers come and want to know about Maoists, and the Maoists come and punish us for talking to soldiers,' says Tanka Shahi, 24, who has left his home village of Jamla in Jajarkot and is headed to India. He doesn't know where he is going, or what type of work he will get. All he knows is that he wants to be somewhere safe.

(...)

Many of the Nepalis end up as apple pickers in Simla, where they have friends. Others find work as construction crew, kitchen help in restaurants, or even rickshaw-pullers in cities of north India. 'In India they can not just earn some money, but they will also have security,' explains Niraj Acharya, former member of the Jajarkot district development committee who has himself fled for the relative safety of Nepalganj.

(...)

Paradoxically, the unfolding human tragedy of the mid-western districts has resulted in an urban boom in Nepalganj. Roadside lodges and restaurants are doing a roaring business, and transport operators in Nepal and India have a lot of customers. Wealthier people from the northern districts have moved permanently here, buying property and building houses on the outskirts of Nepalganj.

Satta Prakash Singh, who operates a private bus service in India out of Rupediya, told us: 'I have had to double my fleet to accommodate the Nepalis.' Singh's company used to operate eight buses from Rupediya to Delhi, Hardwar and Simla daily till a few months ago. 'Now, we operate a

total of 20 buses every day,' he said. Ten three-wheelers used to ferry passengers from Nepalganj to Rupediya till last year, now there are over 25.

Go to Rupediya on any given day, and you can see hundreds of Nepalis boarding buses here. One bus we saw this week with a capacity of 70 passengers was carrying 100—all of them Nepalis bound for Lucknow. As Nepali nationals do not need a passport or visa to travel to India and it is much cheaper to travel by land route across the border, India is the destination of choice. As long as the insurgency continues, it is clear that this migration will not stop, and perhaps it will even intensify.

The question is: can the Nepali hills sustain losing 16,000 mostly-able bodied men every month? Who will plant crops, maintain terraces, take care of the families who remain behind?

This humanitarian crisis also highlights the trans-boundary nature of the conflict in Nepal. So far, there have not been any reports of Nepalis being prevented from entering India, but officials here say that with the tight job market in India which is already full of its own internally displaced people and the possibility of more Nepali migrants moving down, the situation needs to be carefully monitored by both governments."

Exploitative working conditions in Nepal encourage IDP children to move to India (June 2006)

- Exploitative conditions for IDP children in urban labour situations encourage many, in particular boys, to leave for India
- During July and October 2004, a total of 17,583 children were documented crossing the border from Nepal to India
- Children below 12 were found to be traveling in groups but nearly about fifty percent of children above 15 were spotted traveling without any guardian.
- Children not traveling with family were often being accompanied by people referred to as "mets" locally, who gained a monetary commission in providing children as labour.

TDH & SCA, June 2006, p. 1

"It is evident from the study that rural internally displaced children in urban labour situations are subject to severe exploitation in the form of heavy workloads, lack of remuneration and denial of basic needs. These exploitative conditions encourage children to leave their jobs, and many boys, after attempting to survive in urban Nepal, have migrated to India. Girls, however, have fewer options than boys and many must work to support their families. Hence, most girl children are compelled to live and continue working in their present circumstances. For many IDP working children, labour abuse is complemented by social discrimination, and many children in the study felt they were mistreated because of their rural origins, poverty and current status as displaced persons. This discrimination has given rise to the incidents of physical abuse, psychological abuse and sexual exploitation of labouring children that have been documented in the present study."

SCA & CCWB, July 2005, pp.10-20

"During the three months period that data collection targeted outgoing children, a total of 17,583 children were documented crossing the border from Nepal to India at the five monitored checkpoints. As seen from the table and chart below, the largest outflows were from Nepalgunj and Mahendranagar respectively.

The enumerators also made some interesting observations about the patterns of movement among these children. In general, children below 12 were found to be traveling in groups but nearly about fifty percent of children above 15 were spotted traveling without any guardian, although some were accompanied by other children of their relevant age group. A group of about 5-12 children guided by an elderly person before noon was a common sight. The observers/researchers reported that the traveling children looked like they were flustered and in despair. It should be noted that, most of these children who were being guided by an elderly person of no family relation were being accompanied by people referred to as "mets" locally. These "mets" gain a monetary commission from people seeking labour in India when they provide these children to them. This form of child migration illustrates the economic exploitation of children that is prevalent in Nepal due to the prevalent poverty and further research on this topic may even prove that such practises can be possibly be considered as a form of ongoing child trafficking.

Also, most traveling groups heeded to the advice of astrologers while crossing the borders. In these western regions of Nepal, astrologers often proclaimed "good days" for traveling on Wednesdays and Thursdays. Mondays and Saturdays are believed to be "bad days" for traveling in the western and southern direction for the long trips"

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Study shows security conditions for IDPs are perceived as better in areas of return than in areas of displacement (June 2009)

IDP Working Group, 15 June 2009, p. 22-27

"IDP conditions in areas of displacement

From 150 respondents, we found that 38% of them felt that the security situation was good, with very little fear or incidences of persecution in their current dwellings.

However, a few IDPs have not been able to overcome the psychological trauma as a result of incidences that took place during their displacement. 23% of the respondents reported living conditions where fear and persecution were high (either at an alarming or poor level of security). Kailali, Siraha and Bara districts reported to have vulnerable security conditions.

(...)

The condition of returnees in return areas

The assessment results show that the majority of returnees (67%) have expressed satisfactory security condition at their places of return whereas 17% of returnees feel they are not secure at all.

In general, the security conditions in return areas were found to be good, but State attention is still

needed, as few of the returnees have expressed security concerns. The worst security conditions were found in Bhojpur district.

While assessing the level of fear and persecution among returnees, several respondents reported that the security situation appears normal until they engage in political activities. CPN Maoists are still frightening people and using force to stop them from becoming involved in other political parties. "

IDP women and children particularly exposed to work-related protection threats in areas of displacement (June 2009)

- In addition to its physical and psychological impact, the armed conflict also forced many women into more insecure and difficult living conditions due to the loss of their husbands or disabilities they suffered. Displaced women are often forced to become the main breadwinner while continuing taking care of the children.
- IDP women, in particular young girls are reported to suffer from harassment in their work place and face safety and security risks.
- Many women fleeing rural areas because of the conflict ended up resorting to prostitution to make ends meet. A 2008 survey by Rakshya Nepal, a local NGO, showed that 58% of the women working in dance bars, cabin restaurants and massage parlors were displaced by the conflict.

- According to the government, half of the estimated 40,000 women working in restaurants, dance bars and massage parlors suffer from trafficking and sexual exploitation.
- According to NGO working with displaced women, the government has done little to assist them and this "indifference" is putting them at risk by forcing them into risky jobs.

IDP Working Group, 15 June 2009, p. 25

"The armed conflict impacted the lives of women and children terribly. Some women lost their husbands, while others have to share the grief of their partner's disabilities. These challenges not only affect mental and emotional health, but also increase women and children's daily responsibilities. Women not only have to take care of their children and elders, but also have to be the daily bread winner for the family. Harassment in the work place, personal safety & security, and the associated stress are just some of the challenges that women have to face. Young girls are subject to sexual violence, and kids are deprived from regular education. Everyone, including the elderly, is suffering from low nutrition and a lack of basic services such as health care and education.

Internally Displaced Girls and Women

The drastic increase in the movement of women towards urban centers during the conflict has been widely reported by the national media and in research reports. The migration has been absorbed by questionable and flourishing businesses: restaurants, dance bars, and massage parlors. Since many of these women and children lack education and a family support system, these business provide needed income, but at a high price. According to a 2008 survey done by Rakshya Nepal, of 200 women working in dance bars, cabin restaurants and massage parlors, 58% of respondents were displaced by the conflict. A majority of these women fled from Sindhupalchok, Kavrepalanchok, Dhading, and Nuwakot districts. According to the Ministry of Women, Child and Social Welfare (MoWCSW), there are 40,000 female workers aged between 12 and 30 working in restaurants, dance bars and massage parlors - with half of them suffering from trafficking and sexual exploitation. It can be assumed that a large percentage of these women and children are IDPs.

It is also a global phenomenon that conflict increases prostitution¹⁹. 81% of the respondents confirmed sexual activity, while 50% admitted practicing unsafe sex. This vividly shows that these women are at high risk of HIV/AIDS and other STDs. There is an urgent need for awareness and rehabilitation programs based on this data.

In May 2009, the assessment team had a discussion with 10 women, aged between 18 and 25 years, who were working in cabin restaurants, dance bars or massage parlors. All had fled from homes due to armed conflict. Three of them reported that they escaped from a Maoist militia after they were forced to stay encamped for periods of 4 to 6 months. These women have now been living in Kathmandu for the past 4 to 8 years. Living in dire conditions, they are exposed to several forms of exploitation. All of these respondents admitted being forced into prostitution by their employers. Their level of IDPs awareness is alarming. A majority of them are not even aware of their displacement status. Moreover, only one respondent knew what the term "displacement" actually meant. They are unaware of their rights as IDPs, and have no access to other pertinent information such as: information on National IDPs Policy government assistance or procedures for accessing their rights to register as an IDP."

IRIN, 26 May 2009

"Thousands of men and women, displaced by 10 years of civil war, are destitute in Kathmandu, but it is the women who are particularly vulnerable.

(...)

"The increasing indifference by the government is putting many women at high risk as they have no choice but to take up any job for their survival and to feed their children," said Menuka Thapa, director of Raksha Nepal.

By "high risk", Thapa clarified that many women were now working in massage parlours, cabin room restaurants or other establishments where they are subjected to sexual abuse, exploitation and even trafficking.

NGOs said they were providing shelter and support with limited resources, noting, however, that international humanitarian aid for the displaced had been diminishing; projects were being phased out and responsibility was increasingly switching to the government.

Government officials said they had made progress on helping IDPs by developing a national policy aligned with the UN guiding principles on internal displacement, but NGOs said they had not seen any evidence of government programmes on education, health and vocational training targeted at displaced women and children.

"The government has to immediately start employment skills programmes so that helpless displaced women can start a new life," Yuvraj Thapa, director of Conflict Victim and Disabled Society (CVDS), a local NGO."

OCHA, 16 January 2009, p. 26

"The armed conflict in Nepal continues to have severe repercussions on children of all ages in Nepal. During the conflict, large numbers of children were separated from their families owing to displacement, or to avoid forced recruitment into armed groups. Many of these children were then forced into the labour market, often in some of the most hazardous industries. The decade-long conflict in Nepal shattered many child protection systems and the social structures underpinning a protective environment. Despite efforts to recover and rebuild, children are especially vulnerable to violence, abuse and exploitation. Obligations towards children in the peace agreement remain partially unfulfilled."

IRIN, 17 February 2006

"These conditions are also prompting women to seek opportunities abroad. Local NGO Saathi has reported an increasing number of women leaving villages. Many of these women are falling prey to traffickers.

On the busy, open border post with India, near Nepalganj, Pushpa Rana and her colleagues monitor movements across the frontier. Over the last year and a half, Saathi has intercepted 70 girls being taken across the border crossing against their will or knowledge.

The NGO has also counselled 1,000 women on the risks of working in India, especially the risk of brokers who might lure them into brothels. "We just want them to be aware of that, so they don't fall prey to these characters who would exploit them," Rana said.

Rana said that the women she intercepted being taken across the border by minders had different levels of understanding as to what was happening. "About 40 percent were entirely innocent and unaware that they were crossing over into India. They had assumed that Nepalganj was in fact Kathmandu and they were travelling to another part of Nepal," she said.

Other women had been led to understand they were being taken to Arab countries. In some cases, women knew the risks, but went voluntarily as they felt they had no option.

A surprising number of women came from the district of Sindhupalchok in central Nepal, and were told that they would be carpet weavers in Kathmandu.

Rana said there were also a number of women from the local IDP camp near Nepalganj who had been trafficked to become sex workers in big Indian cities.

The human trafficking business is not new in Nepal. "What is new is that the conflict has displaced a lot of women, many of whom are young, typically between 20 to 35 years old," Rana said. "In many cases, these women are married but don't have their husbands around. They need to look after their families. These women are prime targets for traffickers. Many of them go across the border. They are not educated and consider going across border as one way to earn a living." "

Kathmandu Post, 28 April 2005

"A survey conducted by Rahat, an organization working for girls and women, especially those displaced by the conflict, revealed that although hired to work as waitress, these girls and women are also forced into the flesh trade. "The government, however, has shown no concern about it," Madhavi Singh, president of Rahat said.

She said that girls and women are compelled to follow their employers' orders. "In case they refuse to comply, they are sacked," she said, adding, "most of them are displaced by the conflict and are, therefore, compelled to do what their employers want. They lack education and skill also."

Sharing the findings of the survey: "Situation overview on entertainment sectors" in the capital Thursday, she said that most of the mushrooming dance and cabin restaurants are not registered. "Those restaurants registered are also not operating as per the norms outlined in the Labor Act," she said."

Many displaced children pushed into labour markets in urban areas and exposed to protection risks (July 2009)

- Study carried out by anti-slavery international in 2007 showed that the majority of the working children in urban areas came from rural areas. A third did not receive any salary and 40% reported facing psychological and physical violence.
- Study by TDH and SCA showed that few IDP working children faced significant external risk factors such as involvement in drugs, crime, unwilling sex or prostitution.
- The main reason for the low exposure to these risks were the long working hours, which kept them away from negative influences
- Girl carpet factory workers were seen at risk of sexual abuse and trafficking, while rag pickers faced significant external risks in the workplace.

OCHA, January 2008, p. 17

"The armed conflict severely affected children of all ages. Large numbers of children were separated from their families due to displacement, or to avoid forced recruitment. Many of these children were pushed into the labour market, including into the worst forms of child labour. Children who remained with their families have not fared well either. Their access to education

and health services was severely impeded due to lack of health care service providers and teachers in remote and conflict-affected areas.

The withdrawal of children from armed forces and armed groups and their successful reintegration within their families and communities is the main focus of the CAAFAG Working Group. Working Group members include UNICEF (chair), OHCHR, international NGOs (SC Alliance, IRC, SFCG, CARE, World Education, TPO) and national NGOs (CWIN, UCEP, Sahara, Advocacy Forum, INSEC, SZOP coalition). The ICRC, WFP and UNMIN participate as observers.

The release and return of CAAFAG continues to face numerous challenges as the country's political situation remains unstable. Issues over implementation of the peace agreement prevented the immediate and unconditional release of all children associated with the CPN-Maoist army. While registration and verification in most cantonments is complete, release of the children has yet to occur."

Anti-Slavery International, July 2009

The Government of Nepal has identified over 90,100 children working in the worst forms of child labour. Of these, the Government estimates that there are 14,150 child bonded labourers working in several sectors including brick kilns and domestic work.¹¹

Domestic work

Bonded and forced labour is also found in the domestic work sector, affecting both adult and child domestic workers. GEFONT carried out a study in 2007 with a sample of 292 domestic workers in rural and urban settings in Kathmandu, Morang and Banke. They predominantly came from rural areas and sixty per cent of those interviewed were female and 69.5 per cent were under the age of 18. More than a third were illiterate.¹²

Twelve domestic workers or, in the cases of child domestic workers, their parents, had taken a loan from their employer. Of these, three had been in debt for a year, two for more than 2 years, and two for more than 4 years. Five did not know the amount of the loan taken.¹³

More than 60 percent of the domestic workers surveyed worked for more than 12 hours a day. Around 34 per cent of those surveyed did not receive any salary. ¹⁴Forty per cent had subjected to psychological and physical violence, including punishments such as scolding, insults, deduction from salary and slapping.¹⁵ Around 51 per cent said that they did not take protective measures while working and worked barefoot without gloves.¹⁶

According to the ILO, there are over 42,000 children identified as domestic labourers in Nepal, mainly in urban centres and the majority are girls.¹⁷ Children perform work such as cooking, cleaning, washing and caring for young children and the elderly. In rural areas they are also required to look after animals and undertake agricultural work.

Of the child domestic workers in GEFONT's study, 41.4 per cent were between 10 to 14 years old and 26 per cent were between 15 and 18 years old and 2.1 per cent were under the age of 10. ¹⁸The majority of child domestic workers leave rural areas for urban centres away from their parents and relatives. It is often their parents or relatives who take them from their home to the working place, although many also travel with friends with their parents' permission. ¹⁹Generally, these children are confined in their employer's home, with little access to the outside world."

TDH, CREHPA, SCA, June 2006, p. 25

"The study attempted to assess factors outside the residence and workplace that could result in children's increased exploitation or abuse, involvement in drugs, crime, unwilling sex or violence,

or entering worse working situations such as prostitution or other forced labour. These were termed 'external risk factors.' Generally, it was found that few children faced significant external risk factors. Families, employers and the children themselves arranged the entry into labour for all children, and labour agents were not mentioned. Investigation of children's knowledge of the departure of other children from the workplace, and their accompaniment and destinations, provided no data indicating the presence of traffickers.

Notably, the primary 'protection' for children from external risk factors came not from family or employers, but from the children's long working hours and lack of mobility, which kept them away from negative influences. With the exception of girl carpet factory workers, about whom other studies have noted the problems of sexual abuse and trafficking, rag pickers were the only child labourers who faced significant external risks in their 'workplace.'"

IDPs in Dang accuse Indian security forces of serious human rights violations (June 2009)

- Thousands of people displaced in June 2009 by actions of the Seema Surakchya Bal (SSB), the Indian border security forces, reported that the Indian security forces committed human rights violations including torching of their homes, looting, abductions and rape.

Nepalnews, 2 June 2009

"While the political parties continue to bicker over plum ministerial portfolios in the capital city and causing delay in giving 'full shape' to the new government, Nepali citizens in Dang district of mid-western Nepal are paying a painful price for the criminal neglect of their own government. Reports say that hundreds of Nepali families - around 6,000 of them - living along 22 bordering villages of Dang district have been driven out by the Indian border security force, the Seema Surakchya Bal (SSB).

Some 2,000 displaced people, who are currently living in make-shifts tents at Satbariya VDC-2 in Deukhuri region, recount gross atrocities of Indian armed forces and criminal outfits including torching of houses, robbery, even abductions and rape.

They say they have fled their homes fearing further persecution from SSB and other Indian criminal outfits.

"They (SSB personnel) torched our houses saying you can't live here," Purna Kumari Bista, 70, of Rajpur, Dang told a leading Kathmandu daily that broke this news Tuesday. "We had to leave with the family to protect our lives." Begaram Pun, another displaced, alleged that SSB personnel assaulted and raped women.

"We are forced to become mute spectators when they rape our women," he said. "More than 15 girls have already gone missing." Reports also said that Nepali girls and women regularly get abducted in the bordering areas of the district by Indian criminal outfits and sexually abused.

(...)

The displaced villagers have demanded that the government set up border security camps in their villages to check these sort of vicious crimes.

Absence of border security

There are SSB units along the Nepal-India border at close distances, but there is no mechanism to look after border security on the Nepali side, according to reports.

This is the reason why the local authorities have no clear data on the number of abducted women and fail to keep tab on other instances of crime and atrocities that take place in the bordering areas of Dang district.

(...)

Navin Kumar Ghimire, spokesperson at the Ministry of Home Affairs, said that they have 'primary information' about 500 to 600 Nepalis being displaced in Dang district, but have not received any information about SSB personnel and other armed Indian groups involved in atrocities against Nepali citizens in the region."

Violence against children has decreased but not ceased (November 2009)

The Carter Center, 29 November 2009, p.10

"During the second week of September, TCC directly observed Maoist mass rallies in Kaski, Kailali, and Doti which were also part of the Maoists' first round of protest programs. The rhetoric used by Maoist leaders to address the audience was generally aggressive in tone and referred to the need to "fight" and "wipe out" the current government and prepare for another mass movement. Despite the aggressive language, the programs themselves were generally peaceful with no clashes reportedly taking place between Maoists and police in any of the locations. All three rallies were observed to be well attended (approximately 2,000 in Doti and 5,000 in both Kailali and Kaski) and participants at the programs were transported from neighboring districts to Kaski and Kailali. A strong presence of school children was noted in Kaski and it was reported to observers that the Maoists had visited schools and told principals to send children from grades 8, 9 and 10 to the rally for "political education." "

UNSC, 26 October 2009, p. 7

"30. The Unit continued to work with the Nepal Task Force on the Monitoring and Reporting Mechanism, which is co-chaired by UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to effectively implement the monitoring and reporting mechanism established in accordance with Security Council resolution 1612 (2005). In view of the deteriorating law-and-order situation in the Tarai, the Nepal-based Working Group on Children Affected by Conflict conducted an assessment of protection concerns of children in nine Tarai districts, which was completed in August. It concluded that the ongoing violence and lawlessness in the Tarai had had a negative effect on children's education and contributed to the increased dropout rate in schools. Some children were also found to be involved with Tarai armed groups as messengers as well as involved in crossborder smuggling. Threats and economic necessity were two key factors that contributed to children's involvement in armed groups."

UNSC, 13 July 2009, p. 7

"30. The ongoing political violence and the use of children by political parties during strikes and demonstrations, including as enforcers, are issues of concern. Special measures are necessary to ensure effective monitoring, reporting and protection of children's rights in relation to their participation in political activities."

UNSC, 18 April 2008

"The report indicates that although grave violations of children's rights have decreased significantly since the signing of the comprehensive ceasefire agreement, violations against children have not ceased. The report notes that substantial numbers of children were recruited by the Communist Party of Nepal-Maoist (CPN-M) prior to the signing of the ceasefire agreement

and moved into cantonments. No progress has been achieved in securing their formal discharge although many have been released informally. The report also notes that social unrest in the Terai region has contributed to a pattern of protests and emergence of political and armed groups that have created new risks for children, including recruitment. In particular, the report highlights the increasing use of children by all major political parties in political demonstrations, strikes and blockades."

Mixed situation with regards to IDP children in urban areas (November 2008)

- Association of Maoist Victims estimates that up to 1,000 displaced children are living in Kathmandunad many more in cities of the country.
- Study by TDH and SCA showed that few IDP working children faced significant external risk factors such as involvement in drugs, crime, unwilling sex or prostitution.
- The main reason for the low exposure to these risks were the long working hours, which kept them away from negative influences
- LACC, an NGO working with women and children, warned that displaced young people living in the streets were exposed to physical abuses and assault by the police.
- CWIN, an NGO working with children, estimates that a total of 5,000 children live in the streets of the main cities in Nepal.

IRIN, 18 November 2008

"Despite the end of the decade-long armed conflict in 2006, more than 50,000 displaced persons, many of them children, are still unable to go back to their villages due to fear of the former rebels and their refusal to return their farmlands.

Thousands of displaced children such as Furma and Gautam continue to live under difficult circumstances with their impoverished relatives or parents in the capital and other cities.

"Most of the displaced children need humanitarian support. Sadly they have been ignored," child rights activist Karna Bahadur Shahi, who runs a shelter for orphans and displaced children, told IRIN.

"Their situation is really bad, especially in the capital, where getting aid support is more difficult," said Shahi, explaining that most aid agencies told him their programmes were more focused on areas outside the capital.

Now Shahi is appealing for help for displaced children through religious groups, both Christians and Hindus. His team also regularly approaches households in the capital for donations of food and clothes."

IRIN, 11 July 2007

"Displaced children are very vulnerable and many are forced to work to support themselves, according to the National Human Rights Commission (NHRC). Many are now working as domestics or labourers as they have no alternative, the NHRC said.

"It seems very unlikely that most of these displaced children will ever return home as a large number lost their parents during or after the conflict," said Bed Prasad Bhattarai, a senior NHRC officer.

The Maoist leaders have said children can return home with their parents but the IDPs do not trust them, citing examples of how they were mistreated and prevented from getting their properties back.

"We have not jeopardised their safety. They can return without fear," Maoist supporter Athak, who is in charge of Banke District in west Nepal, told IRIN.

In Kathmandu alone, there are over 1,000 displaced children living with or without their parents, according to the Maoist Victims Association (MVA), an IDP forum. It believes their number is highest in cities and towns of the far western regions of Nepal - where the conflict's impact was greatest."

Study finds evidence of exploitative working conditions for IDP children, but without obvious risk factors

TDH & SC Alliance, June 2006, p. 3

"While the majority of the working situations were exploitative, the study found no obvious risk factors – with the exception of those for girls working in carpet factories – which would result in girls and boys entering worse circumstances, such as being trafficked, entering prostitution, or entering slavery-like labour situations. Employers exploited the children's labour and frequently deprived them of basic needs, but there was little evidence of more extreme danger to the children.

Both disturbing and reassuring data emerged regarding children's labour situations. The level of verbal and corporal punishment of labouring children was much higher than expected. As well, the amount of social discrimination against labouring children was extreme, and was noted by many children. At the same time, all children, except street children, appeared to receive adequate nutrition and most came to their employment with some education and a wish to enrol in school, although this was not always granted by their employers.

In terms of releasing children from child labour, perhaps the most disturbing finding of the study was that a small percentage of children wanted to return home. This finding, coupled with the low percentage of working children who lived with close family members, means that many children, if 'freed' from child labour, would be without any means of support and protection from caring adults – and may be at greater risk than if they stayed in the workplace. This uncomfortable conclusion must be considered in planning interventions on behalf of working IDP children."

Kathmandu Post, 13 January 2005

"An NGO working for women and children has accused the police of frequently assaulting street children without any reason whatsoever. Legal Aid and Consultancy Center (LACC), on Thursday, said three policemen in uniform attacked a 16-year old beneficiary of the International Labor Organization ILO/IPEC program at Makkhantole, near Hanumandhoka, Wednesday night.

Issuing a statement, LACC said the child had sustained a serious head injury and was taken to Saath Saath, another NGO working for street children, after receiving treatment at Bir Hospital. The unconscious child was taken to the hospital by police after other children informed the police station about the incident.

Similarly, police also detained four rag-picking children on the same day on the suspicion that they had taken part in the demonstration against the price-hike of petroleum products. "We are

deeply concerned over the uncalled for harassment by the police of the children, who already are in a vulnerable position," the statement said.

LACC also said that internally displaced young people, who are and compelled to live in the streets due to the insurgency, have become easy prey for security forces. The NGO further stated that in most cases, street children lack proper identification papers or citizenships."

Watchlist, 26 January 2005, p. 30

"At least 5,000 children are living and working on the streets in Nepal, primarily in Kathmandu, Pokhara, Dharan, Narayanghat, Butwal and Biratnagar, according to CWIN. CWIN cites many causes for children ending up on the streets, including poverty, intensification of armed conflict and forced displacement due to armed conflict. Once on the streets, these children may take up a variety of odd jobs, such as begging, rag picking, portering and shoe shining. They are faced with hunger, lack of shelter, lack of clothing, vulnerability to trafficking and various forms of exploitation. The use and abuse of alcohol, glue sniffing and drugs are also problems for street children, according to CWIN.

On August 30, 2004, the Kathmandu Post reported that the Defense and Home Ministries have proposed a three-year security and development plan, prepared by the RNA, the Armed Police Force (APF) and Nepal police, which includes a proposal to "manage" the estimated 3,500 street children living in the Kathmandu valley, "Security Agencies Demand Additional Rs 11 Billion." According to the news article, management of street children is necessary because intelligence reports indicate that the Maoists are using street children to trace daily movements of high-level politicians and to transport explosives. No details were provided as to what "management" of street children would entail."

Mid- and Far-Western regions most affected by human casualties linked to the conflict (October 2007)

- The districts of the Far-and Mid-Western regions were the most affected by the conflict in terms of human casualties.
- Rukum, Rolpa, Dang, Kailali and Bardiya were the districts with very high number of casualties.

WFP and OCHA, 4 October 2007, p. 11

"Map 3 shows the human impact of the conflict including human casualties (based on INSEC data) as well as the data on orphans and widows collected by WFP field monitors as part of this assessment. The total indicates that many populations in Mid- and Far-Western Nepal were severely affected by the conflict in terms of deaths. Rukum, Rolpa, Dang, Kailali and Bardiya were the districts with very high number of casualties.

However, even though the number of casualties provides some measurement of conflict affectedness, care should be taken in using it as a sole indicator. For example, the number of casualties in a district may be high due to strategic military reasons such as the location of an army camp or their location along an important strategic route. Nevertheless, a high number of widows and orphans have been reported in districts in the Far- and Mid-Western Regions. Given the impact of high death rates in these districts, these communities may be most in need of psycho-social support, livelihood programmes for widows and life-skills projects for orphans."

Freedom of movement

Landmines kill children disproportionately, constrain movement of people within Nepal and contribute to displacement (April 2009)

- Children make up the majority of the nearly 200 people killed or injured by landmines since 2006
- Aid workers have warned that the increased freedom of movement in the wake of the November 2006 peace deal could result in more casualties.
- According to a Nepalese anti-mine group, an estimated 1,300 people have been killed by landmines in Nepal in the last decade.
- From only 4 mine-affected districts in 1999, the number increased in the following years to reach 75, or all the districts only 3 years later.
- The increased use of mines has restricted movements within the country and contributed to the increase in the number of IDPs by disrupting farming and economic activities.
- An anti-landmine activist estimates the number of landmines to reach at least 10,000.

SIRF, 6 May 2009, p. 42

"One of the major physical impacts of the armed conflict is the remains of the Mines and Improvised Explosive Devices (IEDs) used during the armed conflict. During the armed conflict both parties Maoists and security forces have used different kinds of explosives against each other. IEDs are causing a serious trouble as Explosive Remnants of War (ERW). They locally manufactured IEDs which even after CPA has caused much of injuries and deaths. Deactivation and Clearance of the Minefields are major challenges.

Comparatively the usage and impact has decreased in most part of the country but has increased in the southern belt, Terai, by various armed groups. The problem is that it can be easily made but difficult to remove or destroy for number of reasons. For one many of those who have placed them have died and others have no knowledge as it was not strategically planted but in haste so only relevant people knew of it. Furthermore, it has been displaced due to landslides and rainfall. Army said they have exact knowledge of their locations but for Maoist this is not true (based on the discussions on Mine Action group).

At present Victim Activated Explosions (VAE) 10 has been one of the major challenges in Nepal. Children are most vulnerable and susceptible group amongst the victims. Women too have been major victims while collecting fuel and fodder from the jungle and while fetching water from taps and water springs. They have been affected as they try to cut grass inside barbed wire fences of the army barracks where the mines field have been implanted."

OCHA, 16 April 2009, p. 4

"On 6 April, while marking the UN-declared 4th annual International Day for Mine Awareness and Assistance in Mine Action, UNICEF issued a press release that stated that landmines and other explosive devices have killed or injured 197 Nepalese since the end of the conflict in 2006. According to the statement, all of these explosions could have been prevented. Landmines and other remnants of war such as IEDs used during the decade-long conflict continue to take the lives and limbs of Nepalese, especially children. While the total number of casualties in Nepal decreased from 104 casualties in 2007 to 73 in 2008, children made up 63 % of those casualties. This gives Nepal one of the highest child casualty rates in the world. Women make up another 32

percent of the casualties and incidents have been reported in all the five regions of Nepal. According to the Mine Action Joint Working Group (MAJWG), which is composed of members from the Nepal Government, international donors, UN agencies, local and international NGOs, and the Nepal Armed Forces, during the conflict, landmines were planted by the Nepal Army in 53 locations and more than 300 IED fields were laid by the Nepal Army, Police, and Armed Police Force. Unknown numbers of IEDs were also produced by the Maoist army and continue to pose a threat across the country, even in storage as the explosives breakdown over time and become unstable. Use of IEDs by various groups throughout Nepal is still ongoing."

OCHA, 16 January 2009, p. 27

"Although Nepal has been in a post-conflict situation since April 2006, IEDs, landmines and other explosive remnants of war (ERW), used by both parties during the decade-long conflict – and more recently, by other armed groups – continue to kill and injure. In 2007, 104 civilians, including 49 children, died or were severely injured as a result of victim-activated explosions. As of 31 October 2008, sixty-two new casualties, including forty children, have been reported.²⁵ More than 90% of the casualties were caused by IEDs. Explosive devices stored in civilian homes and abandoned IEDs near villages have been the main sources of incidents since June 2006."

OCHA, 10 January 2008, p. 9

"The number of civilian casualties as a result of victim-activated explosions in Nepal places it among the top ten countries in the world. In the case of child casualties, Nepal tops the list with 57% of reported casualties being children in 2006. Civilian casualties continue, despite the end of hostilities, with 90 casualties reported as of early December 2007, 169 casualties in 2006 and 142 casualties in 2005."

OCHA, 23 February 2007, p. 16

"Nepal is among the top ten countries, having the highest number of civilian casualties as a result of victim-activated explosions. In the case of child casualties, Nepal tops the list - 57% of reported casualties in 2006 were children. Even with the peace process, civilians are increasingly at risk. 169 new casualties have been reported for 2006 while this number was 142 in 2005."

Nepal is yet to sign the Mine Ban treaty, however, mine action is a key element of the Comprehensive Peace Agreement and the 'Agreement on the Monitoring of the Management of Arms and Armies'."

IRIN, 21 January 2007

"Aid workers warn that the increased freedom of movement that has followed the 2006 peace deal between the government and the Maoists could put people's lives at risk as mines and unexploded ordnance have not yet been cleared."

"The end of the armed conflict does not mean there is safety," said mine and bomb risk specialist Hagues Laurence from the United Nations Children's Fund, UNICEF.

During the conflict, civilians were not allowed to move freely due to restrictions enforced by the security forces and the danger of getting caught in battles between the Nepalese Army and the Maoists. But now this has changed and lives could be at risk. The arms management agreement aims to remove improvised explosive devices (IEDs) made by the Maoists and landmines planted

by the government within 60 days of its signing in December, but some experts claim that would not be possible technically.

(...)

In 2006, there were about 86 explosions, causing 146 casualties, from landmines laid by government forces, and IEDs planted by the Maoists, according to UNICEF and a local human rights group, INSEC.

This was an 80 percent increase on incidents in 2005, according to their findings. According to the International Campaign to Ban Landmines, Nepal is among the top 10 countries for civilian casualties from mine and IED explosions.

About 57 percent of victims are children, who are most vulnerable because the devices were placed randomly near households and in fields, where children play. There are more than 12,000 mines in 50 landmine fields - including anti-personnel and command-detonated landmines in 37 districts, according to the Nepalese Army. There are no accurate figures on IEDs, but the army and UNICEF estimate between 100,000 and 500,000 have been planted around the country."

Reuters, 11 September 2006

"At least 1,290 people have been killed by landmines planted by government troops and Maoist rebels during Nepal's decade-old conflict, a leading anti-mine group said on Monday.

The victims, including nearly 200 women and children, are among more than 13,000 people killed since Maoist guerrillas bent on toppling the Himalayan nation's monarchy launched a revolt in 1996.

"It is very serious and most of the victims are innocent civilians," Purna Shobha Chitrakar, coordinator of Ban Landmine Campaign Nepal, part of a international anti-landmine campaign, told Reuters.

At least 4,262 others have been injured by landmines, said Chitrakar.

The government and Maoists agreed to a ceasefire after King Gyanendra restored democracy following weeks of popular protests in April and returned power to political parties, leading to the formation of a multi-party, interim administration.

Both sides have pledged not to lay any new mines as part of a peace process they launched in May but activists say all existing mines must also be destroyed immediately."

AFP, 10 December 2005

"The International Campaign to Ban Landmines (ICBL) says the number of deaths and injuries from landmines worldwide has fallen -- but not in Nepal, where a Maoist insurgency has seen both sides increase the use of the deadly devices.

Since the Maoists began their "people's war" in 1996, more than 1,200 people have been killed and 2,500 more maimed by landmines and improvised explosive devices (IEDs).

(...)

In 2004, the government began supplying local militias with landmines to be planted around villages, to protect them from Maoist attacks, according to the NCBL.

The year 2004 saw 389 landmine deaths in Nepal, and before the Maoists declared a ceasefire in September of this year, the devices had killed 203 people and injured over 700.

The ceasefire has improved the situation to some degree, but it still remains a serious concern for the NCBL"

ICBL, October 2004

"There have been no formal surveys or assessments of the mine situation in Nepal. The extent of the landmine problem is not fully known, but it has clearly grown significantly year after year. Landmine Monitor reported that four districts were mine-affected in 1999, 37 districts in 2000, 71 districts in 2001, and all 75 districts in 2002. Since the end of the cease-fire in August 2003, both government forces and rebels have been laying more mines. In 2004, the Army has been building more security posts, and planting more mines to protect them. In Rasuwa District, a landslide swept away landmines laid around the Ramche Army barracks, and the mines became a threat in a wide area.

Increased use of mines by government and rebel forces has had a corresponding socio-economic impact. The danger of mines has hindered movement within the country, but has also contributed to the increase in the number of internally displaced people and refugees. It has also disrupted farming and other economic activity. This is particularly true for the mid-western regions of the country.

The government has been expropriating more land, including agricultural land, to be fenced and mined for military purposes. According to a press article, in Chanak one man saw his land, valued at five million Nepalese rupees (US\$71,943), confiscated, then mined and fenced with wire. A former parliamentarian told Landmine Monitor that compensation is not always provided for the expropriated land and expressed concern that people have to move from their land to an unsecured life.

As the conflict has expanded and shifted to new battlegrounds, landmines and other explosive remnants of war in former battle areas are increasingly a threat for local populations. In Baglung District two children were killed when they played with mines found in such an area. In the Sallepakha Village Development Committee of Ramechhap District, villagers will no longer go into an area where they used to collect firewood, leaves and grass due to the danger of mines and UXO left behind after a battle between the Maoists and government forces."

Increasing number of landmines in Nepal

BBC, 3 December 2003

"Troops and Maoist rebels are increasingly using landmines in the conflict in Nepal, campaigners say. Those most at risk are children, the International Campaign to Ban Landmines said in a report released on Wednesday.

The number of civilian casualties from mines planted by both sides is rising as a result, they say. (...)

The Nepal branch of the International Campaign to Ban Landmines says the organisation has recorded around 500 deaths caused by landmines in the past 33 months.

More than 100 of the victims were civilians and a quarter of them children.

Thousands have died since the rebels took up arms in 1996. Of some 900 wounded, nearly one third were civilians.

The group's co-ordinator in Nepal, Purna Shova Chitrakar, said the army had planted more than 10,000 landmines in different parts of the country.

She said Maoist rebels frequently use improvised devices - but she could not say how many they have used.

Nepal is not a signatory to the 1997 international Ottawa Treaty that banned landmines.

The Nepal branch of the International Campaign to Ban Landmines says that the rebels are increasingly using both factory and homemade mines and explosive devices against security personnel."

Limited freedom of movement during the conflict (May 2009)

- During the conflict a pass system imposed by the Maoists made it difficult and risky for people to travel beyond their village. If the army found the pass, the villagers would be prosecuted.
- Strikes called by the Maoist further restricted people's movements.

SIRF, 6 May 2009, p. 46

"Maoists issued pass system to travel in various parts of the country. If people had to travel beyond their village they had to take a pass from Maoists and mention the days and purpose for it. People feared to be found with it by the security force, if found they would be prosecuted. The State too made it mandatory for people to carry their citizenship card without which people could not travel. The strikes called by Maoists restricted people to go to markets; people could not take their products to the market (broom, bay leaf etc) or get required products to villages,(i.e. fertilizers), trade goods produced or raw materials, which affected their livelihood too. One reason for preventing any goods to be carried in rural/urban area is Maoist believed the food is consumed by Army and vice versa. In Baruneshwor, Okhaldunga, Dalit community used to collect rice from Rampur and sold it in the District headquarter. That was their business and livelihood. The Maoists restricted people to carry rice from village to District headquarter which affected their livelihood. There were too many check points installed by the government, security forces made traveling difficult in any part of the country."

SUBSISTENCE NEEDS

General

Most IDPs report limited access to basic services due to discrimination and poverty (June 2009)

- According to the IDP Working Group assessment, nearly half of the displaced reported struggling on a daily basis to meet their most basic needs. 17 per cent reported having no means at all to make a living.
- Many IDPs reported facing stigma and discrimination as IDPs. Integration into the host community was reported as a severe problem not yet addressed by any organisation.
- Access to basic services such as health and education was reported as limited in most districts.
- Caste-based discrimination continues to exclude many people from access to basic services

IDP Working Group, 15 June 2009, p. 23

"Livelihood and economic options among respondents are quite miserable with 47% still struggling for their daily livelihood. 17% of the respondents expressed extreme hardships with no means of earnings (see Figure 4 - Alarming). Health, nutrition and education for their children were some of their main concerns. In some cases, heads of households are frustrated to the point

of depression, which in turn, is causing other problems for family members as well as those in the community. NGOs and political parties also supported these findings where most IDPs are faced with limited earning opportunities within a miserable local economy. Respondents from Kathmandu, Makawanpur and Bardia districts are reporting the worst conditions of all.

It is a very common for displaced people to face stigma, discrimination and other social problems in their places of displacement. There are many displaced people who do not want to be known as

IDPs. More than 50% of our respondents expressed that once they have been identified as IDP, they feel that they are classified undesirable by the host communities, and 28% of respondents say they remain isolated because of the stigma attached to being displaced (see Figure 5 - Alarming). IDPs integration within host communities is a tough challenge, and no interventions were observed

in the districts assessed. There is little sensitivity to the problem of stigmatism, and little effort to improve social harmony from the government or private sector side.

Access to Other Services

In direct interviews and discussions, respondents unanimously stated that access to essential services such as health, education, and legal services are limited. This response was prevalent in almost all the districts surveyed."

FIC, August 2008, pp.29-31

Discrimination. Seen from the perspective of villagers, unemployed youth, teachers or local administrators in the areas visited, there was a very strong sense that Nepalis were poised for dramatic positive change in their lives. The change had not happened yet, but it was within grasp.

Everyone, from sophisticated urban intellectuals to illiterate women in the remotest villages, was talking the language of “awareness,” “rights” and “inclusion”. “Now we are aware of our rights” proclaimed a woman in Rolpa from the Dalit (so-called “untouchable”) caste.³¹ A female Nepali community organizer working for a Nepali NGO in Nepalgunj explained that “people here were mostly illiterate and did not know their rights. They were not aware of the extent of their exploitation.” When asked what accounted for the change, she added that “education, the role of NGOs, the emergence of the Dalit movement had started to pick up in the early 1990s. When the Maoists appeared on the scene, they capitalized on the work of others. Janandolan 132 had announced the end to discrimination but had not put it in practice. The Maoists’ strength came from their ability to put these ideas into practice”.

“Awareness” came across very strongly as something new and valued. Actual change, however, was more elusive. This was echoed by a Chief District Officer in the central region who noted that “people are aware of their entitlements, but there is no drastic change in issues of discrimination. Change is very gradual”. Aid workers interviewed confirmed that gender and caste-based discrimination issues were now much easier to raise and that there was evidence both in Rolpa and Palpa districts—where the Maoists had had a longer-term presence at the village level—that discrimination was being slowly challenged. While the majority view, both in the communities and among aid workers, was that discrimination was on the decline, albeit very gradually, some observers were less sanguine. “The feudal system, reported one international aid worker, “is reasserting itself. The caste system was suspended during the conflict. Now it is coming back”.

In Yamgha village (Palpa district) there had been a conscious effort to construct a road through a settlement where people of lower caste background (kamis) lived. Village health clinics were now organized regularly in the settlements of people from lower caste background. A village health worker reported that “we regularly go to the locality where people from lower caste live. If we don’t go there and ask them to come to the school, they will complain and make a big issue.” Women and people from lower castes had joined different local committees both in Palpa and Rolpa (managing water, forest use and road construction) and were involved in varying degrees of decision-making. However, the process of inclusion seemed slow. Explicit discriminatory practices based on caste were not observed in the villages. Maoist presence and propaganda had contributed to a great extent to this. Several people (both from higher and lower castes in Rolpa and Palpa) had heard of or witnessed instances where people who had discriminated against lower caste people had been humiliated—for example forced to share food and water with Dalits—and asked to apologize in public. People mentioned intimidation/threats and sometimes punishments in cases of discrimination based on caste. In both these hill districts, it was felt that the Maoists and to a lesser extent, the NGOs had played an important role in raising the issue of social exclusion.

In the Terai, perceptions were different. Villagers and even local aid workers downplayed the role of the Maoists on exclusion issues and credited education and to some extent the work of NGOs for improvements. In a focus group with teachers in Banke district, participants—mostly upper caste—claimed that there was no discrimination. “Here Dalits can go to the temple. No problem.” said one teacher. Another added that “yes, they can go, but they don’t know how to pray!” There were also some hints at reverse discrimination. Some upper caste people felt that they were being excluded from the benefits of aid programs. A Brahmin young man in Palpa quipped that “if we keep saying ‘lower caste’ and ‘women’ all the time, it seems we won’t get anything. This is also discrimination, isn’t it?” Local aid workers also explained that discrimination was more ingrained in upper caste communities than among Dalits and ethnic minorities. For example, a group of Bahun (upper caste) female teachers in a village in upper Rolpa had found a creative way around the traditional practice of consigning women to an insalubrious shed during menstruation and childbirth: rather

than challenging the issue directly, which caste pressure prevented them from doing, they had pooled their resources to build a clean room that they could jointly use."

Displaced communities remain fairly well integrated, although living conditions are often difficult (December 2006)

- Most of the 12 women in the focus group interviewed for the MCRG assessment reported lack of food, shelter and employment as the main problems.
- Poverty severely restricted their access to health services and their children's access to school.
- People displaced in the early phase of the conflict, mainly from the wealthier strata, had little difficulty in re-establishing a livelihood in area of displacement.
- For the poorest IDPs, living conditions were described as difficult with little support to cope with high unemployment rates, large debts and a high level of dependency on assistance from relatives or friends.
- By and large, IDPs in Nepal live like the rest of the Nepalese, mainly thanks to traditional coping mechanisms.
- The open border with India has played a major role in preventing the displacement crisis to turn into a major humanitarian one.

MCRG, December 2006, p. 51

"The displaced women face a range of problems. The major problems, as they said, were lack of food and shelter and employment. They lived in rented rooms, but could hardly afford to pay the rent. On top of it, discrimination and harassment were the other problems. Both of the spouses are unemployed, so sometimes they even collected firewood from nearby jungles to earn some money to buy their food. The problems were further compounded as they could not afford schools fees for their children. Illiteracy was the main reason resulting in unemployment. Their landlords harassed some of them while others did not have access to drinking water resources. Health problems due to very hot weather were also putting them in trouble. Women were bound to tolerate psychological trauma due to displacement-related complications, like killing of family members, abductions, and forceful eviction from their homes. Malnutrition among their children and the lack of capacity to afford health services were the other problems. Male counterparts of most of the IDP women were away from them. A large number of them went to India seeking jobs there. This further led to disharmony in the family and, at times, even the families were broken.

(...)

Displaced males were facing different kinds of problems such as lack of food, shelter and clothing. Due to the illiteracy and skills required for the employment, they could not catch the employment opportunities available. In addition to this, due to ideological differences, locals were reluctant to offer jobs to some of the IDPs. Psychological problem due to loss of properties and trauma resulting from security threat from Maoists was another major problem of displaced males of Kohalpur area of Bardiya district. Lack of schooling facilities for their children, poor health condition due to unhygienic food and water and inability to approach authorities to entertain IDPs' rights were some other problems faced by them. The IDPs perceived that NGOs and the civil society organisations have been receiving large-scale assistance from donor agencies to support them. However, they did not receive such support so far and thus smelled manipulation of budget for some other purposes. They had received some support in terms of cash, tents and foodstuff from some organisations. However, they did not get any support after June 2005."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 9

"Many of the displaced people have integrated into their new environments. They are living with relatives or in rented accommodation, have been able to find jobs and enroll their children in schools. For others the displacement has been a serious obstacle in reestablishing a normal life, having lost everything they owned and coming to a town already pressured by an increased population. Originally, the majority of the displaced people belonged to the wealthier part of the population, that first wave of displacement was followed by displacement of more vulnerable groups.

The first weeks of displacement were described to the mission as an extremely difficult time for most of the displaced. Some had been forced to beg for food at the local hotels while taking care of their children. Because of the distrust among the host community, many faced problems renting flats or finding jobs. Most IDPs lived with relatives or in rented houses often in poor conditions. Many had run up large debts: they had left all their property and investments behind, had used their savings, and were forced to take up loans to survive. The unemployment rate among the IDPs was high. The women were reported to find work in hotels and bars; while prostitution was the only option for some. The mission also received reports of child labor among IDPs. Many mentioned that they still lived in constant fear, even if there had not been any incidents since they arrived at the district headquarters.

Upon arrival in district headquarters, some IDPs had received emergency supplies from ICRC such as a blanket and a kettle. Registering with the CDO had not resulted in any formal support from the Government. Some who had been beaten by the Maoists and the security forces had received free treatment, paid either by the government or the political party he or she belonged to. Most were dependant on support from their friends and relatives. A few women had received some support collected by women's groups in the headquarters. Emergency shelter has so far not been necessary as IDPs have not gathered in specific areas, but live scattered around the towns."

UNHCR, UNICEF, OCHA, OHCHR, NRC, February 2006, p. 6

"Fortunately however, due to the cohesive and extended family structures, and the open border with a large country of significant wealth and opportunity, there are not groups of hungry women and children gathering around Kathmandu or other urban areas or in camps. Rather, most of the displaced appear to be living in urban or semi-urban areas, privately accommodated and quietly going about the task of reconstructing their lives. Traditional coping mechanisms such as seasonal migration to urban areas and India, support of family and community members, and movement of youth to Kathmandu and beyond for educational and work opportunities, have helped the Nepalese population face the additional burdens imposed upon them by conflict. Displaced Nepalese mingle with established communities, living in private housing that ranges from adequate to barely tolerable. Whenever possible, their children attend schools, private or public. They use existing health services to the extent they are available and accessible. Essentially, they live as most other Nepalese in Nepal.

Because the displaced community – for the moment – remains fairly well-integrated, a large scale humanitarian response is not needed and would not be appropriate at this time. Nevertheless, the current response of the HGMM and the international community to the needs of Nepalese affected by the conflict is not sufficient or acceptable. In this regard, it is important and possible to make the distinction between seasonal migration to India and urban areas in Nepal, and displacements provoked by the conflict. The scale of the displacement within and from Nepal remains somewhat obscured because of the Friendship Treaty and the open border with India. Large numbers of Nepalese flee to India because there is no capacity or effective response to meet needs or ensure adequate protection within Nepal. If they had found refuge in another country, many of the Nepalese currently in India would warrant international protection and be granted refugee status. The need to recognize and understand the magnitude of the movement to

India due to conflict and the failure of systems in Nepal to address these needs is a principal observation of this mission.

(...)

Poorer populations have trouble covering medical and educational costs, as well as securing adequate housing, sanitation and water. Problems associated with the lack of access to basic services have been long standing; however these basic services have also been hard hit by the conflict as noted above. Amongst the groups of IDPs met by the mission there seems to be no specific discrimination against them in having access to what limited services exist. However, the rapid increase in urban populations was noted to have stretched existing services and infrastructure beyond its capacity in a number of towns, particularly in the Terai, and many poor lack financial resources to pay for required medical services. According to hospital administrator in Nepalgunj, medical services have been provided free of charge to displaced people, provided they have a recommendation from the VDC Secretary, such as a medical referral letter or a 'migration certificate' testifying to their status as an IDP. While this is valuable support for displaced with medical needs, it is not physically or politically possible for all to have equal access to their VDC Secretary and it cannot be assumed that this benefit is available to all needy IDPs. Also, mission team members heard other accounts of IDPs being prevented from accessing medical care and education in the region, which needs further assessment.

For the most part the mission agrees with many of the development agencies, that the material and livelihood needs of IDPs should be covered under the umbrella of development assistance and that emphasis should be given to absorption capacities of host communities. Of course, existing coping mechanisms should not be undermined. The mission however found a number of serious gaps in the delivery of development assistance, mostly caused by the conflict, which have contributed to a situation where a combination of material needs and security problems exerted unbearable pressure on the population. Also, there are serious indications that 'coping mechanisms' are beginning to fail, as people have reached the end of their savings to pay for rent or schooling and earnings from seasonal labour fall due to increased labour competition in India and a slowed economy in Nepal. Given the long period of displacement for some and the increasing numbers of displaced, it is no surprise that these support structures are reaching their limits."

Exodus to the urban areas places pressure on the infrastructure and capacity to deliver basic services (2009)

- Nepalese economists suggest majority of IDPs who move to the main cities end up as urban poor.
- Exodus is creating supply side constraints of drinking water, sanitation and other health services, which in turn further worsens the living standard of the poor people
- Exodus to the cities has placed enormous strain on urban services such as health, water supply, education and transportation. Government has resorted to rationing water in Kathmandu.
- Land prices have spiralled by as much as 100 percent in the past two years
- Displacement to urban areas is placing pressure on the infrastructure of urban areas, posing huge challenges for local governance.
- The arrival of the displaced is also resulting in increased competition for the marginalized people on the job market, lowering wages.

East-West Center, February 2009, p. 8

"Kathmandu Valley has always attracted people from the rest of the country. The rapid population growth and urbanization due to the migration of people in Kathmandu Valley from different parts

of the country has increased demand for housing, water, electricity, drainage, road and other utilities. Development plots are very expensive and not available at affordable prices and people are forced to buy raw agricultural land cheaply without the provision of basic infrastructure services (road, water, drainage etc); subsequently local governments face increased demand for the provision of infrastructure after the construction of houses. The cost of the construction of infrastructure services in such cases renders the housing on agricultural land more expensive in the long run than on developed land. Central government agencies and municipalities (with financial contribution from the local communities) are responsible for providing basic services, but most often the agencies and municipalities are not in a position to expand their networks due to shortage of funds, lack of their installed system, and lack of proper planning. Local authorities do not have the capacity to provide trunk infrastructure and services and their roles are limited to local-level infrastructure only.

The rural areas of Kathmandu have experienced unprecedented land subdivision and building construction over the past several years. An influx of internally displaced people has suddenly created a demand for housing plots and basic services. Those who cannot afford land in municipal areas prefer to stay on the fringe areas of the cities and villages."

Kathmandu Post, 20 April 2005

"(...) according to a survey, it was found that the largest chunk of such population that migrate to the cities later turn into urban poor," stated Dr Khadka.

"Very fact that 28 percent of the total population living in squatter settlements for the last 10 years are mainly people displaced by the conflict is an evidence to prove that people who shift to urban areas due to insurgency are prone to transforming into urban poor," he argued.

(...)

Commenting on the paper, Professor Dr Bishwambar Pyakuryal conceded that such increasing density of poor population in urban areas would create supply side constraints of drinking water, sanitation and other health services. That would further worsen the living standard of the poor people and affect others as well, he stated.

"Such condition will not only hinder the process of urbanization and economic development, but will also widen inequality and increase unemployment rate," he said.

Speaking on the occasion, Vice Chairman of Poverty Alleviation Fund, Dr Mohan Man Sainju observed that urbanization process in Nepal is considered as one of the fastest in the third world countries. "But, urbanization triggered by social disparity and displacement will further increase the gap between 'haves' and 'have nots', setting a stage for eruption of another conflict," he said."

INSEC April 2004, p. 119

"The capital city has been the top priority for destination among the displaced people because there is more chance of getting jobs. According to the Census 2001, the urban population increased by 3.5 per cent. According to another report the urban population has been increasing at the rate of 5.2-7 per cent. Unplanned settlement, unexpected rise in population density have affected the quality of drinking water, education, health services, electricity and other basic services. Problems are increased to contain diseases as well."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 15-16

"Displacement has a number of fairly obvious economic and social implications for Nepal. One of the main implications is the pressure that growing numbers of migrants are placing on the infrastructure of urban areas. Growth rates in some municipalities that are equivalent to a

doubling in size every 7 to 10 years pose huge challenges for local governance. Basic infrastructure such as roads, water supplies, sanitation, waste management and housing are frequently already inadequate and likely to become more so. Key services, particularly health and education are similarly coming under increasing strain.

For marginalised people in areas of IDP arrival, an increase in competition for unskilled labour is reducing daily wages and making livelihoods that are already precarious even more vulnerable. In some cases this is already leading to conflicts, which may become more common and serious in future.

In some cases, IDP livelihoods are dependent on the unsustainable use of natural resources. Obvious examples are the quarrying of riverbeds for stone and sand and the illegal cutting and sale of firewood. In addition to potential environmental problems, unsustainable use of these resources means that their ability to sustain livelihoods will be finite.

The negative implications of displacement and urbanisation are perhaps the most obvious. However there are more positive ones too. For example, growing urban areas provide growing markets for rural produce. The reduction of traditional caste and ethnic divisions in IDP communities might also be viewed as positive."

Most humanitarian indicators in Nepal have been at 'emergency' levels for generations (July 2009)

- Continued political disturbances and seasonal disasters further weakened the state's capacity to provide basic services, resulting in a deterioration of the general humanitarian situation in the country during 2009.
- Conflict has exacerbated the already fragile humanitarian situation.
- Mortality and malnutrition rates among children under five are alarming, with under-five mortality rates in the far-western region reaching 149 per 1,000 live birth.
- Access to safe drinking water is very limited with many rural drinking water systems having reportedly collapsed in rural areas.
- 39 out of 75 districts are food-deficient and 60% of rural households cannot produce enough food to feed themselves.

OCHA, 21 July 2009, p. 1

"Significant humanitarian needs remain in Nepal due to a combination of national and global factors: a particularly severe winter drought, ongoing civil and political tensions, chronic underlying vulnerabilities, and susceptibility to sudden-onset natural disasters, compounded by the global financial, fuel, and food crises of the recent months.

Food insecurity in Nepal is widespread and pervasive, and has resulted in some of the worst nutrition statistics in the world. More than 40% of the population is undernourished. Every other child under five is chronically malnourished, 39% are underweight, and 13% are wasted. In recent years the number of people facing hunger in Nepal has increased as a result of frequent and severe natural disasters combined with the effects of the food, fuel, and financial crises. In December 2008, 2.7 million people were identified as requiring urgent food assistance. Following a joint Government of Nepal and UN assessment undertaken in May 2009, an additional 707,000 individuals were identified as requiring urgent food assistance due to drought-induced failure of winter crops and high food prices."

OCHA, 16 January 2009, p. 14

"In the first half of 2008, OCHA Nepal led the process of preparing a comprehensive Needs Analysis Framework (NAF), on the basis of the IASC globally-endorsed model, aimed at serving as an analytical basis for the humanitarian action plan in Nepal and a reference for planning humanitarian appeals. Key findings are summarised here.

Nepal has been a partner country for development assistance for six decades, and has received considerable aid from foreign countries. However, the decade-long conflict significantly affected economic and social progress, causing large-scale humanitarian need. At present, Nepal finds itself in a transition phase from conflict to peace, from autocratic leadership to participatory democracy, from economic stagnation to sustainable and pro-poor growth, which will enable the government to take a much more proactive role in protecting its citizens from rights violations, deprivation, exclusion, poverty and discrimination. Following a series of inter-agency consultations, humanitarian need and action largely emerges along three inter-related axes:

1. Humanitarian need where indicators in health, water and sanitation, nutrition, protection, and education have crossed emergency thresholds

13% of all children nationwide are acutely malnourished;

An estimated 28,000 children die each year from diarrhoeal illnesses;

55% to 85% of drinking water sources are micro-biologically contaminated;

2.5 million people are in immediate need of food assistance and an additional 4.4 million are at risk of becoming food-insecure due to rising food prices;

The price of coarse rice and cooking oil increased by 23% to 30% between January and May 2008;

Floods and landslides are an annual occurrence; 70,000 families in 47 districts were affected in 2007. More than 40,000 families were affected in 2008. An estimated 40,000 persons affected by the Koshi flood disaster will need continued assistance in 2009;

An estimated 50-70,000 IDPs remain displaced from the conflict, and returnees face protection issues;

There are still more than 100,000 refugees in seven camps awaiting a durable solution since 1992;

There were 124 reported violations of the BOGs in the first half of 2008.

These chronic and recurrent humanitarian needs call for urgent humanitarian action in order to address the existing caseload.

2. Acute vulnerability to shocks such as natural disasters, communal violence or conflict due to chronic poverty, poor infrastructure, weak government institutions, entrenched discrimination and social exclusion

The population growth rate is 2.25% and the urban growth rate is 6.1%;

71% of water points surveyed are not functioning or require major repair or rehabilitation;

Four million people live in ad hoc settlements;

Only 36.6% of the population live in permanent houses and 41% of households reported inadequate housing;

28% of the population lives more than a 30 minute walk from a health centre;

80% of top posts in the civil service are held by three social/ethnic groups representing only 37% of the population;

8% of total officer level post in the civil service are held by women (Ministry of Women and Social Welfare, 2008);

District to district, 50 to 150 school days out of 220 were missed due to protests, strikes and government closures during the 2006/7 school year;

Earthquake risk is omnipresent. A 7.5 magnitude earthquake in Kathmandu would cause an estimated 40,000 casualties and an estimated 80% of all hospitals would be destroyed;

Public security is lacking in many parts of the country with 190 abductions during the first six months of 2008;

11,000 children are associated with armed groups and the prevailing dynamics bear new risks for children, including displacement, and trafficking;

District-level government staff operate in a difficult security and political environment;

International agencies and local NGOs have adjusted programmes in Eastern and Central Terai districts, due to insecurity;

Terai armed groups have demanded that I/NGOs and aid agencies leave the Terai.

These risk factors require urgent preparedness and risk reduction activities aimed at reducing the future humanitarian caseload.

3. Lack of progress against key benchmarks where insecurity and political dynamics have made access and delivery by government and development actors difficult

31% of the population and 47% of Dalits are below the poverty line;

Under-five mortality is 61/1000 and the maternal mortality rate is 281/100,000;

81% of births are delivered at home without skilled assistance compared to the Millennium Development Goals (MDG) target of 40%;

50% of children are stunted compared to an MDG target of 30%;

62% of heads of households have no primary school education;

The net enrolment rate for primary education is just under 90% compared to the MDG target of 100% in 2015;

The net enrolment rate for primary education for females is 74% (Human Development Report (HDR), UNDP, 2007/08);

Household income spent on food is 59% nationally and 73% for the poorest quintile;

Since 2002, an absence of elected district and VDC bodies meant to provide and oversee government services;

Percentage of women in total economically active population - 48.1% in agriculture and 34.4% in non-agriculture (UNFPA, 2007)."

FIC, August 2008, p. 24

"There is some controversy around the issue of whether or not the conflict triggered a humanitarian crisis. Two points are worth making. The first is that, until 2001-2002 for most donors and aid agencies sitting in the capital, the conflict was a distant affair. It did not interfere with their relationship with their government counterparts and local partners. Like the government, donors and agencies were in denial or at best did not understand what was going on. It was, as many observers now point out, "business as usual". Donors and UN agencies cultivated the illusion that local government authorities were still in place and that it was possible to advance decentralization, local governance and other development programs through them. "They were slow," one observer told us, "in recognizing that the insurgency was, in fact, at the core of their business: that development work had reinforced the structural inequalities that had led to the conflict. They were complicit but could not see it". Moreover, few aid agency officials had direct experience of what was happening in the hills. Until 2005 no UN international staff were based outside Kathmandu. As for agency national staff who traveled to the field, they were often regarded—because of their elite background—as more "outsiders" than the foreigners. One donor official recalls that "psychologically, it was very difficult for my senior national staff to engage with the Maoists on the ground. It was totally uncharted territory for them: they viewed the Maoists as 'cannibals'. The first encounter was often liberatory".

The second point is that, at the best of times, life in the hills of Nepal, where structural violence and underdevelopment combine, was poor, nasty, and short for the majority of the population.

Over one third of the population of Nepal subsists below the absolute poverty level and 86 per cent under the \$2 per day mark.²⁵ The extent to which lives of the poor were made worse by the conflict is unclear. While all agree that the conflict resulted in direct threats to human life and displacement, observers disagree on how much the war affected livelihoods. The argument has been made, for example, that losses in agricultural production were largely compensated for by increased remittances from migrants. Paradoxically, access and transport to some areas improved because both sides engaged in road construction projects (sometimes using forced labor) for strategic purposes. For its part, the government tried to maintain and even boost social services in areas it controlled. As for aid agencies, their initial encounters with the Maoists were problematic—especially for US-funded NGOs—but a process of accommodation ensued. Intimidation and requests for extortion were balanced by agreement of both sides to respect the BOGs. Unsurprisingly, most development agencies argued that the humanitarian consequences of the crisis were hyped, while the humanitarian agencies argued the opposite. ²⁶"

OCHA, 10 January 2008, p. 8

"In 2007, humanitarian indicators for Nepal, which always bordered on global emergency thresholds, were further exacerbated by the weakening of state services due to ongoing political disturbances and seasonal disasters.

More than half a million people became food-insecure due to floods and landslides (July-September) in 2007. The floods severely impacted upon the food security status of poor households, many of whom lost their houses, food stocks and assets. The drought directly affected the agriculture industry, weakening local food production for the third consecutive year in many communities of Nepal. Cereal production was significantly affected, in particular in the Eastern and Central Terai. Overall, paddy production, the most important crop in Nepal, declined by an estimated 13% nationally. Acute malnutrition is estimated at 13%. The conflict affected areas of the mountain and hill regions of the Far and Mid-West have the highest incidence of stunting and underweight. In these areas, more than 65% of children are stunted and almost 50% of children are underweight, indicating an ongoing crisis among conflict-affected populations. Protection concerns in Nepal are linked to the underlying causes of the conflict that are yet to be addressed."

Livelihoods of people living in rural areas in the Far- and Mid-Western Hills and mountains most affected by conflict (October 2007)

- Districts located in the Far- and Mid-Western Hills and Mountains suffered the most from the conflict and its consequences. Other districts in Central and Eastern Hill Regions and some areas in the Eastern Terai were also heavily affected.
- Based on the assessment's findings, priorities for assistance include small scale irrigation schemes, drinking water schemes, training in income generation activities, and rehabilitation and (re)construction of infrastructure such as roads, bridges, VDC buildings, agricultural service centres and health posts.

WFP & OCHA, 4 October 2007, p.3-8

"The data presented is an initial attempt to gain better insight into the impact of the conflict on people's livelihoods and to provide guidance in targeting peace building and recovery interventions. Information and data was collected by the WFP field-based surveillance team during a rapid assessment in April 2007 which covered 37 districts of the country.

(...)

Key findings include:

Results of the assessment show that much of rural Nepal was significantly affected by the conflict. The conflict impacted employment and trade, civil and social relations, food availability

and production, access to markets, gender roles and personal security. These in turn affected household livelihoods and food security.

In general, districts with the most severe conflict impact are located in the Far- and Mid-Western Hills and Mountains. This area also has some of the lowest development indicators in terms of food security, accessibility, poverty and malnutrition.

Districts in the Central and Eastern Hill Regions and some areas in the Eastern Terai have also been heavily affected by the conflict.

From a food security and livelihood perspective, priorities for assistance include small scale irrigation schemes, drinking water schemes, training in income generation activities, and rehabilitation and (re)construction of infrastructure such as roads, bridges, VDC buildings, agricultural service centres and health posts."

(...)

Map 1 shows the outcome of the overall conflict impact classification. Of all VDCs covered by the assessment, almost 55% were highly to severely impacted by the conflict while 45% were moderately or not significantly affected (Figure 1).

The Far-Western Region was most severely impacted with more than three fourths of the VDCs experiencing high to severe impact, followed by the Hills, Terai and Mountain districts (Karnali) of the Mid Western Region (with about two third of the VDCs with high to severe impact). Districts in the Central and Eastern Mountain Region and the Central Terai Regions were least impacted with only about one fourth of the VDCs experiencing high to severe impact. The impact in the Eastern Terai was comparable to that in the Mid-Western Region with almost two third of the VDCs highly to severely affected by the conflict (see Map 1 and Figure 2)."

Food

Sharp and sustained decline in food security due to a collision of crisis (January 2010)

- The number of food insecure people in Nepal is reported to have tripled in the last three years. In early 2010, an estimated 3.7 million were considered to be in need of food assistance.

UNSC, 7 January 2010, p. 9

"37. Severe and protracted drought, sustained high food prices and the global economic crisis have tripled the number of food insecure people in Nepal over the last three years. An additional 300,000 Nepalese are now facing food insecurity because of the poor summer crop harvest, bringing the total number to 3.7 million. This is aggravating the already very poor nutritional status of children, and levels of acute malnutrition in some districts are now above emergency thresholds. The World Food Programme (WFP) has been providing food assistance to more than 1.6 million of those Nepalese most in need, which has helped to stave off hunger for many. This level of assistance will be needed through early 2010 until winter crops are harvested in May and June."

UNSC, 26 October 2009, p. 10

"46. Food insecurity continues to dominate humanitarian concerns. A combination of drought and high food prices in Nepal has increased the number of food-insecure people to 3.4 million. The Government is estimating a 400,000-ton cereal shortage for 2009. The cost of staple food in Nepal is now as high as during the peak of the international food crisis in August 2008, and it is expected to rise further. The World Food Programme has added another 700,000 people to its beneficiary caseload, bringing the number of people receiving food assistance to more than 2 million. By 13 October, landslides and floods had affected more than 16,000 families and resulted in 143 deaths."

WFP, 8 September 2009, pp. 2-5

"In recent years, Nepal has experienced a sharp and sustained decline in food security. Like many countries in the world, Nepal has been hit by a collision of crises, the intertwining effects of: the World Food Crisis, the International Economic Crisis, and the Global Climate Change Crisis. These crises come on top of serious domestic food challenges, including a domestic food production crisis, high rates of poverty, 10 years of recent civil conflict and ongoing political instability. Compared to neighboring countries, and indeed countries around the world, Nepal's food security situation has suffered considerably over the past 3 years. WFP estimates that:

3.4 million people have become highly to severely food insecure due to 2007/08 food price increases and the 2008/09 winter drought, an additional 5 million people have potentially fallen below the poverty line in Nepal during the past 3 years, and the cost of coping with food insecurity has increased dramatically (e.g. 30 percent of rural and regional families monitored by WFP during October—December 2008 removed children from school, and over 30 percent sold agricultural assets).

While the onset of this decline in food security has appeared rapid, a serious food crisis in Nepal has been long in the making. Increased food vulnerability across much of the country is the inevitable result of a growing population coupled with relative stagnation in both food production and other development. Over the past 3 decades, the percentage of government expenditure on agriculture steadily fell from around 30 percent in the 1980s, to below 20 percent in the 1990s, to 5 percent in 2008. During this period, Nepal has frequently fallen food deficit, including a food grain deficiency of 225,000 mt in 2006/07 and 133,000 mt in 2008/09¹. In addition, poor food access, and limited capacity to manage food shocks, is a chronic reality across much of the country. Great disparity in agricultural production exists between geographical regions and Nepal has one of the highest prevailing rates of poverty in the world. Following 10 years of civil conflict, Nepal now ranks 142 amongst 177 nations in terms of the Human Development Index, and 156 in terms of Purchasing Power Parity (PPP\$)².

Hunger and malnutrition are often considered a 'silent crisis', and in few places is this more so than Nepal. Even prior to the recent deterioration in food security, the rate of malnutrition was alarming; at crisis level according to definitions set by the World Health Organization. The rate of chronic malnourishment in children under 5 is estimated at 48 percent, with an average rate of 60 percent in mountain areas³. This is the worst level of malnourishment in Asia, and is comparable to the worst countries in Sub-Saharan Africa, including: the Democratic Republic of Congo (44 percent), Sudan (48 percent), Uganda (45 percent) and Somalia (42 percent)⁴. Yet Nepal is not internationally associated with harrowing images of hunger. Even within Nepal there is often publicly displayed denial, acceptance or ambivalence towards the absolute seriousness of the situation and the critical cost of coping.

(...)

The impact of continued instability

While agricultural production and agricultural marketing have improved since the end of the conflict, continued political instability is deepening and prolonging hunger across Nepal. By June 2009, 10 months into the financial year, across all Ministries, the Government had reportedly failed to spend 64 percent of budgeted and available funds for the year. This includes the Ministry of Agriculture and Cooperatives which had spent only 16.5 percent of money available to develop agriculture³. Under-spending, is severely impairing development within the country, and is discussed in more detail on page 15.

Frequent unrest, in the form of politically motivated bandhs, strikes and blockades are also causing major problems in food supply, market operation and ultimately food prices. In April 2009, a 13 day strike in the Terai resulted in nearly 40 percent of Hill and Mountain markets having insufficient or depleted supply of major commodities. Indeed, in the first six months of 2009 there were reportedly only 12 days without major bandhs⁴. During 2008, WFP found that 20 percent of traders listed bandhs as the most important factor influencing food prices in Nepal. This was considered as more important than the rising price of imported commodities. Figure 5 on the following page highlights the extent of the problem across the country during a 38 day period in mid 2008.

Continued agitation is also impacting the delivery of humanitarian assistance on a weekly, if not daily basis. For instance, during the above mentioned Terai bandh in April 2009, WFP was unable to move 3,000 mt of food through the Terai for ten days. This resulted in food deliveries not reaching more than 325,000 highly food insecure people. Each bandh creates a domino effect across the country, reducing access to food and basic services especially for the poor⁵."

OCHA, 16 January 2009, p. 20

"In the course of the past year, the global community experienced an unprecedented rise in food prices. There are strong indications that the volatility in global food prices will remain for the foreseeable future, coupled with an upward shift to higher (real) prices in the medium term. The shift

in food prices poses both challenges and opportunities for the international community, which now

recognises the importance of significantly increasing investment in agriculture as well as food assistance as a means of addressing serious concerns related to global food security and poverty. In this appeal, immediate response measures focused on both targeted food and food production-related assistance have been identified.

Food insecurity is pervasive throughout much of Nepal, with 41% of the population undernourished. 39% of children under five are underweight, while almost one in every second child is stunted – one of the highest rates in the world. In some of the most, remote, underdeveloped districts in Nepal, chronic malnutrition rates are nearly 80%, out of which 50% is severe.¹⁷

The majority of Nepal's people are subsistence farmers, with nearly 25% of the population living on

less than \$1 a day. Many households can only produce enough to meet their basic food needs for three to six months. Lack of adequate roads, market networks and economic opportunities in remote areas severely limit 1) the capacity of vulnerable populations to deal with shocks such as localised crop failures, natural disasters, and rising food prices, and 2) the government's ability to provide safety nets during critical periods of food insecurity.

High food prices are plunging people already on the edge into deeper poverty and significantly

reducing the ability of conflict-affected populations to recover their livelihoods. Before the global food crisis, Nepal's population spent nearly 60% of their income, on average, on food.¹⁸ For the extreme poor (about 5.5 million people), this percentage increased to 78%.¹⁹ Because of high food prices, people have shifted their consumer behaviour to buying smaller quantities and cheaper food items and increased buying on credit due.

According to a WFP/GoN emergency assessment, 90% of the surveyed population experienced a food shortage this season, with almost 70% of those reporting a deteriorating trend compared to the previous season. Most households (94%) have seen an increase in household expenditures, largely due to the high food prices.²⁰ As a result of these factors, approximately 2.5 million people in rural Nepal are in need of immediate food assistance. An additional 4.4 million people including 525,000 urban people are at increasing risk of becoming food-insecure due to the high commodity prices."

Populations in the Mid-Western and Far-Western regions are the most most vulnerable to food insecurity caused by drought (May 2008)

- Despite an increase in the national production of summer crops compared to previous years, there are still a significant number of people affected by poor harvest, mainly in the Mid and Far Western regions. In addition an estimated 50,000 people, mainly IDPs and landless people are likely to face acute food insecurity problems.
- Low purchasing power and high market prices are the main causes of very high food insecurity level in the Hills and Mountains of the Far and Mid-Western regions.
- In April 2007, FWP reported that a total of close to 25,000 drought-affected households in the Mid-Western region required emergency food assistance.
- In 2006, WFP identified 10 districts in the Far-Western hill and mountain regions as in need of immediate food assistance as a result this winter's drought and a reduced summer crop production in late 2005.
- According to WFP, at the end of 2005, the situation in Nepal was characterised by chronic food insecurity in the hills and mountains, but did not qualify as an alarming food crisis.
- A study by ACF in September 2005 showed very different nutritional and health conditions, depending on the district visited.
- World Vision notes high levels of acute malnutrition in all districts of the Mid West and extremely high levels of chronic malnutrition in Jumla, Jajarkot and Kalikot.
- Level of food security found to be precarious in all districts assessed. Food insecurity higher in rural areas than in district headquarters.

OCHA, 13 May 2008, p. 3

"Early forecasts of the winter wheat crop seem to indicate that poor communities in the hills and mountains of far and mid-western Nepal may be facing another bad year. Prices for key commodities are on the rise, but at this point remain at a manageable level for consumers. Should prices continue to increase, the incoming government may face a critical challenge. WFP has said that it urgently needs US\$42 million, which reflects roughly a 26% increase in costs as a result of rising fuel and food prices, to extend food assistance to two million of Nepal's most food insecure population.

(...)

The Central Bank of Nepal estimated that the price of rice has increased by over 30 percent in the last three months. The government has imposed a ban on the export of food grains, namely rice and wheat in view of the food shortages in the international market, effective as of 30 April."

OCHA, 15 April 2008, p. 3

"WFP estimates that winter crop production levels are down by 20-40 per cent in the hill and mountain districts of Mid and Far-Western Nepal. Crop production levels in these areas are Much worse than last year, mostly due to lack of rainfall and damage from hailstorms. These poor production levels are likely to place further upward pressure on the prices of rice and wheat which have already increased by up 30 to 40 per cent over the last few months. For the nearly 8 million poor, many heavily depended upon the winter crop to cover their food needs until the summer harvest, this is likely to have a severe impact on their food security."

WFP, December 2007, p.1-5

"Various reports and estimates from the Ministry of Agriculture and Cooperatives (MoAC) suggest a considerable increase in the national production of summer crops compared to last year (which was the lowest recorded in the past ten years). In spite of a generally good situation at the national level, information from WFP's field surveillance has revealed that there are a significant number of people affected by poor crop harvest in the Mid and Far Western development regions, due to localized problems. As of mid-January, this poor crop harvest combined with the lack of access puts at risk of acute food insecurity an estimated 150,000 people (Table 1). Moreover, about 50,000 people (IDPs, landless and with very little land) are likely to face acute food insecurity in western Terai district of Kapilbastu, which was affected by recent violence.

(...)

At the national level, the production of summer crops, especially that of paddy, has increased compared to last year. However there are significant geographic variations within the country and certain remote and poor areas in the Mid- and Far-Western districts such as Dailekh, Jajarkot, Kalikot, Humla, Mugu, Rukum, and Bajura are suffering from a production loss as high as 40% or higher. This is likely to adversely affect the food security situation of these poor and vulnerable communities, including poor and landless people in Kapilbastu affected by the recent violence. WFP will continue to monitor the situation of these communities. The situation of the ongoing winter crop will have an impact on the food security situation of the communities after April/May. WFP is closely monitoring the winter crop situation and its likely impacts, and this will be reported in the next update."

FAO & WFP, 26 July 2007, p.6

"Lack of access to food is the core long-term food insecurity issue in the Hills and Mountains of the Far and Mid-Western Regions because of very low purchasing power and extremely high market prices. Food deficits in these areas will not lead to an increase in private imports, and are not expected to be met from either NFC or WFP due to very high transportation costs which prohibit sufficient quantities of food from being transported to these deficit areas.

(...)

Cereal markets in most of the Terai and Hill areas are integrated with Indian markets, and the staple food prices are mainly determined by Indian markets. However, the rice prices in the Mountains are consistently much higher and food markets are highly isolated. The monthly prices for three years from May 2004 to April 2007 show that the rice price in the Mountain markets was on average 177 percent higher than the rice price in the Terai markets of the Mid-Western region and 123 percent higher than in the Eastern region.

Rural poverty is a key factor affecting food security in rural Mid-Western and rural Far-Western regions, with poverty incidence at 46.4 percent and 45.6 percent, respectively, according to estimates by CBS, WFP and World Bank. Based on the Mission's estimate, people living in the

mountains spend (on average) more than 65 percent of their income on food, compared with a national average of 36.9 percent.

The incidence of undernourishment as measured by insufficient caloric intake is very high in Nepal. At national level, based on the Mission estimate, the proportion of undernourished population is estimated at 40.7 percent, with the minimum caloric intake requirement of 2 124 kilocalories per day set by the CBS. Not surprisingly, the Far-Western and Mid-Western rural region have a much lower mean dietary energy consumption (2 250 kcal and 2 310 kcal, respectively, compared to 2 405 kcal of national level) and thus the highest incidence of undernourishment (about 50 percent). Consistently, the share of population with severe deficiency in food energy intake as measured by the threshold level of 1 910 kcal/person/day and 1 810 kcal/person/day is also much higher compared to rural population of the Eastern, Central and Western regions.

The Mission is concerned about the very high levels of malnutrition in Nepal, especially in the Mountain and Hill areas of the Far- and Mid- Western regions, where generally more than 60 percent of children are stunted and 50 percent are underweight, and in the Terai where on average 17.7 percent of children under five suffer acute malnutrition."

OCHA, 17 July 2007, p. 10

"Drought-affected populations are likely to be among the most vulnerable, particularly in the Mid- and Far-Western Hill and Mountain Regions. Nutrition assessments have confirmed the emergency situation, particularly in areas of consecutive seasonal drought⁴. Without additional support, their health and nutrition will deteriorate further."

OCHA, 12 June 2007, p.3

"In its latest food security bulletin, the World Food Programme (WFP) reported that the overall winter wheat production in the country increased by 8.6%. However, due to late rainfall, heavy snowfall, hailstorms and disease infestation, the crop situation remained less positive in several Hill and Mountain districts of Mid and Far Western Regions. WFP reported very low wheat production in certain VDCs of Dailekh, Jarjakot, Rukum, Kalikot, Dolpa Mugu and Humla districts of the Mid Western Region as well as Baitadi, Achham and Bajura districts in the Far Western Region. According to the current WFP estimates, about 40,500 people in the Mid and Far Western Nepal are currently facing acute food crisis whereas another 172,000 are at risk of food insecurity. In response to the precarious food security situation in the above mentioned areas, WFP extended its current emergency operation until the next harvesting period in November."

OCHA, 5 April 2007, p. 3

"The World Food Programme (WFP) released its latest food security update covering Emergency Operation (EMOP) to provide food assistance to drought affected populations in Mid and Far Western Nepal. According to WFP, a total of 24,866 households in Rukum, Jajarkot, Dailekh, Jumla, Kalikot, Bajura and Humla districts require emergency food aid. WFP further reports that 90% of the farmers in these areas are likely to experience failure of wheat and barley, the main winter crops. WFP also reports that a reduction in variety and quantity of food intake by households in EMOP areas has adversely affected the nutritional status of children under the age of 5. According to the WFP food update, 53% of children in EMOP areas are malnourished, 9% of them severely whereas a further 24% are at risk of becoming Malnourished. In order to meet the

immediate food needs of the affected households, WFP will continue providing food aid in the above stated districts for the next two months until the harvesting season."

OCHA, 23 February 2007, pp.10-11

"A recent national Demographic and Health Survey (DHS, 2006) found that around 50% of children under-five are underweight: 43% are stunted, and 12% are acutely malnourished. The situation has further worsened in the ten mountain and hill districts of the mid and far west regions, due to extensive food shortages as a result of recurrent droughts. Nutrition surveys conducted in the area have found alarming rates of malnutrition. The district wise surveys conducted by UNICEF have found the prevalence of underweight between 60-80% and wasting around 12%. Nutritional surveys conducted by Action Contre la Faim (ACF) in Mugu and Humla districts in March 2006 found 12.3% wasting amongst children.

Severe wasting unless treated has an extremely high risk of mortality. Rapid assessments and reports from I/NGOs working in these regions indicate that essential medicines are not available in the health facilities, even medicines needed to treat diarrhoea and pneumonia. These illnesses are the leading causes of child death in Nepal and often present in severely malnourished children as well.

According to WFP, 39 districts are food deficit and 60% of rural households are unable to produce enough food to meet their basic needs. 70 VDCs in 10 Mid and Far West regions are still severely affected by winter 2005 drought. Only 40% of the targeted 375,000 people have received food aid so far.

Besides drought, Nepal is prone to other seasonal disasters like floods and landslides, debris flow and soil erosion. Recent floods and landslides in the western, mid and far western Terai and hills have affected more than 14,000 families.

In October 2006, the Ministry of Agriculture led a Crop Loss Assessment, which was supported by WFP and Food and Agriculture Organization (FAO). The assessment found an overall reduction in paddy production of 12.5% due to drought. Most affected are the Eastern Terai and the Karnali (Midwest region) districts.

In addition, a joint FAO/WFP Crop and Food Supply Assessment Mission (CSFAM) is being planned to collect accurate information on the current and prospective food security situation to minimise the impact of potential food insecurity problems on the affected population and to take necessary steps for rehabilitation in agriculture."

WFP, May 2006, pp.1-2

"Using primary and secondary data gathered through the Food Security Monitoring System (FSMS) and a rapid EFSA, 70 Village Development Committees (VDCs) in 10 districts in the mid and farwestern hill and mountain regions of Nepal have been identified as severely or highly affected by this winter's drought and in need of food assistance. These chronically food insecure areas already experienced a reduced summer crop production in late 2005 due to late and erratic monsoon rains and now are expecting a 50% to 100% crop failure due to the lack of moisture this winter. Food availability and access in the targeted areas are severely limited due to the drought conditions recently seen.

(...)

Current Level of Food Insecurity in Selected Districts of Mid-West and Farwest

Source, WFP, May 2006

The main affected districts are Bajura in the far-west region, and Dolpa, Dailekh, Humla, Jajarkot, Jumla, Kalikot, Mugu, Rukum and Rolpa in the mid-west. Using both primary and secondary data, VDCs in the affected districts have been classified under three degrees of vulnerability: severe, high, and moderate (cf map in annex IV). Total population under severe and high levels of vulnerability and needing external food assistance is estimated at 225,000."

IRIN, December 2005, p. 11

"A field assessment by one international NGO, Action Contre la Faim (ACF,) in September 2005, highlighted very different nutritional and health conditions, depending on the district visited.

Yusuf Hammache, Asia Desk officer for ACF in Paris, said the report was an opportunity to dispel polarised views that Nepal is either a development challenge or facing an apocalyptic crisis.

For example, conditions in Kathmandu or on the Terai (the southern plain along the border with India) and some parts of the far west, were best suited to a development approach as economic exchanges and amenities continued to function relatively well, he said.

However, substantial regional variations mean Nepalis do not experience the year in the same way. Other districts had witnessed seasonal food gaps, forced or voluntary migration and increased vulnerability.

"It has become clear to us that there are pockets of vulnerability in the country and the conflict has been very much the catalyst for the degradation," he said."

World Vision rapid assessment notes high level of acute malnutrition in all districts of the Midwest

WV, February 2003, pp. 8-9

"Based on the growing concern regarding the nutritional status of children in the Mid West Region, a rapid nutritional and food security assessment was conducted by World Vision International Nepal (WVIN) in Jumla, Jajarkot and Kalikot Districts during February, 2003 (initial findings in Dailek District indicated an assessment was not necessary there at this time).

(...)

Main findings

High levels of acute malnutrition were discovered in all districts of the Mid West. 12.83%, 10.91% and 11.53% of children assessed in Jumla, Jajarkot and Kalikot Districts respectively were found to be either moderately or severely acutely malnourished. In comparison, the incidence of acute malnutrition in Lamjung District (4.6%) was far less. Incidence of acute malnutrition greater than or equal to 15% is considered a severe public health concern.

Extremely high levels of chronic malnutrition were revealed in the three districts of the Mid West Region. In comparison to the incidence of chronic malnutrition in Lamjung (37.07%), a level that in itself is considered high, the incidence of chronic malnutrition in Jumla, Jajarkot and Kalikot were estimated at 78.32%, 69.64% and 83.06% respectively. Taking into account that the World Health Organisation considers an incidence of equal to or greater than 40% a severe public

health concern, these figures clearly indicate the need for urgent attention. These figures are also high in comparison with the national estimates of chronic malnutrition, which at present is approximately 50%.

The level of food security, despite not having changed significantly during the past five years, nevertheless was found to be precarious in all districts assessed. Many residents are only food sufficient for 3 or 6 months, if at all. Food insecurity tends to be higher in rural and remote areas as compared to in district headquarters'.

Several major factors are currently precipitating the current status of food insecurity in the districts assessed. These include a lack of opportunities for income generation, inadequate availability of and access to food, and low socioeconomic status.

From discussions with participants, it is apparent that coping mechanisms traditionally used to deal with food insufficiency are becoming stretched. Such mechanisms include participation in wage labor, migration to urban areas within Nepal, external migration e.g. to India, sale of property such as land, jewelry and livestock, taking of monetary loans and the importing of food by foot from surrounding districts.

The ability to locally produce food is decreasing in many remote villages due to both a decrease in soil fertility. In concurrence, the population of the areas assessed is rapidly increasing, placing further strain on food availability. While the situation is not currently at a crisis level, the potential for rapid deterioration is considerable."

Health

Psycho-social needs of victims of violence, including IDPs remain unaddressed (May 2009)

- Conflict has created very high levels of trauma among people, in particular among children. Many people continue to have nightmares even if the conflict has ended.
- In early 2008, the UN noted significant gaps in providing mental health services. There were virtually no referral system and counselling capacity for trauma cases.
- Inter-agency mission to the Eastern Region in May 2006 noted widespread psycho-social concerns among IDPs
- Adaptation from a rural to an urban environment is often difficult for displaced persons.
- Due to the conflict thousands of children are pouring into urban and semi-urban areas like Kathmandu, Biratnagar, Nepalgunj, Bhairahawa, Pokhara, Kailali and Surkhet.
- They are compelled to live in unhygienic and hostile places, including the street and are suffering from deep psychological trauma.
- While economically well off children of the capital are going abroad, those from rural and semi-urban areas who can afford are coming to Kathmandu.

SIRF, 6 May 2009, p. 43

"People have been traumatized by grave human rights violations by both the Maoist and the security forces. Both sides killed, tortured suspected family member in front of their families; abductions and arrests occurred at gun points, in some cases, schoolteachers were mutilated,

hanged, and/or shot in the school premises. Family, teachers, and others were seen with chopped off hands or legs or heads. In many cases children themselves had to face these tortures and or got killed. Many people and children are killed in cross-fires too. In some cases, the children are so traumatized that they do not want their father to leave home after dusk, if he needs to go they ask many questions before he could leave, and worryingly awaits for his return. Similarly, parents do not want their children to go too far away from their home. Interestingly many respondents in this research have said they do not have any problems. During the conflict in previous researchers many respondents for Access to Justice of Marginalized People in Armed Conflict (2004-5), Impact of Armed Conflict on Women and Children (2004-5), and Analysis of the Capacity of Paralegal Committees in facilitating Reconciliation and Reintegration in Post-Conflict Communities in Nepal (2006), many shared various aspects of trauma, especially fear.

Fear of being suspected as Maoist, informers for either conflicting sides. People still continue to get nightmares in their dreams.

During the conflict period villagers did not want and trust others to provide shelters or talk to strangers. In Achham on the way up the mountains to Mangalsen, September 2005, we forgot to carry water and asked local people for it but they did not want to give instead told us there is a water spring ahead. This was very unusual behavior for most Nepalese as giving water to a thirsty is supposed to be a good deed, "dharma", one makes better "karma" for next life. But people are terrified and do not want to take any risk of making any contacts and do not easily trust others to be 'good' people.

People's behavior and attitude have changed due to conflict in radical ways but not much is analyzed, processed or documented yet.

A psychosocial counselor from Doti shared people still fear sight of gun or sound of it; they have hard time going to sleep and/or they get nightmares in their dreams, many sleepwalk, and fear new faces.. Children who have been part of the Maoists campaigns are getting into substance abuse. They find it hard to cope with the society. Another aspect is with constants researches victims while sharing their experiences continues to relive and revisit their traumatic experiences. Many relatives do not want them to share. In one case a daughter of the victim screamed to stop the interview as

she said it takes her mother in her traumatic past and relive her pain. Furthermore, researchers just make query and do nothing to help.

However, many want to suppress what they had gone through. During research many did not want to talk about it. There seems to be a conscious decision to forget it The usual tendency of Nepali to see things as something that has to happen, fait and fate, thus, take it as something normal rather than an a traumatic experience which needs readdressal."

OCHA, 10 January 2008, p. 19

"In 2007, the new dimensions to the conflict indicated the need to increase emergency preparedness and response capacity. Recent episodes of communal violence and displacement also indicated significant gaps in providing mental health services, there being virtually no referral system and counselling capacity for trauma cases."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 10

"As victims of violence, many of the IDPs often need both physical and mental care. The civilian population appears to be clearly traumatized by the violence they have experienced. This is as true for displaced as for those who remained in their homes throughout the conflict. There has been little or no special care provided to survivors of torture, or those who have suffered beatings, violent deaths of close family members and household heads, or sexual and gender-based

violence. There are wide-spread psycho-social concerns including trauma among women and children. Local people and children were fearful of new faces, uncertain of what new people were bringing to their communities, including threats of abduction, torture, and physical and mental abuse."

INSEC, April 2004, p. 117

"IDPs are prone to psychological problems and diseases. They have to struggle much for livelihood in the new place, s/he is always under stress and that because the social, cultural, economic and other values of the village life differs with that in the city and undergo several changes which is quite strenuous. Peoples right to life are at stake and the children are badly affected by violence. It may take a long time for anyone to recuperate from the trauma one had undergone while leaving the home and for children it may have an adverse impact throughout their life and seriously affect their growth."

Spotlight, 6 December 2002

"With the escalation of murders, bombings of school buildings, strikes and other forms of violence and disruptions, thousands of children like Rajan are pouring into urban and semi-urban areas like Kathmandu, Biratnagar, Nepalgunj, Bhairahawa, Pokhara, Kailali and Surkhet in search of a better future. Rajan is among the lucky few who have relatives with moderate income to support his education. A large number of displaced children are compelled to live in unhygienic and hostile places, including the street.

All the children, whether on the streets, in sheds or houses, are suffering from deep psychological trauma. Many have developed erratic behavior and neurotic problems. As the conflict continues to grow, countless other children may have to pass through such anguish and pain.

(...)

A large number of children find themselves mired in fear. As families move to new areas, the habitual behavior of the children becomes different. This motivates children to do all kinds of harmful work. According to psychologists, the greater the fear, the greater the disturbance of attention, comprehension and retention and, therefore, the less the persuasive impact.

I find the children of displaced parents in Surkhet district having deviant behavior. Most of the children are shy and psychologically shocked,' says Devkota. According to recent reports, large numbers of displaced people are living now in Kathmandu, Nepalgunj, Surkhet, Dang, Dhangadi, and Rajapur of Bardiya.

(...)

As displaced children find themselves in unfamiliar places with different surrounding, they grow up in completely different setting. 'Majority of the children in Nepal do believe in religion, which is due to the impact of their parents and guardians,' says Dr. Niranjan Prasad Upadhyay, a consultant psychologist.

'Religion plays a very important role in the inculcation of good values among children. The displaced children miss this core value while in the process of socialization. The children growing up in conflict and displacement areas will have very unpredictable behavior,' he says. 'Children growing up in conflict situations justify any kind of risk for inhuman activities.'

Displacement crisis likely to have contributed to the spread of HIV/AIDS (June 2009)

- Widespread practise of unsafe sex put IDP women at high risk of HIV/AIDS

- The Far-Western region, where large number of IDPs are concentrated, has one of the highest rise in HIV rates in South Asia.
- No HIV seroprevalence data available for IDPs.
- USAID report suggests the displacement crisis is likely to have contributed to the spread of HIV/AIDS in Nepal. Other reports have also suggested an indirect link.
- According to UNAIDS, 10% of the 2-3 million Nepali migrants workers are HIV positive and many infect their spouses upon return to their villages. Displacement to urban areas due to the conflict is likely to have contributed to the spread of HIV/AIDS.
- Most of the girls working in cabins and restaurants in the capital are reported to be displaced from their homes. Working in this environment makes them vulnerable to HIV/AIDS, which is reported to be spreading.
- The conflict, which is increasing population movements is exacerbating the health crisis.
- Many of the displaced girls reportedly end up working in the sex business.

IDP Working Group, 15 June 2009, p. 25

"The drastic increase in the movement of women towards urban centers during the conflict has been widely reported by the national media and in research reports. The migration has been absorbed by questionable and flourishing businesses: restaurants, dance bars, and massage parlors. Since many of these women and children lack education and a family support system, these business provide needed income, but at a high price.

According to a 2008 survey done by Rakshya Nepal, of 200 women working in dance bars, cabin restaurants and massage parlors, 58% of respondents were displaced by the conflict. A majority of these women fled from Sindhupalchok, Kavrepalanchok, Dhading, and Nuwakot districts. According to the Ministry of Women, Child and Social Welfare (MoWCSW), there are 40,000 female workers aged between 12 and 30 working in restaurants, dance bars and massage parlors - with half of them suffering from trafficking and sexual exploitation. It can be assumed that a large percentage of these women and children are IDPs.

It is also a global phenomenon that conflict increases prostitution¹⁹. 81% of the respondents confirmed sexual activity, while 50% admitted practicing unsafe sex. This vividly shows that these women are at high risk of HIV/AIDS and other STDs. There is an urgent need for awareness and rehabilitation programs based on this data.

(...)

The economic choices made by these displaced women have also had adverse effects on their health. Due to the lack of counseling and awareness, many of these women are vulnerable to HIV/AIDS and various STDs. Although a large number of respondents are aware of these diseases, they rarely use contraceptives."

WFP & NDRI, 17 December 2008, p. 17

">A HIV epidemic resulting from increased migration is a very real threat

>In 2007, about 41% of estimated HIV cases in Nepal were estimated to be labour migrants²

>A 2006 UNAIDS study found that 27% of returned migrants in the Far-and Mid-Western districts, had sex with a sex worker while they were in India³"

FIC, August 2008, p. 32

"The head of the government development department in a hill district stressed the downside of migration, "It has changed our social pattern and it is accelerating day by day. Conflict, fear of conscription were part of the reasons. But we lose so many young people: in some remote villages only women and older people remain behind. But what do the villages get back when people leave? Only some money and AIDS."

OCHA, 12 June 2007, p.4

"During the reporting period, information received from Accham District indicate that economic immigrants to Indian and other countries are increasingly returning home with HIV/AIDS related complications. Three (3) Local NGOs working on HIV/AIDS related issues in the district Gangotri Rural Development Forum (GRDF), Social Volunteers against AIDS (SOVAA) and Himalayan Association against STD and AIDS (HAASA) informed OCHA that in 2005 and 2006, nearly 20% of the 500 people who came for HIV Voluntary Counselling and testing (VCT) centre run by HAASA were found to be either HIV positive or had Sexually Transmitted Infections (STI). Similarly, a large number of orphans and widows infected or affected by HIV are being supported by the NGOs in the district. Despite these figures, the district did not have any health post or hospital with antiretroviral (ARV) treatment facilities. The 3 NGOs rough estimates suggests that nearly 500 people have died during the last three years due to HIV/AIDS related complications, but their deaths are yet to be officially recorded as many of the HIV medical reports were destroyed by surviving family members."

Karkee R. and Shrestha DB, 2006, p. 363

"Conflict and displacement make affected population more vulnerable to HIV infection. Refugees and internally displaced persons, in particular women and children, are at increased risk of exposure to HIV. In Nepal, there is considerable increase in the number of HIV infection since 1996 when conflict started. Along with poverty, stigma and lack of awareness, conflict related displacement, economic migration, and closure of HIV programmes have exacerbated the HIV situation in Nepal. Government has established "National AIDS Council" and launched HIV/AIDS Strategy. The strategy has not included the specific needs of displaced persons. While launching an HIV prevention programme in the conflict situation, the guidelines developed by Inter Agency Standing Committee (IASS) are important tools. This led to suggestion of an approach with implementations steps in the case of Nepal in this report."

UNHCR, 1 January 2006, p.29

"Nepal's adult HIV prevalence at the end of 2003 was 0.5%, with a low estimate of 0.3% and a high estimate of 0.9%.⁵⁷ Nepal has moved from a low-level epidemic in the late 1990s to a country experiencing a concentrated epidemic, particularly among injecting drug users and female sex workers. The epidemic could worsen for several reasons: high rate of male migration, prostitution, poverty, low socio-economic status of women, and illicit trafficking; ⁵⁷ UNAIDS and WHO does not categorise IDPs as a high-risk group in this report. Nepal has a lower HIV prevalence compared with other countries in South-East Asia.⁵⁵ However, the far Western

regions, where the majority of IDPs are concentrated, have one of the highest rise in HIV rates in South Asia.⁵⁸ There are no HIV seroprevalence data for the IDP population."

IRIN, December 2005, p. 8

"The ongoing Maoist insurgency and resulting conflict in Nepal have created large numbers of internally displaced people as well as economic and social instability, which may also contribute to the spread of HIV/AIDS," said a report by United States Agency for International Development (USAID), a key bilateral donor to Nepal and the lead donor for family planning and HIV/AIDS programmes in the country.

Although there has been no in-depth study on how HIV/AIDS has been affected by the nine-year conflict between the Maoists and the state, several studies have reported serious indirect effects.

The conflict has fuelled displacement and large-scale male migration to Kathmandu and India for work. According to hospital records, many male migrant labourers return to their villages HIV positive. According to UNAIDS, at least 10 percent of 2-3 million Nepali migrant workers in India are HIV positive and they in turn infect their spouses upon return to their villages. This has been seen most notably in Maoist-controlled districts such as Accham, Kailali and Doti, where around 6-10 percent of migrant labourers were reported to be HIV positive.

"These men are now infecting spouses and others in many parts of the country. By pushing rural residents from war-torn areas to the capital, Kathmandu, the conflict may have helped spread HIV/AIDS," said a recent report on HIV in Nepal, 'Is the Violent Conflict Fuelling the Epidemic?' published in July 2005 by a group of international and local specialists."

Kathmandu Post, 29 April 2005

"Most of the victims working in cabin and dance restaurants are illiterate villagers who had fled their homes in the wake of Maoist abductions and torture. As jobs are not easily available in other sectors, they join cabin and dance restaurants to make their livings in the capital.

The survey conducted by Rahat, a non-governmental organization, states that most of these restaurants run in the capital city are neither registered nor are they operating as per the norms outlined in the Labor Act. It is not only the roadside restaurants that have hired waitresses to entertain their customers but also the well-known star hotels where young girls are employed to attract tourists and casino visitors. And these star hotels have exploited the young girls in different ways. The hotels along the highways have employed commercial sex workers to make an additional income. The policemen and truck drivers, who visit these sex workers regularly, have caught HIV/AIDS. (...)

Now the fear is that these restaurants may have been spreading HIV/AIDS in the country. The government has let the restaurants exploit waitresses in the form of dance. It has neither regulated them nor initiated any actions against the restaurants exploiting the waitresses. There has to be a code of conduct to monitor the restaurants performing dance, ghazals and other activities. The police force has already warned its personnel not to visit the commercial sex workers along the highways. It has taken an initiative to provide information about the HIV/AIDS, which has threatened the economic prosperity, development and stability of the country. Let us hope that the ongoing conflict will become the major reason for the spread of HIV/AIDS. Undermining the threat of HIV/AIDS will be costly. The girls working in restaurants are the ones who have been displaced by the conflict. Formulation and enforcement of comprehensive policy to solve the problem of displaced girls, and setting up proper mechanism to regulate restaurants will help in preventing the spread of HIV/AIDS."

Watchlist, 26 January 2005, pp. 19-31

"In 2002, Nepal entered the stage of "concentrated epidemic" with HIV/AIDS prevalence constantly exceeding 5 percent in one or more high-risk groups, such as sex workers and injecting drug users, particularly among those under 25 years old, according to the World Bank Group, Nepal/HIV/AIDS Update 2002.

HIV/AIDS is considered a major development issue in Nepal, with significant attention from various sectors. HIV/AIDS is one of the three priority topics for joint action by the UN country team in Nepal, which focuses on supporting implementation of the National Strategy on HIV/AIDS. In this context, several factors have been identified for putting Nepal in immediate danger of a possible widespread epidemic. These factors are the commercial sex industry, behavior of young people, labor migration and prevalence of injected drug use.

In Nepal, like other situations of armed conflict, several factors directly related to armed conflict, violence and insecurity are likely to exacerbate a potential HIV/AIDS explosion. These include population movements/displacement (especially to and from high HIV prevalence areas, such as parts of India); lack of information; lack of adequate HIV testing centers; sexual violence; increased presence of armed personnel separated from their families for extended periods; increased vulnerability of girls to trafficking for sexual purposes; and breakdown of social norms, stable relationships and family and community life. An increased level of commercial sex work by girls displaced by the armed conflict is also a contributing factor.

(...)

Years of armed conflict and political unrest have increased this problem, such that children who leave their villages for fear of abduction or recruitment, or in search of a functioning school, may end up in situations where they must work in dangerous conditions in order to survive, including commercial sex work.

(...)

The increase in the number of girls fleeing armed conflict, together with a lack of jobs and poverty, has contributed to a new surge of prostitution in the Kathmandu Valley, according to the Nepali Times article, "Selling Sex to Survive." Much of this activity has shifted to massage parlors, cabin restaurants and cheap lodges, as police have increased vigilance on the streets. Women and girls in cabin restaurants interviewed by the journalist said they had fled their villages for fear of the Maoists who were trying to force them to join military training. The girls also said that some clients force them not to use condoms, or offer to pay higher prices for unprotected sex.

This combination of displacement, prostitution and unprotected sex increases the threat of HIV/AIDS (see HIV/AIDS above.) A reliable source in Nepal described to Watchlist the case of a young girl from Kanchanpur district who fled from her home due to the armed conflict. She eventually found temporary shelter in a hotel, where she was also forced into commercial sex work. After some time, she tested positive for HIV, but was forced to continue the commercial sex work. "

OCHA/IDP Unit June 2004, p. 3

"5.3 Other vulnerable groups meriting particular attention include women and children. Many children are abandoned by their parents and end up living in the street from petty crime. Others are sent off to become factory workers or domestic servants. For women, the risk of getting involved in trafficking and prostitution -- formerly not a feature of Nepalese society as it is considered to be unholy -- has increased sharply. Special note should also be made of the spread of HIV/AIDS, especially among those returning from India. In this group, 10% of the male laborers and over 50% of the women tested positive for HIV. HIV/AIDS, which is often referred to in Nepal as Mumbai disease, could become the leading cause of death by 2010 in the 15-49 year age group if the current trend is not reversed."

Particularly high levels of malnutrition in the Far- and Mid-Western regions (October 2009)

- Considerable geographic variation in the incidence of malnutrition can be observed.
- Prevalence of global acute malnutrition indicates a significant public health problem in Jajarkot district
- Highest incidence of stunting and underweight is found in the Mountains and Hills areas of the Far- and Mid-Western development region, where more than 60 percent of children are stunted and 50 percent are underweight.

UNSC, 26 October 2009, p. 10

"47. Concerns related to the right to health and food became prominent during the reporting period. Populations in the mid- and far-western regions have suffered as a result of lack of food, water and other basic necessities, including health services. A diarrhoea outbreak in those regions which started early in May had resulted in about 300 deaths by the end of August. In Jajarkot, the worst-affected district, 141 deaths were reported. The diarrhoea outbreak was brought under control in September owing to actions by the Government supported by the World Health Organization (WHO) and other United Nations agencies. WHO continues to closely monitor the situation."

CONCERN, 3 June 2009, p. 6

"In December 2008, Sustainable Development Initiative Network (SUDIN) -Nepal conducted on request of Concern Worldwide a nutrition survey in Jajarkot district, mid western development region of Nepal.

(...)

Recommendations

1. The prevalence of global acute malnutrition indicates a significant public health problem in Jajarkot district. Therefore a nutrition program such as CMAM (community based management of acute malnutrition) is recommended to address the nutrition problem in Jajarkot district.
2. The literacy status of fathers is significantly linked to the prevalence of malnutrition. Therefore the government's policy to provide free education to both boys and girls is likely to contribute to the reduction of malnutrition in Nepal in long-term. Studies on how exactly literacy influences child nutrition at household level could help to further advocate for importance of education.
3. CMAM has to ensure inclusion of low caste groups into the programme. Important is:
 - disaggregated data collection
 - home visits to those with possible higher social barriers to access
 - flexible time frames at OTP (outpatient therapeutic program) facilities taking high work load of the poor into consideration
 - covering of transport costs for referral to inpatient treatment facilities
 - availability of free high quality medical services and drugs at government health facilities
4. Trust into the quality of government health services was found to be low among interviewees resulting into a low rate of children brought for the free medical treatment at the government run health facilities in case of illness. It is recommended that the CMAM project coordinates closely with the MOHP at district, regional and national level to ensure improvement of quality of health services including the availability of free medicines at all times according to the government's policy.

5. The private health service providers and FCHVs should be included in the implementation of the CMAM project and a strong referral system through them should be established by the project to the nearest outpatient and inpatient treatment facilities.

6. A nutrition education package should be developed for care takers particularly grandmothers/ mothers in law covering the following topics:

- utilisation of soap for hand washing
- water treatment
- food diversity with special focus on importance of milk, fruits and vegetables for children
- provision of three meals plus two snacks per day for children below five (introducing fruits as snacks)
- feeding practices during periods of illness
- meaning, importance and duration of exclusive breastfeeding and links between nutritional status/ fluid intake of mothers and quantity of breast milk

7. The nutrition intervention should look into the possibility of including children at risk of becoming malnourished (using MUAC) into a special prevention programme e.g. nutrition counselling to care takers by FCHVs at community level.

8. The CMAM project should look into advocacy for latrine construction and usage or even be linked to a water and sanitation programme in general.

9. For the causal analysis it is recommended to revise the survey questionnaire to also assess the nutritional status of mothers and to link the findings to child malnutrition.

10. Further analyse feeding practices of the new-born to better understand reasons for low acceptance of colostrum and the believe about additional required fluids provided after birth, after stopping exclusive breastfeeding and before introducing first semi-solid foods.

11. To better understand risk factors contributing to malnutrition the positive influencing characteristics of their contraries might be worse researching.

- What are the middle caste households doing better than the households of the higher castes?
- How is the father using his education for positively influencing his children's nutritional status?
- What do care takers of low caste well nourished children below 24 months of age do different which could be replicated by low caste families with malnourished children?"

OCHA, 4 May 2009, p.4

"According to a survey conducted by International Rescue Committee (IRC)-Nepal in Jajarkot District, the primary reason for people not accessing care in government health facilities is lack of drugs. Other significant reasons according to the survey results are the distances such facilities and non availability of health staff in the health outlets."

FAO & WFP, 27 July 2007, pp. 27-28

"According to the WHO classification (WHO, 1997) for prevalence of malnutrition, the malnutrition situation in Nepal is at crisis level. During the period 1995-2002, Nepal ranked last among 177 countries (tied with Bangladesh) in terms of the proportion of children classified as underweight (UNDP, 2004). Nonetheless, aggregated malnutrition indicators at the national level show that the nutrition status of children has improved slightly over the past five years (2001-2006). Stunting levels decreased slightly from 51 percent to 49 percent and proportion of underweight from 48 percent to 39 percent. On the other hand, wasting, an indicator of acute malnutrition, increased from 10 to 13 percent (DHS, 2006).

Considerable geographic variation in the incidence of malnutrition can be observed. Detailed malnutrition maps were published by CBS/WFP/WB in September 2006 (see Maps 1-3). The highest incidence of stunting and underweight is found in the Mountains and Hills areas of the Far- and Mid-Western development region, where more than 60 percent of children are stunted and 50 percent are underweight. Limited availability of food and high poverty rates provide an explanation for these high stunting and underweight rates.

In the Terai, on average 17 percent of children suffer wasting. The percentage of affected children in the Far-Western and Central Terai is as high as 20 percent and 21 percent, respectively. Factors such as differences in the status of women in society, poor eating habits related to lack of knowledge about nutrition, poor caring and hygiene practices and a higher percentage of households without any access to land compared to the Hills and Mountain areas are possible explanations for these high levels of wasting in the Terai.

UNICEF and Action Contre La Faim (ACF) have conducted independent nutrition surveys in selected districts, including those affected by drought and adverse weather conditions. Preliminary results from a UNICEF survey show that in Bajura, 72 percent of children are stunted and 70 percent are underweight. For Jumla, the preliminary estimates are even worse, with 82.3 percent of children stunted and 77 percent underweight. Wasting levels recorded for these districts are very high, at 11.5 and 14.1 percent respectively. An ACF survey conducted in Bajhang in January 2007 estimates the chronic malnutrition rate at 59.2 percent.

Factors that contribute to this very poor malnutrition situation include:

Inability of households to acquire sufficient and nutritious food.

Lack of general education and nutrition knowledge of care providers combined with improper hygiene and caring practices.

Poor access to health services and the limited medical support available. (The Mission visited a subhealth post in Humla. This particular post receives medical supplies once a year and generally runs out of medicine after two months.)

Two-thirds of households do not have toilet facilities (Comprehensive Food Security and Vulnerability Analysis - CFSVA).

Access to safe water remains a concern. Forty-four percent of all households rely on public taps. In the Terai, 77 percent of households use tubewells or boreholes as their primary source of drinking water (CFSVA).

A WFP survey conducted in January 2007 in the drought-affected areas included mid-upper arm circumference (MUAC) measurements. The results indicate malnutrition rates of more than 53 percent and a further 24.1 percent of children at risk of becoming malnourished. This same survey also investigated consumption patterns of people in drought-affected and non-drought-affected areas in the Hills and Mountains of the Far- and Mid-West. It becomes clear that in general people in this area do not follow a diet that is rich in proteins, vitamins and minerals. Fish, meat, eggs and fresh fruit are rarely consumed. The survey shows that in areas affected by drought, consumption pattern sharply deteriorate.

For example, lentils/pulses, traditionally part of the Nepali diet, were not consumed by more than 50 percent of households within seven days prior to the survey as compared to about 12 percent in nondrought-affected areas. A similar reduction in intake of green vegetables was observed.

These figures indicate a high level of coping intensity and significant impact on health and nutrition in the localized areas that are affected by drought and other external shocks. Given that migration to India is often not a viable coping strategy, alternative income opportunities are non-existent and markets are not functioning in these areas, external support and income transfers in the form of food aid can be justified. Immediate food aid will secure the families' food needs, prevent further deterioration in their livelihoods and reduce long-term suffering."

Conflict has increased magnitude of health problems while reducing the capacity to address them (January 2008)

OCHA, 10 January 2008, p. 19

"Eleven years of armed conflict and frequent natural disasters have increased the magnitude of health needs while decreasing the capacity of the health system to deliver essential health services. Children under five years and women of reproductive age remain most vulnerable in emergencies, as illustrated by maternal, infant and child mortality rates. Recent population-based estimates reveal that one in ten women of reproductive age suffers from uterine prolapse, a curable reproductive health condition that severely impedes the lives of women.

The Mid- and Far Western regions, especially the mountain and hill districts, were heavily affected by the conflict, which originated in these remote and impoverished areas. Chronic shortcomings in the health system were exacerbated through the conflict. The shortcomings include damaged health infrastructure, inadequate supply-chain of essential drugs and equipment, limited capacity and high turn-over of health staff (especially in peripheral facilities) and restricted movement limiting health care access.

In 2007, the new dimensions to the conflict indicated the need to increase emergency preparedness and response capacity. Recent episodes of communal violence and displacement also indicated significant gaps in providing mental health services, there being virtually no referral system and counselling capacity for trauma cases.

Additionally, many districts in the Terai are increasingly vulnerable to flooding, which carries increased risk of water and vector borne diseases. Outbreaks of *Plasmodium Falciparum* malaria occurred in a number of areas in Nepal and require increased prevention and control measures. Acute diarrhea including cholera remains an important health concern in Nepal. Numerous outbreaks were reported in 2007 and tend to last over a long period of time due to limited implementation of key containment measures. Across the board, an improved epidemiological surveillance system remains to be put in place.

Armed conflict and civil unrest in Nepal are also associated with increased sexual violence and transmission of sexually transmitted infections (STIs), including HIV/AIDS, due to increased military/paramilitary activities and forced migration. Incidence rates and other relevant statistics are unavailable. Physical as well as psycho-social sequelae in survivors of sexual violence remain largely unaddressed.

As Nepal goes through an important political transition, peace building and rehabilitation are a priority for all sectors including Health. The Ministry of Health and Population is under great pressure to reactivate the health care facilities and increase the delivery of effective and equitable health services."

OCHA, 17 July 2007, p. 13

"The sudden influx of former Maoist soldiers and returning IDPs changed the health and disease patterns of host communities and increased the load on health services. This new scenario poses major challenges and requires an urgent need to extend public health services and strengthen the response capacity of the overburdened peripheral health facilities struggling to cover daily needs. Baseline assessments conducted by United Nations Population Fund (UNFPA), UNICEF

and World Health Organization (WHO) throughout the country found that many of the peripheral health facilities do not have enough staff, equipment and medicine.

An increase in cases of Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) and Tuberculosis (TB) is likely, and outbreaks of malaria, diarrhoeal and vector-borne diseases are expected during the approaching monsoon season. Further, the recent discovery of 2,500 dead chickens in Darjeeling only 25 km east of the border to Nepal highlighted the risk of Avian Influenza cases in Nepal. The health system needs to remain vigilant regarding the risk of a possible outbreak of an Avian Influenza pandemic."

OCHA, 23 February 2007, p. 18

"The impact of the conflict has both increased the magnitude of health problems in a number of areas and reduced the response capacity of state health system. Damaged health infrastructure, inadequate and ill-equipped health staff, poor supervision and limited outreach services have resulted in restricted mobility and access to health care and reduced the demand for health services, especially in remote conflict affected districts and among vulnerable population groups. Therefore a need for humanitarian actions in the health sector is crucial to ensure that essential health needs are met until the post conflict rehabilitation strategy is able to develop the necessary care and assistance in this sector.

In order to respond to the multiple public health challenges mentioned above, a three-pronged strategy is proposed focussing on ad hoc assessments, health initiatives, and public health crisis monitoring.

During the past years, systematic data collection and monitoring have often been compromised, thereby generating invalid, outdated numerators and denominators. The last census was carried out in 2001 (covering maximum 90% of the country, leaving out heavily conflict affected areas) and the next one is expected only in 2011. As a consequence of the conflict and lack of security, the increase in migrations since 2001, is not reflected in the annually projected figures. Moreover, The National Demographic Health Survey (2006) does not generate the necessary data for humanitarian interventions, as it is unable to provide timely data with sufficient geographical resolution.

A recent WHO baseline health assessment found that many of the peripheral level health facilities are under resourced both in terms of staff and equipment (including drugs). The basic services/facilities expected in a peripheral level facility were missing. Therefore, immediate health initiatives towards equipping the primary health care structure in the country are very much the need of the hour. Training of relevant health staff and community workers should also be provided to enhance their capacity to accommodate public health needs in an emergency situation."

Poor IDPs experience problems in accessing health services in areas of displacement (December 2006)

- Study by MCRG conducted in 2006 among IDPs in Nepalgunj showed 3/4 of the displaced reported poor health due to lack of access to affordable healthcare facilities.
- UN mission found a general lack of data on health issues facing IDPs in the districts visited.
- IDPs had little access to free treatment provided by the hospitals for the poor and there was no specific IDP programme targeting their health needs.
- Study by TDH & SCA showed that IDP working children had limited access to health care.

MCRG, December 2006, p. 49

"More than three-fourth of the respondents stated that their health condition was very poor due to lack of affordable healthcare facilities at their access. The vast majority of the respondents (62 per cent) relied on the government hospitals and health posts for their medical treatment. NGO-supported clinics provide health facilities to eight per cent of the population and another eight per cent care for their health themselves. Most pregnant women or the elderly received no special attention and of the 54 cases heard during the course of this research, only two had received special care because of either being pregnant or being elderly."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 11

"District health offices had not collected data on IDPs. The hospitals provided free treatment for poor people; mostly identified by the local community or the VDC chairman, an obstacle for poor IDPs who are unknown in their new environments. The health offices had no specific programs targeting IDPs and had received no additional funds for assisting them. Many IDPs the mission met with had taken up loans to pay for treatment after injuries sustained in beatings and torture either by security forces or by the CPN/M. There are no programmes targeting HIV/AIDS concerns for displaced persons or those returning from abroad in the remoter district headquarters.

IDPs utilize the existing health services in the areas they relocate to. Main obstacles of access relates to inability to pay the fees for the poorer IDPs. District hospitals have a provision to partially or fully support the cost of care for poor and marginalized patients and IDPs can be covered by these funds if found eligible. A hospital committee decides if an IDP should be provided with free treatment. One hospital indicated that IDPs needed some kind of proof of IDP status in order to be considered eligible for financial support under this scheme.

In one hospital it had been necessary to re-plan the distribution of medical supplies to the district to counter the fact that needs had gone up in the District headquarter due to the increasing number of people seeking treatment here. At one district hospital, only one out of four allocated doctors was actually in his post. Two posts had not been filled for several years and the third was on educational leave for the second year running. One District health officer indicated the need to negotiate with both CPN/M and the Security Forces on a regular basis. Due to these negotiations, no major problems with medical supply distribution, supervision visits or treatment was experienced in the district headquarter."

TDH, CREPA, SCA, June 2006, p.21

"The study investigated the basic needs of IDP working children, including education, health care, nutrition and physical living conditions. These needs were addressed from several sources: family members and those sharing the child's residence, employers, governmental and non-governmental organizations, and the children themselves. Overall, it was found that many of the children's needs were not addressed, depending considerably upon the labour situation. Family members and employers attended to the majority of those needs that were addressed, followed by the children themselves. With the exception of the NGOs who provided gatekeeper support to the study, organizations performed poorly in addressing the needs of IDP working children.

(...)

Few of the children had access health care services, although almost all were provided 'medicines' by the employers if they were sick. The efficacy of medical care through pharmaceuticals prescribed by employers or local pharmacists is questionable and a number of diseases and ailments, such as tuberculosis and intestinal parasites, are likely not attended to. Notably, due to their association with NGOs, street children (rag pickers) had the most access to formal health care services. Health care provided by NGOs for other working children was not reported. The nutritional status of the children was not formally assessed in the study. However, it

was found that almost all children were provided with an adequate quantity, if not quality, of food, viz. two meals a day plus tiffin. Only rag pickers appeared to be lacking sufficient nutrition."

Water & sanitation

Priority water and sanitation needs and response strategy of Nepal's IASC (January 2009)

OCHA, 16 January 2009, p. 32

"Within the purview of the WASH component the following priority needs have been identified and fall within the strategic objectives adopted for this year's appeal:

7,000 to 8,000 families affected by this year's floods and residing in temporary camps will require continued support for access to safe drinking water, sanitation, hygiene information and items for personal hygiene;

Flood-affected families and communities will require support to repair or replace damaged water supply and sanitation facilities and will need items for personal hygiene and water purification until their livelihoods are re-established;

The EDCD has classified 16 hill and mountain districts and 10 Terai districts as high risk for Acute Gastroenteritis (AGE) outbreaks. Over the period April 2005 to April 2008 there were 39,000 cases and 300 deaths. Medical responses are usually delayed and place an increased burden (human resources and financial) on the already overstretched government medical services. There is a need to raise awareness, develop skills and make products readily available for household water treatment and improving personal hygiene (particularly hand washing with soap) to reduce the risk;

In three of the past four years major flooding affected 14 Terai districts with inherent risks of WASH related disease outbreaks. Ten Terai districts have also been identified as high risk for AGE of which eight overlap with the flood vulnerable ones. To reduce the risk of AGE and disease outbreaks during floods, capacity and commitment needs to be developed among district and central government, NGOs and volunteers for quick and effective WASH response in these districts;

Pre-positioned emergency supplies were depleted in the response to the floods in August/September 2008 and need replenishment. The contingency plan calls for maintaining a stock of hygiene kits, buckets/jerry cans, and water purification items required for 100,000 people for one month.

To respond to these needs of the flood-affected people, WASH Cluster agencies intend to maintain a presence in the temporary camps, increase the number of facilities as may be required, ensure the facilities are kept clean and maintained and that waste water and solid waste is properly managed.

Public health and hygiene information will continually be disseminated and items for personal hygiene made available as required in the camps and to returning families. Damage assessment to water and sanitation facilities will be completed and support provided to repair or reinstall facilities that have been damaged or destroyed. Attempts will be made to reconstruct in a way that leaves the facilities less vulnerable to damage than originally existed.

Communities vulnerable to recurring disasters and WASH related disease outbreaks will be identified, volunteers selected and trained in the promotion and use of household water treatment products and good hygiene practices, particularly hand washing with soap. To support the response to a disaster or disease outbreak, District officials and local NGOs will be trained to

manage a WASH response, mobilise volunteers for water treatment and hygiene promotion and install emergency facilities."

Shelter and non-food items

Majority of IDPs live in rented dwellings (June 2009)

- Majority of IDPs surveyed by the IDP Working Group are living in rented dwellings. At least one in five IDPs reported living on government land or in slum areas at risk of possible eviction. Others are living with friends and relatives on a temporary basis.
- A survey conducted in 2007 showed that on average half of the displaced were living in their own houses. The proportion of home owners was particularly high in Mahendranagar, Dhangadhi and Biratnagar. In Pokhara and Nepalgunj, twice as many IDPs were living in rented dwellings.

IDP Working Group, 15 June 2009, p. 21

"From 150 respondents, we found that the majority of these IDPs are residing in rented dwellings that require regular sources of income for rent payment. 21% of IDPs have been residing either on government land or in slum areas, where ownership issues will be a challenge in the long run. Additionally, 12% of IDPs are living with their friends and relatives, which push them to look for alternative housing in the short term."

RUPP, August 2007, p.8

"The overall situation shows that 47% of the displaced household is living on their own houses, 50% are living in rented premises; and 3% are sheltering in as squatters. The shelter situation varies however from one municipality to other.

Chart No.8: Shelter situation of conflict displaced households

Analysing the data in Mahendranagar and Dhangadi, the number of displaced households that possess their own houses is greater than those living in rented premises. In bigger cities like Nepalgunj, Pokhara and Biratnagar, the situation is quite reverse as more displaced households are living in rented apartments. Pokhara, on the other hand, is also home to the largest number of IDPs living as squatters."

IDPs in urban areas often live in poor shelter conditions (March 2009)

- Massive migration, including of IDPs, to urban areas such as Kathmandu has resulted in an uncontrolled growth of substandard housing in the fringe of the city. Most housing lacks natural light and ventilation, has inadequate water supply and sanitation, poor access and bad road condition.

East-West Center, February 2009, p.

"The informal process of settlement development in the last several years has created several physical, social and environmental problems in Kathmandu Valley. The fragile KV eco-system is

severely affected by ever-expanding urban development and incompatible economic activities. Some of the most visible consequences of the haphazard development are listed below.

(...)

7. Substandard and Slum Housing Conditions

This huge demand for housing plots in the land market have motivated rural land owners to sell agricultural land at lucrative prices and search for alternative employment. Besides getting cheaper housing plots, another motivating factor for new migrants to settle in rural areas is that there is no need to get a building permit from the local authorities. People can build anywhere and build anything they like, and there is no government intervention. One of the examples of unplanned settlements is the growth of substandard housing in the fringe of Kathmandu City. Lack of natural light and ventilation, inadequate water supply and sanitation, poor access and bad road condition are indicators of substandard housing. In recent decades such fringe development, often occupying government land illegally have accelerated, posing significant challenges to the urban municipalities.

8. Gaps in Supply and Demand for Basic Services

Kathmandu Valley has always attracted people from the rest of the country. The rapid population growth and urbanization due to the migration of people in Kathmandu Valley from different parts of the country has increased demand for housing, water, electricity, drainage, road and other utilities. Development plots are very expensive and not available at affordable prices and people are forced to buy raw agricultural land cheaply without the provision of basic infrastructure services (road, water, drainage etc); subsequently local governments face increased demand for the provision of infrastructure after the construction of houses. The cost of the construction of infrastructure services in such cases renders the housing on agricultural land more expensive in the long run than on developed land. Central government agencies and municipalities (with financial contribution from the local communities) are responsible for providing basic services, but most often the agencies and municipalities are not in a position to expand their networks due to shortage of funds, lack of their installed system, and lack of proper planning. Local authorities do not have the capacity to provide trunk infrastructure and services and their roles are limited to local-level infrastructure only.

The rural areas of Kathmandu have experienced unprecedented land subdivision and building construction over the past several years. An influx of internally displaced people has suddenly created a demand for housing plots and basic services. Those who cannot afford land in municipal areas prefer to stay on the fringe areas of the cities and villages."

IRIN, 13 March 2009

"Eight years ago, Kamrik Gharti Magar had a secure income, a large farm, dozens of cattle, a comfortable house and a happy family.

But that changed after he and his family were forced to flee their home in the face of Maoist death threats during the 1996-2006 "People's War".

Magar, aged 60, now lives in a tiny, one-room shack with his five children and wife near the polluted River Bishnumati in Kathmandu. A stench of garbage pervades the air, and his younger children often get sick because of the unsanitary conditions in which they live.

The neighbours constantly badger Magar to vacate the government land on which he has built his shelter. He gets not just verbal abuse but is also sometimes physically assaulted, he said, adding: "Where can I go? Who will help us?"

Magar is too old and weak to find a strenuous labouring job - the only kind of work available to an illiterate person like himself."

Shelter is one of the most important needs of the Nepal population (January 2009)

OCHA, 16 January 2009, p. 37

"Nepal has been facing internal displacement of population every year due to disasters such as floods, landslides, extended winters and droughts, and earthquakes and conflict in the last decade. Shelter is one of the most important needs for the affected population. However, there is not much attention and priority given to the shelter needs whether it is temporary, transitional or longer term.

The Koshi River flooding displaced at least 50,000 people, who have been taking shelter in 28 different temporary shelter camps and camp like shelters. It was observed that up to 22 persons were living in one tent at a time. Each displaced family cook food near their tents and shelters are adjoined with each other. This situation has raised the risk of other disasters such as fire/suffocation in the camp area. Similarly, protection concerns have been observed, particularly for women, in the shelter camps. A few cases of attempted sexual abuse have been reported as well²⁸. Therefore, it is imperative to address shelter needs whether temporary, transitional or permanent, in a way that protects families and meets their basic needs.

Currently, affected families from Koshi and western Kailali floods urgently require support for shelter

materials, shelter repair, and non-food items in addition to emergency relief (emergency shelter, blankets, water containers, clothing, lighting, cooking utensils, bedding etc.) already provided during the emergency response to the Koshi embankment breach. There is a need to continue the current coordination of activities with the GoN to meet international standards for site planning and those affected persons returning to or near their place of origin are able to do so with dignity, safety and appropriate provisions to re-establish their livelihood. The continuing coordination will attempt to ensure the protection of vulnerable populations, prevent outbreaks of disease, and maintain peace and order in the sites.

Immediate shelter assistance to flood/landslide victims is acknowledged as critical for families to cope with the effects of a disaster. Yet, the need for this assistance could be mitigated if appropriate shelter were situated away from flood and landslide-prone areas. Therefore, the Shelter Cluster has a twopronged strategy - to respond as well as to mitigate the effects of a disaster, as specified in the framework of the Nepal National Disaster Risk Reduction Strategy.

Many homes and infrastructure facilities in Nepal are vulnerable to natural disasters due to the temporary nature of the construction and their location in disaster-prone areas. Therefore, recovery and prevention planning must be integrated to include shelter and basic infrastructure that withstands various weather conditions and natural disasters."

Vulnerable groups

Failed rehabilitation of former Kamaiya bonded labourers has left many vulnerable to entering into new forms of exploitative working practices (July 2009)

Anti-Slavery International, July 2009, p. 7

"There were serious problems in the process of release and rehabilitation of kamaiya bonded labourers. Measures taken by the Government were undermined by poor coordination between government departments, corruption and a lack of policy coherence.

While a substantial number of bonded labourers were identified, the release and rehabilitation programme was chaotic and led to the death of many children from the effects of intensely cold weather and water-borne diseases.²⁹

Bonded labourers were urged to come out and settle in temporary camps because facilities, including food and shelter, did not meet subsistence needs. There was no systematic distribution of support materials to the former bonded labourers and, when they were being settled permanently, job market access and land fertility were not taken into consideration in determining their location. In many cases the land allocated to them was distant from their homes or the farmland was far away from urban centres and so meant poor access to schools, hospitals or health centres. Children who received primary education often did not have access to secondary education as there were no schools within their proximity. In some cases, the land they received was infertile and thus inadequate for making a living. Women kamaiya bonded labourers were not considered during the land allocation. Some former bonded labourers were given driving lessons even when they could not have access to vehicles, and training as electricians in areas without access to electricity, and in other non-agriculture related occupations.³⁰ This prompted many to leave their original homes, hoping to free themselves but many subsequently found it very difficult to compete in the formal market and ended up in poverty or back in bondage.

In some cases, landlords simply evicted their former labourers and invited seasonal labourers from India to undertake farm work. Some landlords accused ex-kamaiya of theft leading to their arrest.³¹

Rehabilitation efforts have not reached all released kamaiya bonded labourers. Of the total 18,400 liberated kamaiya bonded households, 13,461 of which were identified as landless, some 12,000 landless kamaiya bonded labourers became the main target of interventions. These 12,000 families were each given a piece of land of 0.017 hectare to 0.169 hectare.³²

Timber for house construction was given to 161 families, and over 7,900 families received the government's housing grant of NPR 8,000 (approximately US \$ 107), provided to all former kamaiya bonded labourers identified as landless. As of December 2004, in Kailali district only 74 out of 2,436 households had received the grant of NPR 2000 (approximately US \$ 27) for income generating activities once housing construction had been completed allocated in the 2002 Act.

The situation of former kamaiya bonded labourers who did possess some land and shelter is of particular concern. These families have not received any support from the State and lack essential services, such as electricity and access to clean water. Many of their children cannot attend school. They are also in constant fear of eviction, especially those who received the land from the Maoist insurgency during the war.³³

According to the ILO in Kathmandu, there reportedly remains another estimated 14,000 households in need of rehabilitation and support, including those who were identified as kamaiya bonded labourers in 2002 but did not receive any government rehabilitation support, and those who were not identified as kamaiya bonded labourers in 2002.³⁴

Weaknesses in the rehabilitation process, including the length of time between release and the receipt of rehabilitation and the fact that bonded labourers were released without empowerment support, has left former kamaiya bonded labourers vulnerable to entering into new forms of exploitative working practices including bonded labour. Some have reportedly entered into

exploitative share-cropping arrangements while others have pledged the free labour of their children for access to tenancy.³⁵"

IRIN, 28 December 2007

"Hardship continues to be a reality for thousands of children of former bonded labourers who are among the poorest and most neglected Nepalese citizens, according to Freed Kamaiya Society (FKS), a network of `Kamaiya' (bonded labour) families and human rights activists.

The practice of `Kamaiya', which existed mainly in five districts in southwestern Nepal and affected some 35,000-100,000 people, was outlawed by the government in July 2000, according to the Internal Displacement Monitoring Centre.

Eight years after their liberation, the `Kamaiyas' continue to suffer from illiteracy and landlessness, and survive on less than US\$1 a day, according to FKS.

It is the children who suffer most, with around 25,000 working in hotels, restaurants and households in the main cities and towns to support their families, according to Backward Society Education (BASE), a local non-governmental organisation (NGO) helping to rehabilitate and support the former `Kamaiyas'.

"The state of these children is so horrible that they need to be rescued as soon as possible," prominent anti-slavery activist Dilli Chaudhary told IRIN on 28 January in Nepalgunj, about 600km southwest of Kathmandu.

About 80 percent of them are working as domestic servants in exploitative conditions and most are paid less than \$12 per year, according to the Informal Sector Service Centre (INSEC), a local human rights NGO.

There are an estimated 125,000 children of `Kamaiyas' but only 40 percent of them are able to attend school due to food insecurity and extreme poverty, according to BASE."

Children are particularly vulnerable to the disastrous effects of displacement (September 2007)

- Child rights workers reported that the plight of children displaced in Kapilvastu district in September 2007 was far worse than that of the displaced adults in particular with regards to the psychological impact.
- Despite the end of hostilities since April 2006, violations of children's rights by Maoists are reported to have continued.
- Maoists have reportedly intensified their recruitment campaign in 2005. Lack of adults make them turn to children.
- Inter-agency report released in April 2005 shows that 40,000 children have been displaced by the conflict since 1996.
- Children displaced to the cities end up excluded from the education system, forced to take up dangerous, under-paid jobs and at risk of sexual exploitation.
- 10,000 to 15,000 children are expected to be displaced to urban areas during 2005.
- Large number of displaced children cross the border into India in search of safety and work. Study showed that nearly 17,000 children fled to India during June and August 2004

IRIN, 26 September 2007

"Since 16 September violence between the Pahade and Madhesi ethnic communities has led to at least 18 deaths, and over 5,000 displaced people requiring humanitarian assistance, according to local human rights activists.

Child rights workers are concerned about the impact of the violence on children - some of whom witnessed their parents being killed, have been displaced, and are now traumatised, according to Child Workers in Nepal (CWIN), a local non-governmental organisation (NGO).

Nearly 6,000 people have been displaced from both Pahade and Madhesi villages, said the Human Rights Treaty Coordination Committee (HRTCC), a joint forum of Nepalese human rights NGOs. Around 4,000 are Pahades and 2,000 Madhesis, according to HRTCC.

Local child rights activists say that most are children and need urgent support. "So many children have been suffering. They need a special humanitarian package immediately," said activist Tarak Dhital.

Child rights activists are also worried about the disappearance of some children - Pahade and Madhesi - and fear they might have been killed in the clashes.

"The local police and government authorities lack records of how many children have been killed and injured and this is a matter of serious concern," said Dhital. According to Kapilvastu's Lumbini hospital, over 40 children have received treatment for injuries. Senior police and government officials said they have instructed their colleagues at the local level to investigate.

(...)

A group of local child rights workers visited over 10 villages in Kapilvastu District and found the plight of children was very serious, and worse than that of the displaced adults. "The displaced children have been constantly on the move, with their parents clueless about where to go next. Many will not be able to return," said Dhital.

All schools in Kapilvastu remain closed. Some have been burnt down and completely destroyed, according to child rights workers."

OCHA, 23 February 2007, p. 13

"Despite the ceasefire, dozens of children – including some as young as 12 – were reportedly recruited to actively take part in CPN-Maoist's People's Liberation Army (PLA) and militia activities, in violation of international principles. The conflict has had a considerable impact on the protection of children's access to education, which has generally been reduced and in some cases denied. Frequent school closures, and physical and other forms of harassment against teachers and students have had a devastating effect on Nepal's education system. Both parties to the conflict have used schools for military purposes as well as means of propaganda, including indoctrination and coercion of children under the pretext of children's right to participation and information.

Because of this, large numbers of children have migrated to urban centres, sometimes without their parents. These are children at risk, often failing to access education due to the pressure to work versus the direct and indirect costs associated with attending school. These children are also more at risk of being targets of violence, particularly sexual violence and trafficking. With the peace process, these children and Children Associated with Armed Forces or Armed Groups (CAAFAG) - who are in Nepal children integrated and supported in different capacities with the CPN-Maoist Movement (PLA, Militia, revolutionary students group - ANNISUR, cultural groups, political community groups...) and the Security Forces (Nepal Army and Armed Police Force), will reintegrate into their own communities and will wish to re-enter the education system, some

remaining in urban centres. Special provisions outside the normal education development plans will be required to address these additional needs.

(...)

The armed conflict has severely affected children of all ages. Reports suggest that the CPN-Maoist may have as much as 20% of its membership made up of children. Besides this, large numbers of children have been separated from their families due to displacement, or to avoid forced recruitment. These children have been pushed into the labour market, including into the worst forms of child labour. Children who have remained with their families have not fared well either. Their access to education and health services has been severely affected as there are hardly any health care service providers and teachers in remote and conflict affected areas."

Maoists' violations against children reported to continue in 2006 despite end of hostilities
OHCHR, 25 September 2006

"OHCHR has confirmed the presence of numerous children in the PLA and prior to the ceasefire had documented the use of children as combatants by the PLA. Other information clearly suggests that the CPN-M's cultural groups and militias have significant numbers of children who may at the same time also used for military purposes as messengers or informants, and to attract other children into the CPN-M-affiliated movements. In addition, since the ceasefire, concerns have been raised that some 50 children - including some as young as 12 years old - were taken away from their families to take part in PLA and militia activities. OHCHR has received credible reports that some of them have received military training with weapons. In August alone, allegations of child recruitment were received from Chitwan, Dolakha, Gorkha, Ilam, Nawalparasi, Nuwakot, Ramechhap, Kaski, Baglung, and Kathmandu Districts. In all instances, the CPN-M denied that the children were forced to join and stated that the recruitment was voluntary. While some children may have consented to accompany those recruiting initially, it is not clear under what conditions. In some cases parents stated that they had not given their consent. In other cases, the parents denied that the recruitment was voluntary.

(...)

OHCHR has also received reports of individual abductions of children, often on suspicion of involvement in petty crime. Twenty-nine children were known to have been abducted, accused mainly of robbery, rape or murder. As indicated above, one 13-year-old boy committed suicide after being abducted and reportedly sentenced to carrying out "forced labour". Children have been taken for short periods of time to attend mass political/student gatherings. In Kathmandu, on several occasions in August, thousands of children were taken from schools to participate in day-long programmes organized by the ANNFSU-Revolutionary. Further, the CPN-M and its sister organizations such as the ANNFSU-R have disrupted classes by taking children away temporarily from their schools to participate in political demonstrations, student organization conferences and mass rallies in Ramechhap, Rasuwa, Achham and Banke Districts. In some cases, reports indicate that participation was sometimes forced.

(...)

Even if the most serious type of violations affecting educational facilities, such as military attacks in and around schools, have stopped since the ceasefire, incidents of inappropriate use of schools have continued to occur. Thirty such violations were documented mostly in districts of the Western and Mid-Western Regions, such as the occupation of, or (particularly in the case of the Western Region) settlement in the immediate vicinity of educational facilities by the PLA. Such violations are in contravention of the Ceasefire Code of Conduct, under which the CPN-M explicitly agreed to "create an atmosphere conducive to the operation of schools."

Study finds evidence of exploitative working conditions for IDP children, but without obvious risk factors

TDH & SC Alliance, June 2006, p. 3

"While the majority of the working situations were exploitative, the study found no obvious risk factors – with the exception of those for girls working in carpet factories – which would result in girls and boys entering worse circumstances, such as being trafficked, entering prostitution, or entering slavery-like labour situations. Employers exploited the children's labour and frequently deprived them of basic needs, but there was little evidence of more extreme danger to the children.

Both disturbing and reassuring data emerged regarding children's labour situations. The level of verbal and corporal punishment of labouring children was much higher than expected. As well, the amount of social discrimination against labouring children was extreme, and was noted by many children. At the same time, all children, except street children, appeared to receive adequate nutrition and most came to their employment with some education and a wish to enrol in school, although this was not always granted by their employers.

In terms of releasing children from child labour, perhaps the most disturbing finding of the study was that a small percentage of children wanted to return home. This finding, coupled with the low percentage of working children who lived with close family members, means that many children, if 'freed' from child labour, would be without any means of support and protection from caring adults – and may be at greater risk than if they stayed in the workplace. This uncomfortable conclusion must be considered in planning interventions on behalf of working IDP children."

Intensification of Maoist' targeting of children as recruits during first half of 2005

CSM, 28 June 2005

"Forced recruitment of children has now become widespread in Nepal's remote hills, with the introduction some months ago of what the Maoists call "Whole-timers," or WTs. In rural regions under the rebel thumb, every family must send one member as a WT to aid the rebels' cause. The job often falls to the most dispensable family member - usually a child.

(...)

Over 8,000 children have been orphaned and tens of thousands displaced in a conflict that has claimed over 12,000 lives. The Royal Nepalese Army (RNA) has caused two-thirds of the deaths, according to INSEC, a human rights organization.

(...)

To escape Maoist atrocities, people with means continue to flee Nepal's hills en masse to the kingdom's relatively safer lowlands and cities, and to neighboring India. This has depleted the recruitment pool of adults for Maoists, making them turn to children."

More than 40,000 children displaced since 1996

Dawn, 12 June 2005

"Many said they were forced to leave their villages due to threats from Maoists. Today they work in restaurants and carpet factories, among others, facing hardships that range from low wages to sexual abuse. Most of the children who flee home (or are sent away by their parents to prevent their forced recruitment by the Maoists) end up in Nepal's urban areas, either as domestic help, 'khalasi' like Dipak or child labourers in carpet factories, stone quarries or brick kilns.

An April 30 CWIN report (based on data collated from its own surveys and others by the United Nations Children's Fund (Unicef) and the International Labour Organisation (ILO), among others, shows that around 40,000 children have been displaced by conflict since 1996, when the now-outlawed Maoist party launched its armed uprising. More than 12,000 people have already been killed, among them 361 children.

(...)

[Forced to leave their schools, many children end up at risk of forced labour and sexual exploitation]

The desperate children who are forced to leave their homes and schools take up any job, however hazardous, giving rise not only to exploitation but also risking their lives.

About 32,000 Nepalese children are currently working in 1,600 stone quarries, with only 30 per cent of those registered with the government, found a study conducted by another NGO, Concern for Children and Environment-Nepal (CONCERN).

The ILO, however, says more than 10,000 children work in stone quarries, coal, sand, and red soil mines in Nepal, the majority of them aged 11 to 13. Most are young girls. According to the ILO's International Programme for the Elimination of Child Labour (IPEC), 127,000 children in Nepal are working in mining and other hazardous situations it calls "the worst form of labour." Sunday, June 12, is the ILO's World Day Against Child Labour.

(...)

Another problem is that the armed conflict has severely affected the outreach programmes of ILO-IPEC and its partners, resulting in the rise of internally displaced persons (IDPs), says Yadav Amatya, a senior adviser with IPEC. "Inaccessibility is yet another problem and we face difficulties in locating families of child labourers," he told IPS. CWIN's Pradhan warns that with child traffickers on the prowl for vulnerable children, the situation could go out of hand. Sexual exploitation is increasing, CWIN data shows."

10,000 to 15,000 children expected to be displaced to urban areas in 2005

IRIN, 4 July 2005

"(...) today activists say that the number of working children in the Himalayan kingdom has increased rather than gone down, in part because of the conditions created by the current insurgency.

"The conflict has had a serious negative impact on our past efforts, and the challenges are enormous today," said long-time child labour activist, Uddhab Poudel from ILO. Poudel added that as the insurgency forces more children to leave their villages, the problem of child labour worsens.

It's not only the number of working children that startles observers but the kind of work they are increasingly being forced to undertake. Heavy migration of displaced children into urban areas because of the nine-year long Maoist conflict, means young people are being forced to engage in some of the most dangerous and exploitative forms of labour.

"We expect about 10,000 to 15,000 children to be displaced into urban areas this year - this will grow by ten fold if the situation deteriorates," explained Poudel. "A peace settlement is the only way to protect our children from further harm," he added.

Concern for children has been mounting among activists working for children's rights. In a report reviewing the situation in Nepal by the UN Committee on Rights of the Child (CRC) in May, one of the committee experts, Lucy Smith, said that Nepal was in many ways not a country fit for children.

(...)

A recent Child Workers in Nepal (CWIN) report, said that child labour is widespread in agriculture, manual work (such as carpet weaving) basket making, iron and steel production, as well as industrial sectors such as brick-making and stone quarrying. It added that most children are exploited while employed as domestic helpers, hotel servants, porters or when picking over rubbish looking for items to sell.

"Before the conflict, children had the choice of returning home to their families but now all they can do is keep quiet and do not have the power to bargain with their employers," explained activist Tarak Dhital from CWIN. He added that there was a dire need for contemporary research on the situation of displaced children in the context of the current conflict.

[Children displaced to urban areas end up working to survive]

Other organisations, like Maiti Nepal, which focuses on reducing the number of girls trafficked for prostitution, are concerned that the sexual exploitation of children is also on the rise. This is especially the case amongst those who end up in the capital and other main cities. "Most of them are in a vulnerable state and are without any protection as they don't know where to approach for help," said Anuradha Koirala from Maiti Nepal.

Nearly two years have passed since the Children as Zone of Peace (CAZOP) initiative was established to pressure both the rebels and security forces to leave children out of the conflict. But activists maintain that both parties have only made the situation worse for children, many of whom have been the victims of constant abduction, interrogation, sexual abuse and physical torture, leading them to flee their villages and work in exploitative conditions in urban areas to survive.

"The country is losing a whole generation of youth when they flee to India and leave schools and live in hostile conditions without any certainty about their future," said activist Reinhard Fichtl from Terre de Hommes, one of the handful of NGOs that is planning to launch a project for internally displaced Nepali children.

Fichtl is worried that most organisations are only focusing on the IDP camps whereas the large numbers of displaced children end up in the local district headquarters near the villages.

"Most live in cowsheds and whatever accommodation is available for the children," he explained. "Whenever we talk of civilians affected by conflict, we tend to leave out children who are in need of most state protection from all sorts of exploitation," Fichtl added."

One World, 14 July 2003

"With the rebels and government forces battling for control of the countryside, hundreds of children have fled to cities, but their nightmare hasn't ended.

'While many are in orphanages, hundreds of such children are forced to work in dangerous conditions in brick kilns, quarries and wool spinning mills. Others have become domestic servants,' says CWIN president Gauri Pradhan.

Of the 575 inmates in the Nepal Children Organization (NCO), one of the largest orphanages in Nepal, 133 are the victims of the conflict. "We have opened a separate shelter for such orphans in the western town of Dhangadhi. A few of them also stay at our shelter home in the capital Kathmandu," says an NCO official, Rajeshwor Niraula.

Apart from those children who have lost one or both parents in the conflict, many more have been displaced along with their entire families. Hundreds migrated to cities or fled to India.

Pradhan points out that such children are more vulnerable to exploitation in the worst forms of child labor. 'They can also be sold for sexual exploitation in brothels. These displaced children end up in a worse situation than they were back in their villages,' he observes.

'Scores of such children have come to our notice. We have arranged for their stay in shelters at various organizations,' says Pradhan. CWIN itself provides shelter to dozens of such children."

Conflict pushes tens of thousand of children across the Indian border

Kathmandu Post, 5 December 2004

"A study conducted by the Save the Children Norway-Nepal (SCN-N), states that 16,871 children entered muglan (alien lands), for safety and in search of opportunities during the three-month span (July 4 – October 4). Similarly, according to figures compiled by Child Workers in Nepal Concerned Center (CWIN), 347 children have already died in the insurgency till August 2004. The migration figures compiled by SCN-N at five exit points – Bhairahawa, Nepalgunj, Tikapur, Dhangadhi and Mahendranagar – show that the number of children, in times of acute political dilemma such as blockades, patrolling by security forces, and violent encounters between the security forces and the Maoist rebels, is remarkably high. Bhola Prasad Dahal, Senior Program Manager at SCN-N, said that 1024 children entered India, the highest ever in a week, through Nepalgunj during July 19-24. "During that period, the security forces had carried out offensive operations on rebel hideouts in Salyan district," Dahal said.

The report, which will be published in January 2005, said most of the children below 18 years of age head toward the Indian states of Himachal Pradesh (Simla), Punjab and Uttaranchal (Garwal). Largest proportion of the children entering India is from the conflict hotbeds such as Salyan, Jajarkot, Dang, Rolpa, Dailekh and Banke.

Raghunath Adhikari, a research consultant involved in the study, said boy-girl ratio of the fleeing children is around 9:1. Those below six years of age accompany their parents, while those between 6-12 years of age often cross the border along with their neighbors and relatives. Surprisingly, some children either go themselves or pay money to agents to cross the border and for employment arrangement.

"They pay as much as Rs 500–1000 to the agents for a job in India," Dahal said. According to Adhikari, these children work as hotel and factory laborers, and in apple plantations. "Only one percent (approx.) of them go for study purpose." Adhikari added that 30 per cent of the children are leaving home solely because of the armed conflict, while others' reasons vary from conflict to seasonal migration for better opportunities. He argues that, for these poor children, going to India is more feasible than coming to Kathmandu. The busiest exit points are Nepalgunj and Mahendranagar. The number of incoming children is far less than those leaving. During another two months of study, only 5458 children have returned. Altogether 1460 children had left for India from the Mahendranagar point during the 21-day period (July 12 – Aug 1), while only 602 had returned home during the same period of 21 days (Oct 17 – Nov 6) from the same point."

Women headed households particularly vulnerable during displacement (May 2007)

- Vulnerability of displaced women is reported to have increased in 2007, in particular for those who have lost their husbands
- Inter-agency mission to the Eastern Region in May 2006 noted that situation of women had further deteriorated
- UN Representative on the Human Rights of IDPs noted during his mission that the situation of women heads of households was particularly dire.
- SAFHR survey notes a substantial rise in the number of female-headed households among displaced people.
- Displaced women and girls are reported to have more problems finding shelter.

IRIN, 2 May 2007

"The issue of female IDPs has barely caught the attention of the government or the national media, said local aid workers who added that female IDPs are more vulnerable and suffer more than their male counterparts.

"In a society where there is already a lot of discrimination against women, the inequalities have been enhanced in the case of female IDPs," Angela Lenn, project manager of Information, Counselling and Legal Assistance of the Norwegian Refugee Council (NRC) in Nepal, said.

The NRC, which has conducted legal assistance to IDP projects in more than 10 countries, has started a similar project in Nepal.

Lenn said the vulnerability of displaced women had been increasing and the worst cases are those whose husbands either disappeared or were killed during the conflict.

"The challenge becomes even bigger for the female IDPs who end up in very vulnerable situations while in their desperate attempt to search for livelihoods," said Amrita Shrestha from NRC. She recounted how the Nepalese girls and women displaced from their villages have been severely exploited in the cities. They are subject to labour exploitation, sexual harassment and rape, Shrestha said.

"Forced to sell her body"

"She was forced to sell her body for survival," said female IDP legal adviser Sani Laxmi Gassi of a woman who was displaced from her village and forced to work as a commercial sex worker in the capital to provide for herself and her two young children.

The IDP, who requested her identity and place of residence not be revealed due to fears of Maoist reprisals, told IRIN that her husband was hanged by the Maoists, who then abducted her and forced her to work for their army in the forest as a porter.

However, she managed to escape and reached Kathmandu barefoot after three days despite being pregnant at the time.

"We cannot even return to our villages due to the Maoists who warned us not to return," said Sunita Regmi, who has been living in the capital since she was displaced from her remote village in Mugu district, 700km northwest of the capital, following the death of her husband who used to work as a teacher.

Despite former Maoist rebels joining the new interim government and the signing of a peace treaty with the Nepalese government in November 2006, they have still not allowed the safe return of IDPs, say aid workers."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 8

"The women have been particularly pressured from both sides to give information on the whereabouts of the men and the other party's activities. Many women have fled to the headquarters after the killing or disappearance of their husband while others have had no option but to remain in their villages. When asked, neither the police nor the health officials knew of any incidents of rape or violence against displaced women – but neither did they have any procedures to deal with such cases. However, the mission had informal reports that women faced various forms of harassment, exploitation and abuse while displaced, including from women themselves in focus group discussions.

The situation of women is worse than before and the workload of women has increased. In addition to the traditional tasks delegated to them, they now must cook and provide shelter for large numbers of visiting CPN/M, participate in forced labor activities for construction of roads, "chautaris" (places of rest on road), and memorials of slain combatants; carry injured CPN/M from one place to another and transport food stuffs from one place to another. Male family members have departed for elsewhere searching for employment and protection both within and out of the country. Most of the IDP children live with relatives or go to boarding schools, while some end up in the streets or in child labor. There were also reports of children being used as labor in the military barracks in Phidim, Taplejung and Tehrathum."

CHR, 7 January 2006, p. 16

"53. Women were in particular worried about access to education for their children and the lack of work opportunities. They pointed out to the lack of medical care, mainly for children. When asked, many confessed being afraid of having to resort to prostitution or to send their children into indentured labour in order for their offspring to survive, because they themselves could no longer pay for their upkeep. They also stated that they had little or no access to reproductive health services since they had been displaced. Although they often came from regions with an already low medical coverage, health risks had increased as a result of displacement and therefore needed greater attention. The situation was particularly dire for women heads of households and for elderly people without families to care for them."

SAFHR, March 2005, p. 39

"Many women who have lost their husbands to the conflict or other main male earning members of the household have found themselves willy-nilly having to deal with the sudden increases in level of responsibilities of not only having to look after home, children and the elderly but the added burden of finding a regular source of income to feed the family. Work place harassment and abuse, vulnerability, personal safety and security and questions of sustainability of any income/assistance have become a daily challenge. The stress associated with assuming the mantle of the head of household, is a factor women of these households were ill prepared or equipped for.

The rise in number of women headed households appears substantial as we have understood from our informal and focus group discussions with the respondents and from discussions with some NGOs. From this survey, out of the 53 women we met, not all are actually (sic) heads of households, but have become de facto heads of households as in some cases where the husband is disabled, paralysed or unable to work for some other reasons. Although women have been able to organize themselves to some extent through the help of NGOs (Single Women's Group or those NGOs providing loans for small business) nevertheless displacing themselves from the site of violence has not always meant that the threat has not pursued them to this new location. As one of the women respondents told us: "We left home due to the threats from the Maoists, 5 years ago. Less than a year and a half ago my husband was abducted and I don't have any news about him. Recently I too have been threatened." In another scenario, the assistance that had once been extended by some NGOs was withdrawn. This was clear from what a staff of one of the NGOs we met said, "In the beginning widows of security forces were also included in our programmes but since we were threatened by Maoist, we now do not include such women in our programmes." This already raises warning signals, as these women who are already in dire straits due to displacement, now find themselves deprived of whatever little assistance NGOs may be able to offer.

As mentioned above, in urban areas like Kathmandu, finding appropriate shelter is a primary concern for young girls in particular, adding to their already precarious situation of personal

security and vulnerability. A lack of information on where to go to seek help compounds their fears and feeling of disorientation. Only a small percentage of the young girls and women have been able to access assistance from some of the NGOs.

We came across several instances of women living alone due to a variety of reasons but one of the women we met said she was doubly displaced, one because she is the widow of a policeman killed by the Maoist and was insecure herself, and secondly because after she received some compensation amount on the death of her husband, her in-laws threw her out of the house. There were several such instances quoted to us by one of the NGOs working with women."

ACCESS TO EDUCATION

General

Conflict and displacement has deprived many children of education (November 2008)

- Government is reported to explain the lack of education programme targeting IDP children by the absence of reliable data on the displaced children.
- UN estimates that there are 35,000 school-age children in need of humanitarian support and who also need basic education and other social services.
- Many of these displaced children, if not accompanied by their family, end up in the worst forms of child labour, preventing them from attending school.
- Department of Education estimates that 3,000 teachers have been displaced by the conflict so far, adversely affecting the education of children.
- The conflict has also created additional workload for children at home and prevented them from attending classes.
- Studies have shown that re-integration into new schools is difficult for displaced children and that many eventually drop out.
- According to CWIN the number of street children has sharply increased and is about 4,000

IRIN, 18 November 2008

"The government should at least show some sensitivity towards the plight of the displaced children," said internally displaced person (IDP) rights activist Gopal Bahadur Shah from Maobadi Pirit Rastriya Sangharsa Samiti, a national committee of conflict-displaced families.

"It should introduce education programmes so that they can regularly attend school," he said. Yet government officials, requesting anonymity, blamed the lack of updated information for a clearer picture of the displaced children's situation.

Aid agencies explained that since displaced children were scattered around the capital, conducting research was difficult.

However, IDPs explained that all the aid agencies and the government had to do was announce their presence and they would gather anywhere and at any time with the children.

"I want to study. I want to go to school," said seven-year-old Hukum Prasad Oli in the capital, where he is living with relatives, who were also displaced from the remote Rukum District, nearly 500km northwest of Kathmandu. Oli's father died while his mother disappeared after leaving him with his aunt.

Some local community schools have tried to help sponsor the education of the displaced and orphaned children such as Oli but have to provide evidence from local government officials in their native villages that both parents were lost in the conflict."

UNICEF, 31 December 2005, pp.5-8

"The UN Contingency Planning Workshop (April, 2005) estimated that of these IDPs [100,000-200,000 IDPs nationwide] about 65,000 need basic humanitarian support and 35,000 are school-age children who also need basic education and other social services. The IDP population is spread across the country and includes vulnerable working children that are either accompanied by their families or alone. When not with their families, these children often end up in the worst forms of child labor which typically prevents them from attending school. Indirect evidence suggests that Kathmandu attracts the maximum number of migrants given that casual work opportunities are easier due to the scale of the population.

(...)

One of the grave consequences of the armed conflict is the suffering of the innocent children. They have been forcefully recruited and deployed as fighters or informants in the combat, they were debarred from education as schools were closed or destroyed. When a family is made homeless or displaced or a breadwinner is killed, it is the children and women who suffer the most.

Displacement of children has increased the vulnerability of this group. If education is considered a basic fundamental right of all children, the many children who are unable to attend school or access any educational service are being deprived from enjoying this basic right. Moreover, poverty and ignorance of the guardians and the poor conditions of the public schools are the additional factors to the agony of the children belonging to low income groups or urban poor in Kathmandu.

All of these have constituted a series of challenges to the question of schooling of the children as a fundamental right.

(...)

Impact of the conflict on children's education

"For the vast majority of refugees living outside of camps and for IDPs, their right to education is often denied"⁴.

In Nepal, the education system in rural areas is deeply affected by the current armed conflict. The Maoists are effectively in control of most of the countryside; estimates vary from 65% to 80%. Hindrance in children's education and disturbances in schools, teacher's displacement, destruction of schools, forced closures of private schools, use of school premises as battlegrounds by both the Maoists and security forces, 'bandhs' (strikes), schools targeted for attacks and used as ground for child recruitment, indoctrination and abduction, and children's forced participation in the Maoists' programmes have led to the breakdown of education. There is evidence that disruption in education and safety concerns have been one of the push factors of internal displacement. Owing to displacement, children have no scope to pursue their education.

OCHA, 7 October 2005, p. 8

"Since the beginning of the 2005-2006 academic year schools have been forced to close for 23% of the time by the CPN (Maoist). The government reports that 187 schools have been completely destroyed by the insurgents. Teachers have been killed by both sides in the conflict, and have regularly been abducted and forced to hand over a percentage of their salaries to the CPN (Maoist). It is estimated that many schools in conflict-affected areas have been closed for more than 120 of the requisite 220 days that comprises an academic year. The World Food Programme (WFP) routinely provides targeted school feeding in 4,170 schools, however has only been able to implement this activity at 62% of capacity due to the conflict."

INSEC, April 2004, p. 118

"The Education Department estimates that some 3000 teachers are displaced by the armed conflict till now. Internal displacement has adversely affected the education of children. Many of

the children of the displaced family remain in their homes and there is much problem to manage money for schooling. Moreover, psychological pressure and excessive workload the children have to bear because of the absence of their parents also affect education. At times the children are deprived of education because the family head is displaced and they have to bear the burden of the family. For the children who have been displaced with their parents, they too have to face a lot of problems at new place with new schools and new teachers as well as new subjects. Studies have shown that the number of children quitting school after their parents were displaced has increased tremendously. A CWIN report reveals that the number of street children has grown rapidly during the past eight years of armed conflict. The number of such street children is about 4000.

Not only students but also the teachers are also victimized by the conflict. Maoists collect donations on monthly basis from the teachers and if they deny paying to the Maoists they are abducted, tortured or at times killed and on the other hand the security forces threaten, arrest and torture teachers for helping the Maoists. In this situation, the helpless teachers seek transfers to district headquarters, cities or places adjoining the capital city in search of safety and this too affects the education of the children.

About 5,000 people were displaced from Taplejung, Panchthar and Ilam districts to Mangsebung of Banjho VDC and the consequence is that the 14 teachers in a school had to teach some 1400 students. Many times the students would not see the teacher and vice versa."

Conflict has had disastrous effects on the education system (February 2007)

- Only about 75 percent of the children belonging to primary school age group are enrolled and only about 37 percent of the primary school age children are expected to complete their primary education within a period of 5 to 13 years.
- The main causes for high drop-out rates and repetition are opportunity costs of education, income poverty, physical distance, perceived irrelevance of education, social prejudices along the lines of caste and ethnicity, under aged children, irregular school operation and neglect of mother-tongue in school.
- Frequent forced closures of the schools, and closures resulting from strikes and Bandhs have become another factor affecting the quality of education.
- There are now two types of schools: the ones run by the government and the ones run by the Maoists.
- Education strikes called by Maoist student organisations, targeting of teachers by Maoists, abduction of children, but also use of schools by the army as military barracks all have a disastrous impact on the children's right to education.

NHRC September 2003, pp. 58-59

"(...) the education system in Nepal still faces a whole range of problems. Only about 75 percent of the children belonging to primary school age group are enrolled. A large number of children have no opportunity for primary education. The gross enrollment rate is increasing indicating large numbers of underage and/or overage children in the classrooms. Gender disparities in access and performance are significant. Only 10 percent of the children entering Grade 1 will complete Grade 5 without repeating any grade and only 44 percent of the students enrolled in Grade 1 manage to reach Grade 5. Also, only about 37 percent of the primary school age children are expected to complete their primary education within a period of 5 to 13 years.

The major causes for high drop-out rates and repetition are opportunity costs of education, income poverty, physical distance, perceived irrelevance of education, social prejudices along the

lines of caste and ethnicity, underaged children, irregular school operation and neglect of mother-tongue in school. Many families cannot afford even the most basic school supplies. Untrained teachers, overcrowding of classrooms, high teacher-pupil ratio, inadequate provision of essential teaching-learning materials and resources, low level of motivation among teachers, and teacher absenteeism continue to hinder improvements in the quality of teaching and learning in schools. In addition, the curriculum content and teaching methods are not sufficiently related to the economic and social environment awaiting the student outside the school. All these factors contribute to violation of the right of children to receive quality education. The poor success rate of public school students in School Leaving Examination remains one major indicator of the problems faced by education in the public schools.

Lately, frequent forced closures of the schools, and closures resulting from strikes and Bandhs have become another factor affecting the quality of education. In B.S. 2059, schools were open only for 120 days. The political parties as well as their sister organizations should realize that their actions violate the basic right to education of 9.4 million children of Nepal."

Armed conflict has had disastrous effects on the education system

HRW, February 2007, p. 12

"Education, too, suffered because of the conflict. The fighting slowed, and in some cases reversed, notable improvements in school enrolment rates and literacy since 1991.¹¹ Warfare directly impinged on children's schooling, as Maoists widely recruited children from schools, while government forces often used schools for shelter, and schools were mined or bombed.¹² The social disruption caused by the conflict also hindered children's access to education."

ACHR, 20 May 2005, pp. 22-23

"The right to education has virtually collapsed due to the armed conflict. There are two kinds of educational systems in Nepal – one run by the government and the other by the Maoists, known as Janabadi Sikshya (people's education). In May 2004, the Maoists prevented approximately 7,000, out of the 14,500 newly appointed teachers, who had passed the licensing examinations conducted by the Teachers' Service Commission from joining duty. The Maoists insist that their Janabadi Sikshya (people's education) be made part of the school curriculum and that teachers get training on it first.

(...)

Many schools have turned into military barracks of the RNA and the RNA personnel deliberately targeted the schools.

(...)

Owing to violence, the number of students in schools in Darchula, Baitadi, Dadeldhura, Bajhang, Bajura, Achham and Doti districts had gone down by 15 per cent as compared to previous years. Fear of being picked up by the Maoists led to the students of Mudbhara leaving their village to join the schools in the district headquarters.

(...)

The Maoists' student wing All Nepal National Free Students Union -Revolutionary (ANNFSU -R) often calls for indefinite closure of schools and colleges in the country to press their demands. Private schools are specifically targeted. There are over 8,500 private schools in Nepal that enroll at least 1.5 million students and provide employment to over 175,000 teachers.

After proclamation of emergency on 1 February 2005, the Maoists imposed an indefinite educational bandh in Bardiya and Chitwan districts. A total of 371 schools have been closed in Bardiya district following the Maoist threats. The Maoists have reportedly instructed the teachers and students to boycott classes until further notice. The Maoists' diktat came a month before the School Leaving Certificate examinations and over 100,000 students in Bardiya district have been

affected. In Chitwan district, over 70,000 students belonging to 240 schools (private and public) have been affected by the Maoists' educational bandh. The Maoists reportedly abducted over 200 students and teachers from Bhumadevi Secondary School at Deurali VDC in Nuwakot district."

Attacks on teachers

Watchlist, 26 January 2005, p. 25

"Since 1996, more than 160 schoolteachers from all parts of Nepal have been killed in relation to the armed conflict, according to the National Teacher's Association. Another estimated 3,000 teachers have been displaced from districts' schools, fleeing their villages in search of security in district headquarters, according to the Department of Education.

Some teachers have come under pressure by both the Maoists and the government, causing anxiety and stress, and compromising their ability to focus on teaching and to assist students in coping with psychosocial issues. For example, both the the Maoists and government security forces are known to use blacklists to intimidate teachers. When teachers' names are put on such lists, they are likely to be interrogated by the security forces or called to the government security offices of the district for alleged Maoist activity. Ironically, this may cause the Maoists to accuse the same teachers of being government informers because they were seen at the government offices and to put them on their own black lists— and vice versa.

(...)

The Children in Conflict studies describe teachers having been tortured during interrogation in the custody of government security forces for suspicion of supporting the Maoists, or in an attempt to get information about Maoist activity. In one case, reported in May 2004 in the Samay National Weekly, "Scared for Life," Kamal Dahal, a teacher and father of a 12-year-old school student, was killed in front of his daughter by the government security forces on charges of being associated with the Maoists.

Similarly, Maoists may threaten teachers and force them to make "donations" from their monthly salaries to support Maoist activities, putting strain on teachers and their families who must survive on the salaries. According to local sources, forced "donations" from teachers is occurring throughout the country. A news story reported that the rate of "donations" is approximately 10 percent of teachers' salaries. However, this rate may vary at the discretion of local Maoist leaders, Kantipur, "Salaries to Maoists, Family Empty Handed," July 26, 2004."

Majority of working IDP children had received at least primary education prior to displacement (June 2006)

- Majority of working IDP children had received primary education or higher prior to displacement.
- Nearly 1/5 of the working children had attended Class 6 or above.
- Children working as mechanic helpers had the highest level of education, followed by restaurant workers.
- Girl tea stall workers had the lowest level of education

TDH, CREHPA, SCA, June 2006, p. 54

"The educational backgrounds of the IDP children in different labour situations are shown in Table 3.3. 'Non-formal education' refers to children attending NFE classes before their migration, not after arrival in their present destination. A high percentage of the respondents had received primary education or above (82% of boys and 62% of girls). Notably, among the IDP working

children, 23% of the boys and 18% of the girls had attended Class 6 or above. This may reflect the disruption of more educated influential families in rural communities by the Maoist insurgency.

Educational attainment was most noteworthy among mechanic helpers (all boys), 37% of whom had lower secondary education (Classes 6 to 8) and 20% of whom had higher secondary education (Classes 9 or 10). This is likely related to the predominance of Brahmin/Chettri youth among the population of mechanic helpers. Surprisingly, following mechanic helpers, girls and boys working in stone quarries had the highest levels of education among the children interviewed. Notably, 57% of girl stone breakers had primary education, and 30% had lower secondary education. Overall, participation in non-formal education (NFE) classes was higher among girls (19%) than the boys (6%). Participation in NFE classes was highest among girls engaged as domestic workers (30%). Low educational attainment predominated among girl tea stall workers (67% illiterate, 33% primary education). No girl tea stall workers had attended NFE classes."

Obstacles to education

Access to education remains difficult despite end of civil war (January 2009)

- Conflict and social tensions in the post conflict transition period are affecting schools and children's access to education, especially in the Terai districts

OCHA, 16 January 2009, p. 34

"Conflict and social tensions in the post conflict transition period are affecting schools and children's access to education, especially in the Terai districts. Political groups have recruited students, called for strikes, intimidate and extort teachers and education officials, and held political rallies and demonstrations during school time. The Department of Education reports that many teachers are requesting transfers out of the eastern Terai districts. Some districts have experienced a high turnover of education staff due to harassment and intimidation. Schools in some districts of the eastern Terai have been closed for more than 100 days out of 220 of the school year, which will affect children's learning achievements.

UNICEF with partners has been implementing a pilot project, Schools as Zones of Peace at national and local levels during the insurgency and the transition period, involving local community facilitators convening negotiations with stakeholders including political parties, community groups, teachers union, and others, to create codes of conduct for participating schools, agreed on by all stakeholders, to maintain schools as zones of peace. Ensuring continuous access to education in this charged political environment is necessary to guarantee children's right to education as well as maintain normal routines for children.

Civil society coalitions have been mobilised to keep the conflict out of schools, and included the use of local media. While this programme has been partially successful, it needs to be scaled up to more districts and schools and requires greater involvement from political parties, the Ministry of Peace and Reconstruction, and expanded advocacy and policy initiatives."

Need to support the family and lack of transfer documents are major obstacles to IDPs' access to education (July 2006)

- Lack of transfer documents, lack of teachers and the need for the children to work to support his family are major factors hindering IDPs' access to school

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 11

"A problem faced by many IDP children in the major towns is the lack of transfer documents necessary to enroll in the schools in place of residence.⁶ These documents are only necessary after fifth grade and the older children are usually sent to Biratnagar to study. The lack of documents therefore did not constitute such a large problem in the headquarter of Taplejung district, where there had been taken occasional decisions to enroll IDP children from remote areas without the documents. The lack of teachers and closure of private boarding schools had led to heavy pressure on the public schools in the district headquarters. In Taplejung district there was one teacher for 38 students. The large taxation imposed by the Maoists on the schools has put an end to additional resources. Many IDP parents stated to the mission that they could not afford to send their children even to public schools. In Phidim for example, most IDP children were not enrolled in schools due to costs of uniforms and books. Government had allocated some budget to assist IDPs by providing them some allowances."

TDH, CREPA, SCA, June 2006, p. 21

"Nearly three times more girls than boys were attending formal or non-formal education. While nearly two thirds of girl children were attending school, only one fifth of the boys were doing so. The large number of boys not attending school greatly consisted of older boys working and living semi-independently. Notably, many these boys were those who came from the village with the highest education, indicating a disruption of these children's educational track. Lack of interest was the most frequent reason for non-attendance cited by boys, and economic obligation to the family was the most frequent reason cited by girls. Lack of time to study due to work was nearly as common, and was cited by both girls and boys."

CHR, 7 January 2006, p. 16

"54. Regarding education (Guiding Principle 23), internally displaced children face several problems. In particular, they often lack the transfer papers issued by the school in the village or town of origin necessary to be enrolled in a new school. As the Representative noted with appreciation, in many places access to schools for displaced children is granted in a flexible and non-bureaucratic manner. But education officers in the districts visited by the Representative confirmed that the high increase of primary school enrolments without the corresponding increase in the State budget affects the quality of education. Finally, once families exhaust their savings or the support capacity of their relatives, sending children to school becomes too costly for many parents. The difficult education situation is exacerbated by the fact that many private, and a considerable number of public schools, have closed due to threats and acts of violence by the CPN-M."

Survey shows only a quarter of IDP children attend school in Kathmandu (March 2005)

- In both Kathmandu and Birendranagar, only one displaced children out of four attend school. Of these, the majority (60% in Kathmandu and 90% in Birendranagar) go to government schools.

- Lack of ID papers or money to buy uniforms and books are major obstacles to school attendance.
- More than 80% of the displaced children attending school do so with the support of their own family. Only 1.4 % (or two children) received support from the government.

SAFHR, March 2005, p. 12

"(...) there appears to be a higher incidence of children attending schools in Birendranagar. (see Table 5 below) Most of them go to government schools (where education is free) and some of them have been provided educational assistance by the schools themselves and by some of the local NGOs in Birendranagar in particular. In Kathmandu, fewer children attend school – many, because they have no identification papers for admission formalities and also because they cannot afford to buy school uniforms and textbooks. It is not clear why some schools have relaxed their policy to allow children from displaced families to attend school and why other have not shown the same generosity (sic). One of the reasons for non attendance is also due to the families having to move frequently from place to place looking for affordable accommodation and therefore finding it difficult to find schools for their children to attend on a regular basis.

As is evident from Table 6, most of the families said that they were sending their children to school with their own funds which meant that they were receiving either some sort of support from relatives, friends or taking loans. It is revealing in itself that only 2 children from among these families have received any government support for education"

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

Most IDPs have limited earning opportunities in the context of a depressed local economy (June 2009)

- IDP Working Group assesment shows most IDPs have limited earning opportunities in the context of a depressed local economy
- Study conducted by MCRG in 2006 among IDPs in Nepalgunj showed that 41 per cent of IDPs were unemployed. Almost 70 per cent were living on less than Rs. 1,000 per month.
- Most IDPs have no regular source of income or no income at all. Those who do try to make a living out of selling small goods, operating small lodge and kitchen businesses or doing construction work. Those who don't are forced to beg in the streets.
- Many of the girls who have fled to Kathmandu end up working in restaurants and bars. The lucky ones have received training by an NGO, although often short term.
- The study found that few displaced children in Kathmandu or in Birendranagar were working.
- Over 70 per cent of the people said that they could not earn enough or anything at all to even feed their families.
- Concentration of poor in urban areas is reported to have increased due to the conflict and the subsequent displacement of people.
- Study shows that a significant proportion of IDPs moving to urban areas end up as urban poor.
- ADB study estimates that between 300,000 and 400,000 rural landowning families have been displaced since 1996.
- Most experienced a serious decline in annual income with families displaced from the mid-western regions being both the largest group (1.2 million) and having experienced the sharpest decline (more than 50%)

IDP Working Group, 15 June 2009, p. 22-26

"Livelihood and economic options among respondents are quite miserable with 47% still struggling for their daily livelihood. 17% of the respondents expressed extreme hardships with no means of earnings (see Figure 4 - Alarming).

Health, nutrition and education for their children were some of their main concerns. In some cases, heads of households are frustrated to the point of depression, which in turn, is causing other problems for family members as well as those in the community. NGOs and political parties also supported these findings where most IDPs are faced with limited earning opportunities within a miserable local economy. Respondents from Kathmandu, Makawanpur and Bardia districts are reporting the worst conditions of all.

(...)

The condition of returnees in return areas

The assessment results show that 30% of respondents are surviving under moderate economic conditions, while 32% of respondents feel that their conditions are satisfactory. It seems that these returnees have somehow managed to make a living without any intervention and

support from State and non-state actors.

But more than one-third of returnees live with under poor economic conditions, and still need help. In a most of these cases, poor livelihood opportunities have been hampering their children's education, health and nutrition. Among the districts surveyed: Bhojpur, Rolpa and Surkhet have the worst situations in terms of livelihood and economic opportunities.

(...)

For those who have managed (most of them without any government assistance) to return home since the end of the 2006 hostilities, the main challenge has been to re-establish livelihood in areas hard hit by war, where state institutions and services have only been partly restored to date."

MRCG, December 2006, p. 48

"The quantitative findings reveal that there are severe consequences of displacement. Most IDPs living in the cities suffer from the scourge of unemployment. More than two-fifth of the respondents (41 per cent) stated that they were unemployed while over 39 per cent were involved in domestic or agriculture labour, fishing and dairy works. About 17 per cent of the respondents were involved in trade (shop keeping, vending, etc.) and a negligible proportion – only 3 per cent – were engaged in industrial sector (mechanical labour, security guards, etc.). The vast majority of the respondents (68 per cent) had less than Rs 1,000 monthly earning per family. The IDPs face difficulties in getting employment because of their lack of skills and adequate capacity to look for jobs. As a result there is an exodus of young people to India and elsewhere for jobs. Many IDPs are employed in menial jobs. These jobs have very low wages and it is extremely difficult for people to survive on them."

SAFHR, March 2005, pp. 15; 40

"Many of the people who have been displaced have no regular source of income or have no source of income at all. Persons with political affiliations continue to be associated with party offices but on a voluntary basis. Many of the IDPs, both in Kathmandu as well as in Birendranagar, make a living as small vendors, what is called 'nanglo pasal' literally, selling small goods like cigarettes, sweets and small knick knacks out of a nanglo (flat round bamboo tray used to clean grain). Small road construction work (gitti kutney or stone breaking) appears to be the next option, with many children also accompanying their parents in this work.

Some of the people in Birendranagar, a few women, have begun brewing and selling "rakshi" or home brewed liquor, which at the least ensures some degree of daily income! A few entrepreneurs have rented a few rooms and run a lodge and kitchen. This is usually two rooms, one doubling as the kitchen and sleeping space for the entire family and one room to be rented out. They are able to make some money to pay all or part of the rent.

In both places, some of the IDPs said that they and their children have had to resort to begging on the streets. Older girls who have come to Kathmandu on their own, work in garment factories, restaurants or in some cases in dance bars. Young boys, interestingly enough were either continuing with their education or were working part time in restaurants as service staff. Some of the displaced youth have been provided with vocational training and internships with various NGOs. However this is short term and there is only one instance of such a programme, funding for which, according to the NGO, will soon cease.

Girl children in Kathmandu are working in hotel/restaurants or in brick kilns or other casual wage labour while in Surkhet they are working as domestic labour. However the numbers of girls working is very low. We found only four incidences where the family has sent girls out to work. Boys in Kathmandu and Surkhet are mostly working as domestic labour, transport labour (at

garage/workshops), in hotel/restaurants and casual wage labour. The number of boys working is also quite low. In Kathmandu it is not quite clear what the children are doing as the incidence of school attendance is low in comparison to Surkhet where one may conjecture that more children are in school and therefore not working. Although on being asked, what do the children do, some of the respondents in Kathmandu said, "Kehi gardaina, gharma baschha. Iskool janu sakdaina, kaam garnu pathaune sakdaina, sa-saana chan!" (they don't do anything, they just stay at home. They cannot go to school, they cannot be sent to work as they are too small).

Table 8 presents a dismal picture of the current situation of income sufficiency of the IDPs in both Kathmandu and Birendranagar. A small percentage of people said they earn just about enough to meet their daily needs, although if a sudden emergency came up they would not have any money for that. Over 70 percent of the people said that they could not earn enough or anything at all to even feed their families. Some of them said that they were at starvation point with not even one full meal a day. Approximately 46% the IDPs have to manage their expenses by taking loans while other have additionally taken some form of cash (grant) or support in kind from family or by selling off property. A few said that they managed to get some grain and other food stuff sent to them from the village. However this is not a regular supply as the family is only able to send it to them in small amounts and in some cases secretly.

(...)

Most IDPs survive on loans

"The survey has also highlighted the high probability of further impoverishment of this group of IDPs directly attributable to the fact almost all of them survive on 'loans' taken from friends, relatives and sometimes money lenders. Since there is no steady source of income available to these people, the likelihood of their incurring more and more debt is exponentially high.

It is significant that over 74% of the IDPs live in rented house with an addition approximately 15% living with relatives, temporary shacks and dharamshalas. Only 10% of the people said that they had their own house, a majority of them being in Birendranagar.

Combined with the feedback received from over 68% of the IDPs who do not have sufficient means to survive and that at least 63% of them had taken loans to make ends meet, it can be said that the propensity for increasing indebtedness of these people is undisputed. This percentage does not cover those who said they were starving or that those who were making do with some food on a daily basis. As has already been mentioned earlier, the IDPs already have run up debts on rent and food on credit. With no regular source of income or any assistance, it appears likely that a new community of urban poor will emerge and increase."

Study shows that IDPs who move to the main cities are likely to become urban poor **Kathmandu Post, 20 April 2005**

"Senior economists of the country on Wednesday expressed deep concern over the rise in urban poverty level and warned that the problem, which remains largely overlooked, may soon turn into an epidemic if appropriate measures are not taken on time.

According to a report, only 14.2 percent of the total population are currently residing in urban areas and of this number about 20 percent are living under poverty level. "However, the alarming fact is that the number is increasing at the rate around eight percent every year," said Dr Keshav Khadka, an economist.

Presenting a paper on 'Rising Urban Poverty and Impact on Conflict' at a program, he added that the concentration of the poor is expected to increase further in urban settlements due to growing tendency of the conflict-displaced people to migrate towards cities.

"And, according to a survey, it was found that the largest chunk of such population that migrate to the cities later turn into urban poor," stated Dr Khadka.

"Very fact that 28 percent of the total population living in squatter settlements for the last 10 years are mainly people displaced by the conflict is an evidence to prove that people who shift to urban areas due to insurgency are prone to transforming into urban poor," he argued."

Study suggests sharp decline of income for landowning families after displacement
ADB, September 2004, p. 2; Appendix, p.78

"Over the past year, the conflict has spread. At present, 36 of the 75 districts are classified as Phase III districts under the United Nations' security system. Since 1996, about 10,000 people have been killed, 300,000–400,000 rural families displaced, and infrastructure facilities estimated to cost about \$400 million destroyed.

(...)

The estimated number of people displaced by the conflict varies. A study conducted in 53 districts reported that some 402,100 landowning families were displaced, affecting nearly 2.4 million people.¹ More details are shown in the following table:

18. The same research also found that there was a substantial decline in the annual income for the displaced persons in the areas of study. These are detailed in the following table:

"

Many displaced women resort to prostitution to make the ends meet (June 2009)

IDP Working Group, 15 June 2009, p. 25

"The armed conflict impacted the lives of women and children terribly. Some women lost their husbands, while others have to share the grief of their partner's disabilities. These challenges not only affect mental and emotional health, but also increase women and children's daily responsibilities. Women not only have to take care of their children and elders, but also have to be the daily bread winner for the family. Harassment in the work place, personal safety & security, and the associated stress are just some of the challenges that women have to face. Young girls are subject to sexual violence, and kids are deprived from regular education. Everyone, including the elderly, is suffering from low nutrition and a lack of basic services such as health care and education.

Internally Displaced Girls and Women

The drastic increase in the movement of women towards urban centers during the conflict has been widely reported by the national media and in research reports. The migration has been absorbed by questionable and flourishing businesses: restaurants, dance bars, and massage parlors. Since many of these women and children lack education and a family support system, these business provide needed income, but at a high price. According to a 2008 survey done by Rakshya Nepal, of 200 women working in dance bars, cabin restaurants and massage parlors, 58% of respondents were displaced by the conflict. A majority of these women fled from Sindhupalchok, Kavrepalanchok, Dhading, and Nuwakot districts. According to the Ministry of

Women, Child and Social Welfare (MoWCSW), there are 40,000 female workers aged between 12 and 30 working in restaurants, dance bars and massage parlors - with half of them suffering from trafficking and sexual exploitation. It can be assumed that a large percentage of these women and children are IDPs.

It is also a global phenomenon that conflict increases prostitution¹⁹. 81% of the respondents confirmed sexual activity, while 50% admitted practicing unsafe sex. This vividly shows that these women are at high risk of HIV/AIDS and other STDs. There is an urgent need for awareness and rehabilitation programs based on this data.

In May 2009, the assessment team had a discussion with 10 women, aged between 18 and 25 years, who were working in cabin restaurants, dance bars or massage parlors. All had fled from homes due to armed conflict. Three of them reported that they escaped from a Maoist militia after they were forced to stay encamped for periods of 4 to 6 months. These women have now been living in Kathmandu for the past 4 to 8 years. Living in dire conditions, they are exposed to several forms of exploitation. All of these respondents admitted being forced into prostitution by their employers. Their level of IDPs awareness is alarming. A majority of them are not even aware of their displacement status. Moreover, only one respondent knew what the term "displacement" actually meant. They are unaware of their rights as IDPs, and have no access to other pertinent information such as: information on National IDPs Policy government assistance or procedures for accessing their rights to register as an IDP."

SIRF, 6 May 2009, p. 54

"In many cases, women have difficulties in accessing to resources after the deaths of their husbands. Women have to turn to other means of work, especially prostitution when traditional methods of income generation fail. According to police in Surkhet, there is increase in prostitution. Interestingly they are not from low class and caste as the usual assumption but mostly from Thakuri and upper castes. Most of them have taken this means of life because their husbands have disappeared, fled or migrated, displaced, or killed during conflict. The women are forced to sell their bodies to earn money for feeding, educating, and medical care of their children, elderly including parents-in-law. Police from Kaski said that there is increase in prostitution and thefts as people got displaced from various districts had to find ways to meet their basic needs; and in absence of other option had to resort to the illegal acts. Another interesting fact is majority of the commercial sexual service users are from police and army who had been away from their homes."

Migration is often the only livelihood option in rural areas (August 2008)

- Difficult living conditions, made worse by the conflict, and the lack of economic/livelihood opportunities make migration to urban areas or to India one of the only options left.

FIC, August 2008, pp.31-32

"A major concern for the people in all the communities visited was employment and opportunities for securing stable livelihoods. People in the villages said that they had been facing different problems including 'lack of development' (bikas chaina), lack of employment opportunities, drinking water, good village health services at the village level, better facilities at the school and better roads/transport system. Conflict had made their life difficult and they hoped that the peace would finally come. At the same time, expectation was tainted with unease. "People are not sure that peace is for real" explained a government official in a hill district. People spoke of lack of a

conducive environment to do anything (kehi garne batawaran/awastha).

Migration.

Young men spoke of their frustration at inability to find suitable work in the villages and that the only option left for those who could afford it was to migrate to India/the Gulf/Malaysia or to other parts of Nepal including Kathmandu. The comment of a middle aged Bahun (upper caste) man in Rolpa was typical: "there is nothing in the village. What do we do? It is not possible to do anything with this small piece of land." People in the village were aware that not everybody who went abroad was able to get desired work and in turn improve the household situation drastically. While the aspiration for salaried employment (jagir khane) within Nepal was higher among the young educated men (those who had completed schooling or, in some cases, college education), it was becoming increasingly difficult to find jobs in Nepal. A man (aged 32) who belonged to a lower caste reported that "it is impossible to find salaried employment (jagir) in Nepal. People with BAs and MA degrees are unemployed, how would people like me get jagir. It is easy to say jagir, but who will give jagir?" The aspiration for out-migration among young girls was lower than young men. However, many young girls who had completed schooling aspired to go for further education and get jobs in the city.

At the same time, it was clear that migration had an impact on livelihoods even in the remotest areas. At an impromptu meeting, Dalit women in a remote village in Rolpa complained that they had seen no benefits from an internationally-financed small-scale irrigation and "green" road building project in their valley other than occasional day labor. They were, they said, on the "wrong side of the valley: all the assistance had gone to the other side" (where the villages were of Magar ethnicity and allegedly more supportive of the Maoists). When asked how they managed to survive, it turned out that the six women interviewed all had at least one male family member working in India (and one in the Gulf). The importance of remittances is demonstrated by the appearance of Western Union franchises as soon as a village is connected to the mobile phone grid. One of the women explained that "they send up a boy with a chit and I know I can go and get my money".

The head of the government development department in a hill district stressed the downside of migration, "It has changed our social pattern and it is accelerating day by day. Conflict, fear of conscription were part of the reasons. But we lose so many young people: in some remote villages only women and older people remain behind. But what do the villages get back when people leave? Only some money and AIDS."

Conflict had a particularly high impact on livelihoods in the Far- and Mid-Western regions (October 2007)

- The 3 livelihood areas most impacted by the conflict are: (i) the reduction in development work, (ii) the decrease in income from construction wage labour; and (iii) the loss of assets due to forced confiscation.
- Impact on livelihood was highest in the Far- and Mid-Western Regions

WFP and OCHA, 4 October 2007, p. 16

"The conflict had a significant impact on people's livelihoods, particularly in rural areas. Information was collected from district-level consultations on key aspects of livelihood affected by the conflict. In addition, community focus group discussions were held in 158 conflict affected communities across all 37 districts covered (See Map in Annex I for the locations of communities in which focus group discussions were held).

Figure 8 shows the summary results illustrating which livelihood areas have been most impacted by the conflict in terms of relative importance. All livelihood aspects were ranked from 0 to 4 by responders. Subsequently, standard methods were used to calculate an index ranging from 0 to 1 to indicate the severity of the impact. The resulting indices are high for every livelihood aspect, indicating that the overall impact of the conflict on livelihoods was high. Based on the assessment the three livelihood areas most impacted by the conflict are: (i) the reduction in development work, (ii) the decrease in income from construction wage labour; and (iii) the loss of assets due to forced confiscation.

Figure 9 shows an index combining all aspects of livelihoods that were affected by the conflict. These livelihood impact indices were calculated for each geographical region by adding impact rankings on each category on a scale of 0 to 4 (0 for lowest and 4 for highest impact) for all districts in that region and then dividing the sum with the maximum possible score for that region.

It can be seen that a correlation exists between the conflict impact severity as shown in Chapter 4 (see Figure 2) and the livelihood impact index of Figure 9. Livelihood impact is highest in the Far- and Mid-Western Regions while it is relatively low in the Central Terai and the Mountains of the Central and Eastern Regions. This index is a useful reference when prioritizing broad geographic areas in which to implement projects aimed at providing assistance to support recovery of livelihoods."

Public participation

Most IDPs struggle to integrate as they face stigma and discrimination linked to their IDP status (June 2009)

- IDP Working Group survey showed that the majority of the displaced feel they are viewed as "undesirable" by the host communities. 28% reported being isolated because of their IDP status

IDP Working Group, 15 June 2009, p. 23-28

"It is a very common for displaced people to face stigma, discrimination and other social problems in their places of displacement. There are many displaced people who do not want to be known as IDPs.

More than 50% of our respondents expressed that once they have been identified as IDP, they feel that they are classified undesirable by the host communities, and 28% of respondents say they remain isolated because of the stigma attached to being displaced (see Figure 5 - Alarming). IDPs integration within host communities is a tough challenge, and no interventions were observed

in the districts assessed. There is little sensitivity to the problem of stigmatism, and little effort to improve social harmony from the government or private sector side.

(...)

The condition of returnees in return areas

Dignity is one of the perquisites for a successful return in each IDP case. Host communities have a responsibility to help in this regard. In general, social acceptance of returnees seems relatively fair.

However, 38% of returnees have been experiencing poor social cohesion and discrimination. This crucial condition highlights the need for social rehabilitation interventions. These return area interventions can repair the social harmony between the returnees and the rest of the community."

Conflict has drastically increased women's participation in public affairs (May 2009)

- One positive consequence of the conflict has been the empowerment of women and their increased participation in public affairs.
- One indicator of this change is the radical increase in the representation of the women in the Constitution Assembly, which has raised from around 7% in previous elections to 32.27 %
- Some women have succeeded in breaching the traditional patriarchal value system and status of widowhood after the armed conflict.

SIRF, 6 May 2009, p. 47

"However, they were not just victims but empowered in many ways. Around one third of women has become combatants in traditionally gender-segregated societies, and have taken up other roles, including recruitment in Army since 2003 11 . Housewives have become active in public spheres to protect their children, husbands, brothers and relatives or forced to join Maoists insurgency and in many leading positions. Women change drastically when they experience violence, they will never be the same. (Shakya, 2002)

One major impacts of conflict is the radical increase in the representation of the women in the Constitution Assembly, which has raised from around 7% in previous elections to 32.27 %, CA Election April, 2008. This change has to do with increased political awareness amongst women through Maoist political conscientization similarly, world conferences on women like Fourth World Conference and its post activities (B+5, B+10), NGO activities, media dissemination on women's issues and increase in literacy rate. Political parties had to increase women representation for their survival.

(...)

This was true at all research sites: the women were very articulate and self-confident when they spoke to the research team. One women respondent from Rautahat said, "Earlier, I could barely talk to people. But after all the suffering during armed conflict, I am no longer timid and can talk to anyone and travel anywhere on my own". According to her, the armed-conflict has made Nepali women self-confident, although she stated that women only come to public domain or speak up for their family members when they get forced into a situation where they are compelled to become active Talking about the different aspects of conflict, she shared women have started becoming capable to put forth their perspectives on different issues and situations, actively participate in discussions and have built strong networks and groups.

Most women respondents said that the thulo manche (elderly or local leaders) used to tell them who to vote for during elections. In the Constituent Assembly election, they said they voted for the candidate whom they wanted. A dalit woman said that she vote to whom she wanted and even her husband does not know who she voted for. Women respondents from families of the disappeared demanded the State investigate and report why their family members have disappeared and/or killed rather than just ask for compensations. One woman from Chaynam, Okhaldunga said at present she has no fear to argue with the Maoist cadres about their past problematic activities when they came for Constituent Assembly election campaigning. She said, "Earlier before the CA election you used forced us to provide lodging, food and donations. Now

you are coming to ask for vote." Women, therefore, are no longer afraid to raise their voice for justice.

Many of the victims of the armed conflict have now become CA members. Many of the women victims have also become politically empowered due to the armed conflict.

Another interesting part is not only getting organized but also have been able to creatively work on security issues. In Bhajani, Kailali, there were hardly any men in the village so there were lots of problems with security issues. The women created many ways to protect themselves. In one case they used a tin container as a bell, which was tied with long ropes from various parts of the village whenever they felt threatened, they pulled the rope to call all the women in one place to fend for

themselves. They also took turns to patrol their community at night. The situation also helped them to work and strengthen themselves as a group.

During armed conflict, many women lost their husbands and were widowed. They had to face many hardships and challenges and had added responsibility of raising their children alone. They worried about spending lonely long years by themselves, taking care of children and their in-laws. Many women have had to live away from their child, which is a source of constant pain. Such a situation intensifies their loneliness. Widowhood pushes women into more socio-economic responsibilities. Furthermore, they are not trusted by her husband's family and relatives fearing that she could elope, or have sexual relationships with other males, including hired help. Majority of the elderly widows are lonelier and lack support in old age.

However, the women have succeeded in breaching the traditional patriarchal value system and status of widowhood after the armed conflict. They have started wearing colorful cloths, tika (colored marks on their foreheads) and glass bangles rather than wrap themselves in white saris. This can protect them from males who could try to exploit single women. Various women's groups, including Mothers' Groups, had actively promoted this change. Increasingly, many do not think widowhood is inauspicious as was believed earlier."

An estimated 50,000 IDPs were disenfranchised during the 2008 CA elections (April 2008)

NRC, 7 April 2008

"Nepal is currently gearing up for its upcoming Constituent Assembly polls on April 10. While most people are preparing to cast their votes, the majority of the country's internally displaced persons (IDPs) are left out of the process. IDPs displaced by the former conflict are excluded from the participating in the election simply because they are not in their home constituencies.

As citizens of the country in which they are displaced, IDPs are entitled to vote from their areas of displacement, to and participate in public affairs; a right which is affirmed in the IDP National Policy endorsed by the Nepali government in February 2007.

Therefore, it is of concern that no political party has addressed this issue, and that the state has not implemented provisions to enable IDPs to vote in their place of displacement.

No one from the Nepalese government or from the political parties have asked the IDPs if they will be able to vote. Elections are significant in that, by casting their votes, IDPs can have a say in political, economic and social decisions affecting their lives.

In practice however, IDPs wanting to vote often find a number of obstacles ahead of them - lack of civil documentation, discriminatory practices, insecurity, acts of intimidation, inadequate arrangements for absentee voting, lack of time, lack of clear information and financial constraints that prevent them from going back to their place of origin to vote.

Left unaddressed, these barriers disenfranchise displaced voters and worsen the marginalization and exclusion that IDPs so often face in society. They also undermine the legitimacy of the overall electoral process.

The government has systemized the voters in the current Constituent Assembly election into two categories, temporary and the permanent voters. The permanent voters are the normal voters that are only allowed vote from their own home constituencies. The temporary voters however, can avail the facility of voting even while not being at their home constituencies, simply by showing their citizenship certificates.

It is interesting that in the categorization of the temporary voters, the state has included Government employees, security forces (police, army and the paramilitary), the Maoists in cantonment camps and prisoners in jails. The IDPs however, are excluded from this category altogether. Why are the IDPs left behind?

It may be too late to exercise the voting rights of the IDPs for this upcoming election. Therefore, NRC strongly urges the government and the Election Commission to make appropriate arrangements for this vulnerable group to exercise the right to vote wherever they are residing in the future."

Nepal Mountain News, 5 April 2008

"The Norwegian Refugee Council (NRC) has expressed concern about lack of making appropriate arrangement for the Internally Displaced People (IDPs) to exercise their franchise during the Constituent Assembly polls.

The NRC asked the government why the IDPs were not categorized as temporary voters to ensure their right to vote. "The state has categorized government employees, security forces (the Nepal Police, the Nepal Army and the Armed Police Force), the Maoist's PLA personnel and prisoners as temporary voters. But why the government failed to treat the IDPs in the same way?" a press release issued by the NRC asked.

"Therefore, the NRC strongly urges the government and the Election Commission to make appropriate arrangements for this vulnerable group to exercise their right to vote," the release added.

The release added that being the citizens of the country, the IDPs are entitled to exercise their franchise from the places where they were displaced from and to participate in the public affairs — the right as mentioned in the IDP National Policy which the government endorsed in February 2007.

"As no political party has addressed this issue and the state has also not implemented the provision to enable IDPs cast their votes, it is the matter of concern," the release added.

Neither any government official nor any political party have tried to help the IDPs cast their votes, the release added."

ICG, 2 April 2008, p.11

However, many people have been left out. Only citizens who reached the age of eighteen by 15 November 2006 were eligible to register, meaning the youngest voters on 10 April will be nineteen years and four months old. Permanent residents within an electoral constituency were registered as permanent voters; 79 others (including PLA combatants in cantonments and government employees – including soldiers, police and election officials) were registered as temporary voters, meaning they can vote only in the PR race.⁸⁰ Internal migrants will only be able to vote if they return to their home constituencies (the Maoists had seized and burned some voters lists in February 2007 protesting the refusal to register migrants at their current addresses). Many recent citizenship certificate recipients, predominantly Madhesi, have also been left off the roll, although Madhesi parties have not raised this issue vocally.

OHCHR, December 2007, p.22

"Although the IDP Policy includes that provision will be made so that IDPs can cast their vote in an election, those who have chosen not to return to their place of origin – perhaps as many as 50,000 -- will be effectively disenfranchised in the forthcoming CA elections unless the CA Electoral Law is changed. The present law requires citizens to be resident in the constituency in which they vote, and there is no provision for absentee voting that would cover IDPs. Moreover, the procedures for transferring voter registration are likely to be insurmountable for IDPs, as they include the requirement that a person obtain a "migration certificate" from their place of origin. In addition, voter registration has been closed since December 2006 . The Representative of the Secretary-General on the Human Rights of the Internally Displaced Persons has written to the Prime Minister on this issue urging that the situation be reviewed and remedied."

Ghimire, Anita, July 2007

"According to article 8.1.11 of Nepal's recently introduced IDP policy, all IDPs are entitled by law to vote. However, the policy does not clarify whether IDPs have the right to stand as candidates or whether they should vote in their place of origin or place of current residence. It is unfortunate that in most districts of Nepal voter registration process has now been completed and only those who are permanent residents have been registered.

Elections are an important means by which IDPs can have a say in the political, economic and social decisions affecting their lives. As citizens of the country in which they are uprooted, IDPs are entitled to vote and participate in public affairs, a right which is affirmed in the Guiding Principles on Internal Displacement.¹

It is important that Nepal learns from the experience and expertise of the international community in conducting and supervising elections which involve IDP voters. From its own extensive experience, the Organisation for Security and Co-operation in Europe (OSCE)² has identified six sets of obstacles to IDP enfranchisement: lack of documentation; discriminatory practices; obsolete and restrictive residence requirements; inadequate voting arrangements; lack of timely, adequate and clear information; and insecurity and acts of intimidation. All these are apparent in Nepal.

Many IDPs have lost documents or had them confiscated during displacement. In many areas the government itself has been displaced for many years, unable to provide documentation or proofs of citizenship to local residents who may have been displaced subsequently. There have recently been chaotic scenes in rural areas as people have jostled to receive formal entitlement to citizenship. Even if IDPs do have documents, they are prohibited from casting a vote except in their original place of residence. As most IDPs are of rural origin, and many are only semi-literate,

they are discriminated against and face great difficulties in understanding and accessing formal bureaucratic procedures. Most IDPs will be unable to return home to vote. Further conflict between returnees and those who have occupied their land is likely. There are no concrete plans to remove the large numbers of landmines which prevent displaced families from returning home and resuming disrupted livelihoods.

To make matters worse, the Maoists are still exercising their own judiciary system parallel to the government in some places and setting their own rules on who can return and under what conditions. The Maoists have announced three categories of IDPs. One group is permanently prohibited from return and another given the right to do so only after paying a fine. The Maoists have announced they will only return a proportion of land confiscated from each IDP. The Maoists are now part of the government and should be required to follow national laws, not those imposed by themselves. Their actions are a clear violation of the Guiding Principles, on which Nepal's IDP policy is based, as well as the Comprehensive Peace Accord under which the Maoists agreed to help in the restitution of property and facilitate return and reintegration.

One of the most important conditions for free and fair elections is that the electorate has access to timely and correct information regarding voting arrangements. Electoral officials should have clear and concise information to convey to all those entitled to vote. Care should be taken to ensure information is understandable by those with limited or no literacy. As Nepal's historic election day draws near, none of this has been done.

Conclusion

Disenfranchisement of IDPs calls into doubt the legitimacy of the forthcoming elections. It is vital that:

experienced international organisations be involved in advising and supervising all phases of the election – voter registration, information dissemination, election organisation and vote counting
Nepalese civil society be involved in all stages of IDP participation in the electoral process
national and local authorities with responsibility for the administration of the election be sensitised to the challenges that IDPs and other vulnerable populations face in exercising their voting rights. They should receive training on best practices for addressing such problems.
gaps in national electoral legislation be urgently filled to ensure it is in line with international human right standards and the Guiding Principles on Internal Displacement
the requirement compelling IDPs to vote in their place of origin be abandoned
procedures be devised to ensure IDPs can vote outside their original place of residence. This right should also be extended to those in hospitals, military barracks and prisons.
IDPs – and particularly such marginalised groups as women and people with disabilities – be involved in designing procedures to ensure their democratic right to equal participation in the electoral process
electoral information be transparent and user friendly, bearing in mind the low literacy levels and rural origin of most IDPs.

Nepal's electoral process could help in the urgent tasks of returning security and legitimising the government. Only by ensuring IDP involvement can the authorities send a clear message that they are committed to creation of a new Nepal."

The Carter center, 16 April 2007, p. 7

"Although the process of updating the voter registration list appears generally to have gone well, Carter Center observers have noted some problems that have not yet been addressed and that pose a significant challenge including the prospect of requiring additional time for their resolution:

1. Present legislation requires that individuals vote in their area of permanent residence and obtain a migration certificate prior to leaving in order to register to vote in a new location. Given the number of people displaced by the conflict as well as those for whom it was not possible to obtain such documentation, there is a reasonable concern that a percentage of the Nepali population will be effectively disenfranchised.

2. The unlawful seizure of voter lists in Kathmandu Valley as a response to the migrant voter issue has yet to be addressed. This is a violation of the CPA and also endangers the credibility of the electoral process. Any party that has seized voter lists should instruct their cadres to immediately return any confiscated lists, and the election commission should re-do voter registration in areas where the lists have been destroyed.

3. The violence and bandhs that occurred during the voter registration period in the eastern Terai made it impossible to complete registration in some areas. As needed, the election commission should re-do voter registration in all affected areas in order to ensure voter list accuracy.

Additionally, although the process of distributing citizenship certificates throughout the country is distinct from the voter registration process, the two are intertwined in the minds of many Nepalis. Carter Center observers have noted that confusion and problems related to the citizenship process, including credible reports of instances where eligible persons did not receive citizenship certificates and were subsequently excluded from the voter list. In some areas, this has engendered a negative public perception of the voter registration process. It is important that Nepali authorities provide clear and consistent information about these two distinct processes. Additionally, authorities must ensure that the procedure and deadline for individuals who obtained citizenship documents after the formal voter registration period closed to add their names to the voter list is clearly and widely publicized."

Reuters, 23 August 2007

"Nepal's interim government launched an IDP policy earlier this year, but critics say it's too vaguely worded. People like Hirkala are still waiting to reap any benefits - including the right to vote in the upcoming polls.

"The government is only making slogans," said Pandey. "The displaced don't have their names on voter lists, so how can they participate in elections?"

For most of the displaced, voting will be very difficult without identity papers unless they return to their home region. But despite the chance to vote and the hope of a small allowance when they return, many have decided to stay where they are for fear of hunger, poverty or intimidation back home, according to Krisna Ghimire from the Norwegian Refugee Council (NRC).

"When poor people return, in most cases their houses are smashed and broken. There's nothing there. They don't have anything to eat when they go back," he said.

In another hamlet set amid the rice and maize fields around Nepalganj, Ramkali gives her sick and crying children some water, yellowish and contaminated by the floods. Going home to vote in November is the last thing on her mind.

"Life has been very hard here since my husband died, but I don't want to go back," she said. Her husband was killed by Maoists, who suspected him of being a spy.

"If everybody else goes to vote, then I will go," said Ramkali. Will she be able to vote? "I have no idea, I don't know."

"Elections are just a band-aid," said Natalie Hicks, country director for the peace-building agency International Alert. Except for the IDPs, migrants and whole sections of the Terai are also at risk of losing their vote.

"The question is whether it's legitimate when a big part of the population can't take part. I'd say they couldn't go ahead," she said."

IOM, June 2006, p.9, 30-32

"The Compilation and Analysis of Legal Norms,⁶ a document that details the specific human rights instruments relevant to IDPs and forms the background to the Guiding Principles, argues that: "Amidst the many deprivations they face, internally displaced persons often are stripped of the opportunity to participate in government on a local or national basis. This denial may be enhanced by the fact that they have lost their identification papers and/or property. The ability to participate in governmental or public affairs can enable internally displaced persons to influence or possibly ameliorate their own situation of displacement."⁷ The Compilation concludes that, "the means for their [IDPs] participation, including access to voter registration procedures, must be safeguarded."⁸

In line with this principle, Section 5.4.2 of the Nepal's National Policy on Internal Displacement provides that IDPs shall be guaranteed the right to participate in elections and explicitly provides for the opportunity to cast absentee ballots in their current place of residence for their original constituency if they so choose.

The Constitution of Nepal, Part 45(6) holds: "Every Nepali citizen who has attained the age of eighteen shall be entitled to vote in one of the election constituencies in accordance with the provisions of the law." The only other limitations include mental competence, permanent residence in the electoral district where the ballot will be cast, and not having been in prison less than a year prior to Election Day. The residency limitation is important in the context of displaced and external voting rights and will be discussed further below. The important point is that constitution guarantees equal and universal suffrage, and combined with Nepal's obligations under international human rights law, warrants a substantial effort to ensure that displaced and migrant voters are able to participate in elections in a manner that guarantees their physical security and freedom to vote in accordance with the conscience.

The question for Nepali stakeholders is not whether displaced populations should be provided the right to vote, but how to establish the means necessary to deliver that right."

Access to land

IDPs from Haripur need access to land in area of displacement (March 2008)

OCHA, 31 March 2008, p. 3

"In Bange Bazaar(Sunsari) district, OCHA visited the IDP Community displaced from Haripur in 2007. The group of now 58 families continues to remain in the same very precarious conditions as previously reported. UN agencies and NGOs agreed to a joint approach vis-à-vis the CDO

regarding suitable land as well as regarding support for shelter, a possible nutrition survey and support of the CDO's efforts. With the option of a return to their place of origin barred for a variety of reasons, the challenge is to identify land for permanent resettlement."

Ex-Kamaiyas' access to land still not fully addressed (July 2006)

- In July 2006, the government of Nepal announced that it would take steps to provide the ex-Kamaiyas with long-term loans at concessionary rate for the purchase of land
- 4 years after their formal liberation, Kamaya's access to land has still not been addressed by the government.
- Frustrated with government's empty promises and apathy ex-Kamaiyas have grabbed some 10,000 acres of state-owned land in protest
- Fifth postponing of land distribution for ex-Kamaiyas raise doubts on government's willingness.
- The size of the plots offered to ex-Kamaiyas is far from what is needed for basic food-sufficiency of a family.
- Long-term strategies are needed to provide kamaiyas with sustainable livelihoods in the future.

Scoop, 14 July 2006

"17. With a view to ending dual control over land, the Government of Nepal will carry out the task of separating the tenants' and the owners' share of land as a special program in a time-bound manner, and will increase the access of landless people to land through legal and institutional arrangements, and will provide the families of landless-free Kamayas (freed bonded-laborers) with a long-term loan at concessionary rate for the purchase of land."

MS Nepal, 11 January 2006

"Four years ago the Nepalese government freed Kamaiyas from their debt bondage. But even four years after this historical event, the problem of rehabilitation and distribution of land has not yet been solved. Frustration and bitterness among the ex-Kamaiyas has given rise to a new campaign, which will pressure the government and force it to live up to its own promises. Yagya Raj Chaudhary, who played a key role in the Kamaiya movement, says: "This time we are serious and will fight until every single ex-Kamaiya gets a plot of land to live"."

Oneworld 13 August 2004

"Over 200,000 Nepalese tribals freed from slavery and living in makeshift tents have grabbed more than 10,000 acres of government land in protest against the state's failure to rehabilitate them, more than four years after their release.

In July 2000, Nepal had officially declared the Kamaiya system - bonded labor - illegal and freed the laborers belonging to the Tharu tribe from the clutches of landlords who had given them ruinous loans.

According to 62-year-old Anirudha Shakya, a Tharu Buddhist monk from a village in Dang district, some 400 kilometers southwest of the capital Kathmandu, while the tribesmen have been freed from the yoke of the landlords, thanks to official apathy, they are still in the grip of poverty.

'The laborers have launched the mini revolt because of the state's failure to grant them land promised four years back,' explains the monk affiliated to the indigenous Nepalese Buddhist Bhikshu Mahasangh (Confederation).

According to a land reforms official of Dang district, since July 17, the day of the fifth anniversary of their liberation, 'The ex-Kamaiyas have already occupied over 10,000 acres of government land.'

The official says the ex- Kamaiya's were running amok and grabbing government land wherever they could find it. 'We are helpless spectators. The police and army are not intervening on the plea that annoying the tribesmen could drive them straight into the arms of the Maoist separatists.'

He concedes the ex- Kamaiyas' intransigence was due to the government's apathy.

(...)

Rajesh Danwar, one of the 1,000 ex- Kamaiyas who recently captured an airstrip in Kailali district, threatens that if the government remains callous to their plight, 'we will plough the airfield and start cultivation.'

(...)

The FKS, founded in early 2001, claims to work among 200,000 former bonded laborers in the five southwestern districts of Kanchanpur, Kailali, Bardiya, Banke and Dang, some 400 to 600 kilometers southwest of Kathmandu."

MS Nepal, October 2001

"7. Sher Bahadur Deuba, the new Prime Minister, has promised to finish the process of distributing land within the month of Paush (mid-January 2002). This is the 5th time the government has extended its deadline for completing process since freedom declaration in July last year. It is doubtful, however, that the new deadline will be met either however as the registration of kamaiyas is still incomplete.

8. The current distribution program has been plagued by many problems. Many Freed kamaiyas have received *Lal Purja*, or Land Ownership Certificates, without being shown any real plots of land.

9. The government's process of identifying available land has been hampered in many places by an underlying conflict between the Forest Ministry and the Land Reform Ministry. Initially, Land Reform officials had indicated that they intended to make land available by reclaiming *Ailani*, or unregistered, land that is often cultivated illegally by large landowners. This would save Forest Land and was supported by the Forest Ministry. However, it now appears that the government has decided to distribute forest land instead. In Kailali district, the Forest Office informed us that they had designated 517 bigha to distribute to 2,662 families (an average of 3.8 Katta.)

10. The size of plots given to the former kamaiyas is in many cases less than 5 kattha (0.15 hectare). Whole settlements are planned with plots of 3 kattha per household. We found instances where families had been given as little as 1 kattha (0.03 hectare), even ½ kattha. These plots are far from what is needed for basic food-sufficiency of a family.

11. The distribution of small plots of land has continued despite the government's announcement of the Land Reform Bill, which plans to provide each landless Nepali family with a minimum of 5 kattha of land. It seems contradictory for the government to be proclaiming 5 kattha as a legal minimum for land reform programs, while at the same time providing freed kamaiya families with much less than this. The government could provide the kamaiyas with 5 kattha under current guidelines (which provide for a *maximum* of 5 kattha), but in many cases they are not doing this.

When we asked local Land Reform Officials about this, they stated simply that they had received no new instructions from Kathmandu regarding this.

12. The quality of plots distributed varies greatly. In some cases, as in the settlement by Kohalpur, in Banke District, it is quite good though even here they received less than 5 katthas. In other cases, the plots are so poor as to be almost worthless. Some plots are in areas about to be eaten by rivers, some with sandy soil, and some simply too far from laboring opportunities.

13. Our own visual estimates was that some plots distributed may not in reality measure up to the size indicated on the Land Certificates.

14. The Land certificates only show husbands picture, contrary to land distribution guidelines adopted by Landless People's Problem Solving Commission (*Sukumbasi Samassaya Samadhan Ayog*). Both the husband and wife are meant to be shown on the picture, to ensure their joint ownership.

15. In general there seems to be a lack of long-term vision in the rehabilitation programs. Even 5 kattha plot sizes are not at all sufficient to provide subsistence for the families. In settlements close to the bazaars daily wage labor may support the families. But subsistence will be very difficult in the many settlements being designated on forestland away from other villages. Here the government's policy seems to be directly encouraging illegal use of forest materials and/or further encroachment, as well as ongoing dependency on aid programs.

16. Integrated planning, including various governmental departments, NGOs and donors/INGOs, is needed to provide a strategy for kamaiyas livelihoods in the future. The government seems to be missing the historic opportunity of its freedom declaration to significantly improve the lives of 100,000 of its citizens."

DOCUMENTATION NEEDS AND CITIZENSHIP

General

IDP registration and obtainment of documents made difficult by the displacement of VDC secretaries and limited government services (June 2009)

IDP Working Group, 15 June 2009, p. 9

"Despite government efforts to register IDPs with a relief and assistance package for returnees, CDOs in 50 % of the districts assessed stated that a significant number of IDPs are yet to be registered. Major reasons for this gap, as expressed by district representatives, was that there was a lack of access to information from the central government, and a limited time period allocated for registration.

IDPs widely reported that the application process for registration has been difficult. IDPs need valid certificates from the VDCs at their place of origin before the process can start. IDPs expressed many difficulties in getting these required documents and thus have not even been able to begin the process.

(...)

Another main obstacle to IDP registration is that the IDP needs to return to their place of origin to submit a valid IDP registration application. Clearly this poses a difficult choice for displaced people, since they fled home because of threats or other conflict-related issues, and they have little desire to return to those conditions just to complete some paperwork.

IDPs with political connections can easily be registered on the MOPR list, whereas IDPs without any political connections experience difficulties. IDPs directly affected by the conflict (i.e. their houses were burnt down or they were injured by Maoists) can easily have their case confirmed by

the VDC or local Police. Other displaced people who have received undocumented threats from the Maoists and security forces cannot easily be registered, since these harassments cannot be verified. For other IDPs, getting a letter of confirmation from the VDC Secretary proves difficult, as VDCs are remotely located and a State vacuum left from the former conflict exists in many areas.

(...)

IDPs that are not able to get registered will not be entitled to receive aid from the return relief benefits package, nor will be eligible for future resettlement and integration packages.

Furthermore, IDP registration is necessary in order to legally obtain civil documents concerning the displaced IDP.

OCHA, 28 May 2008, p.2

"Violent protests and criminal activities continued to target state officials and institutions. In Mahottari, the VDC secretary of Hariharpur Harinagari was abducted on 16 May by the JTMM (Jwala Singh). On 17 May JTMM cadres abducted the VDC Secretary as well as an assistant, from their residences in Rautahat. On 18 May of JTMM cadres abducted a ranger at Samasi Ranger Post of Shreepur VDC of Mahottari. They were Later released —on condition of obeying the orders of 'Madhes Government'."

On 19 May cadres of Kirant Janabadi Workers' Party bombed the Chulachuli VDC building in Ilam, after setting all office documents and furniture to fire. The absence of VDC secretaries has reportedly affected administrative procedures for the population in a number of areas, including Ramechhap and Morang districts. Stating that the security of local body officials in the rural areas is still precarious, the VDC secretaries have been carrying out their duties from the District Development Committee (DDC) office at district headquarters. In many VDCs, development budgets have also not been released due to security concerns."

WFP and OCHA, 4 October 2007, p. 9

" The area of 'effective control' changed depending on the conflict dynamics, but overall it was observed that the area controlled by the CPN-M expanded over time. The area under 'effective control' in this assessment reflects a snapshot of the situation just before the ceasefire following the People's Movement of April 2006. Map 2 shows the area of 'effective control' for the 37 districts covered by the assessment. Figure 3 shows the overall situation in the districts covered, and Figure 4 shows the breakdown by different geographic regions. It is evident that much of rural Nepal was physically under CPN-M 'effective control' in early 2006. In most districts government control was limited to district headquarters. In the area covered, the CPN-M 'effective control' was most widespread in the Mid-Western Hills and the Far-Western region, where more than 80% of the VDCs were under the 'effective control' of the CPN-M. In the Central Terai and Central and Eastern Mountains the area of CPN-M 'effective control' was much less at approximately 38% of all VDCs covered in the survey.

The CPN-M interfered with the government's capacity to administer the country, especially at the local level. Map 2 shows a clear correlation between the area under Government/CPN-M 'effective control' and the Village Development Committee (VDC) secretaries' displacement pattern. Nationwide, 68% of the VDC secretaries were displaced. In the Mid- and Far-Western Development Regions, displacement of VDC secretaries was up to 88%. Consequently, administrative functions formerly provided by VDC Secretaries, such as legal documentation of birth, death and marriage registration, land tax collection, VDC budgets and voter list management were suspended.

Similarly, District Development Committees (DDCs) could not perform their key function, primarily the implementation of development projects under the auspices of government decentralization, largely because staff lacked safe and sustained access to most areas in the districts.

After the signing of the Comprehensive Peace Agreement and the subsequent inclusion of the CPN-M in the government, many of the VDC secretaries went back to their duty stations, although many still report interference in performing their full operational mandate by the CPN-M. About half of the VDC buildings were partially or totally damaged, which still hampers the capacity of the VDC secretaries to effectively conduct their work (see Map 4). Similarly, DDCs were able to resume most of their functions with the exception of activities in the southern parts of Central and Eastern Terai where increased political instability and increasing levels of violence have made it difficult to resume development projects or government services."

IDPs' documentation problem calls for a broader document re-issuance programme (June 2006)

- It is believed that Nepal's documentation problems are substantial, affecting IDPs and women in particular.
- In the context of the upcoming constituent assembly elections scheduled to take place by June 2007, the government will need to ensure that all IDPs are provided with the necessary documents, through the establishment of a mechanism for the issuance of new or replacement documents.
- IOM suggests that a national re-issuance of documents should take place together with a broader registration process.
- The first option would be to conduct a re-issuance programme giving those without documents the possibility to register to obtain new documents. Without making specific reference to IDPs, the programme could still capture data on them that could prove useful for humanitarian agencies.
- The second option would be to conduct a broader house-to-house civil registration.

IOM, 29 June 2006, pp. 24-25

"The right to documentation is established in a variety of human rights instruments. Most importantly, the UDHR, and International Covenant on Civil and Political Rights (ICCPR) both guarantee the right to a legal personality and "recognition as a person before the law."¹⁹ A basic prerequisite to the realization of this right is adequate documentation proving identity, citizenship, and residence. The Guiding Principles directly address the issue, with Principle 20 holding that: "Every human being has the right to recognition everywhere as a person before the law ... To give effect to this right for internally displaced persons, the authorities concerned shall issue them all documents necessary for the exercise and enjoyment of their legal rights ... without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents."

Documentation is particularly important in an electoral context in order to guarantee enfranchisement rights while preventing electoral fraud. While the extent of Nepal's documentation problems is unknown, most agencies and observers believe it is substantial, affecting IDPs and women in particular. Government agencies and the Election Commission will therefore face a stark dilemma: in order to minimize the potential for fraud, strict documentation criteria for participation should be implemented. Unfortunately, the stricter these criteria, the more likely it is that refugee and IDP applicants will be unable to prove their identity, citizenship, and eligibility and will thus be disenfranchised through no fault of their own.

Nepal will need to take legislative action to eliminate the current statutory obstacles to obtaining documents and establish a mechanism for the issuance of new or replacement documents, particularly for IDPs. However, a national-effort to implement a document re-issuance program should also entail a broader process of registration. These tasks require careful deliberation and planning. Two possible modalities are discussed below.

IDP Registration & Re-Issue of Documents

Given the political issues associated with self-identifying as an IDP, a national IDP-specific registration and document re-issue program would likely not result in high participation rates. However, both government ministries and international agencies expressed a strong desire to generate a comprehensive database of displaced locations, conditions, and return plans. If a genuine and monitored peace appears to take hold in the villages, VDC infrastructure is reestablished, and a nation-wide information campaign undertaken to encourage registration and document issue, a registration and documentation program would be warranted.

However, any such program should be broader than simple IDP registration. If advertised as a nation-wide process to enable those without proper documents to obtain them, without directly referencing internal displacement, IDP participation rates could be substantially higher. In the course of applying for new or replacement documents, the implementing agency (most likely the Home Ministry in conjunction with the DDC and VDC secretaries) would be able to capture important data on issues of migration and displacement that would prove useful to humanitarian agencies, government ministries, and the election commission. This would require: a) passage of legislation regarding citizenship and requirements for the issuance of documents; b) an assessment of village infrastructure to implement such a program; c) the design of a program; and d) implementation. At each phase, donor support and technical assistance would be critical to enhancing the capacity of state ministries to successfully implement the project.

The project would need to be designed in such a way that IDPs who have not returned to their homes would be able to participate. This will necessitate a serious consideration of social verification procedures and/or the establishment of programs whereby IDPs can request verification and replacement documents in their current location. Mechanisms will need to be developed that allow the DDCs and VDCs to transmit IDP verification requests to the relevant counterpart in the original location of the applicant. In an ideal scenario, this would be coordinated via a centralized office in Kathmandu, which would ensure that each application be transmitted and the results from the home district returned, a logistically complex process, but certainly feasible.

Civil Registration

A civil registration program would be more broadly based than the IDP registration and document re-issue described above. The program would entail either a house-to-house survey or the establishment of village-level registration centers. All Nepalis would take part in the process, and a new national ID card issued to all registrants over the age of sixteen.²⁰ In order to account for issues of migration, displacement, and lost documents, the registration could follow a three track process. The first track would include Nepalis who possess a citizenship card or could otherwise prove citizenship and are resident in their regular municipality. These persons would simply complete the registration form, be entered into a database, and be issued the national ID card.

The second track (occurring in tandem and at the same registration locations) would include IDPs and migrants who possess documents. These persons could be registered in their current location. However, the applicant for registration would be asked whether or not they are in their regular or intended permanent residence, and if they are not, additional questions would be completed. In this way, IDP-specific data could be extracted from the resulting national register, without having to undertake a separate process of IDP registration. The resulting civil register would provide a comprehensive national database on IDP locations and whether they intend to return home or settle permanently in their current location.

A third track could be designed to assist and track Nepali citizens who have lost their documents. These persons (whether IDP or not) would present themselves at a registration center, but undergo a screening and verification procedure. The DDCs could compile and digitize available records into a database that could be checked for those without documents. In the case that these records are missing or incomplete, a social verification process could be implemented, in which the applicant swears an affirmation in front of a judge of village official, or provides two witnesses who will swear under oath to the applicant's claim for citizenship and residence in a VDC.

The advantages to a civil registration include:

The resulting data would form the basis for a redistricting process and make an apportionment process transparent and equitable;

IDPs could be registered, and the social stigma and other reasons that many IDPs are reluctant to register would be mitigated, since the process is nation-wide and applies to all Nepalis, not only the displaced;

The data capture would reveal a comprehensive national snapshot of displacement in Nepal that would assist the government and humanitarian community in prioritizing assistance and planning for return or re-integration;

The registration could issue each Nepali with a biometric document, proving identity, citizenship, home municipality, date of birth and containing biometric data;

The voter's register could potentially be extracted from the civil registration.

Planning for either of the above scenarios would require close coordination between the Ministry of Home Affairs, the Central Bureau of Statistics, District Offices, and the international community. Various agencies have extensive experience organizing and assisting in these processes, and could provide significant technical assistance. The process would also need to be subject to an extensive information campaign, which would involve the VDCs and domestic CSOs. The information campaign should stress only the nationwide registration process, not the IDP specific elements in order maximize IDP participation rates."

Documentation needs

Many displaced children unable to get citizenship and birth certificates (July 2007)

IRIN, 11 July 2007

"Children outnumber adults in the IDP population and they also suffer the most, according to the NRC in Nepal.

Among the most serious concerns are that children are unable to get citizenship and birth certificates, are denied free education, suffer food insecurity, and lack social welfare payments.

Getting citizenship "huge problem"

"I don't feel like I am a citizen of this country. I have nothing to show that I am one," 14-year-old Puja Nepali told IRIN on 11 July. Disheartened, Puja is now planning to quit school as her displaced father cannot afford to buy stationery for her, let alone a uniform and text books.

Without a citizenship certificate, IDPs like Puja are deprived of the chance of getting a government scholarship.

All IDPs have to return to their villages to get their citizenship papers, according to the NRC which provides legal assistance to IDPs.

"Getting citizenship is becoming a huge problem for the IDPs as there is little chance younger ones will ever return home to their villages," said Angela Lenn, NRC's project manager for information, counselling and legal assistance.

She said her organisation had been asking the Ministry of Home Affairs and the Ministry of Peace and Reconstruction to help resolve the issue, but it had received no response.

Senior ministry officials told IRIN they were still preparing guidelines for the local government offices so that help could be given to the IDPs."

IDPs face difficulties in obtaining basic documents from administrative authorities (June 2007)

- In order to get any official documents, the displaced need to first get a certificate from the VDC secretary of his/her home village. This has made it difficult for the IDPs to get new documents since the secretaries are often displaced themselves and have not been replaced.
- Often the displaced are reluctant to make contact with the authorities to avoid raising suspicion.
- An unknown number of IDPs have lost their documents and are not able to obtain replacements as it implies an expensive sometimes perilous journey to district headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued.
- Women face particular difficulties; they need permission from their father or husband for most legal and administrative procedures

OCHA, 12 June 2007, p. 4

"During the reporting period, Norwegian Refugee Council (NRC) supported 1200 conflict victims and IDPs through protection outreach meetings and provided individual information, counseling and legal assistance to 427 IDPs, including 109 who received important civil documents with NRC's assistance. According to NRC, Property issues, including women's rights, remain the main issue on which legal advice and support is most frequently requested. In the course of providing its services, NRC has noted that contrary to the provisions of the National Policy on Internally Displaced Persons (2063), many IDPs are being denied access to basic civil documents by Government authorities, who insist that the affected IDPs must return to their areas of origin for this service. NRC is reportedly making representations to the Government of Nepal in the hope of resolving this issue."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 10

"As in other areas of Nepal issuance of birth certificates, passports and other official documents remains dependent on getting a certificate from the VDC Secretary of the home village to first confirm the individual's identity. In addition many persons, including IDPs, are reluctant to contact government officials to avoid raising suspicions. The issuance of a certificate, identifying the person as an IDP was unheard of. No alternative provisions have been made to reflect the absence of VDC secretaries from their posts.

The mission met with a few IDP organizations; mostly established to seek compensation for their members or on the basis of political membership. Most IDPs lack basic knowledge of their rights; they do not know about the compensation opportunities, how to present their case or how to assess their losses."

IOM, 29 June 2006, pp. 14-15

"The basic identity document that Nepali citizens carry is the Citizenship Certificate, which is the foundation requirement for entry on the voter register and other administrative services. The document is issued at the DDC level by the Chief District Officer. However, obtaining the

document requires an affirmation from the VDC Secretaries, the majority of whom are displaced or have been killed and often cannot be contacted by IDPs. Other common documents include: drivers license, passports, land ownership certificates, utility bills, and migration and residence certificates (usually issued only those who have moved and do not own property, see below).

An unknown number of IDPs have lost their documents and are not able to obtain replacements. According to a report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons in January 2006: “[M]any IDPs face problems due to lacking documentation ... both from their places of origin, but also in their new places of residence. Authorities have to date not taken any measures to facilitate the issuance of new documents to replace documents lost in the course of displacement. This is a major obstacle for IDPs to integrate into the towns and district headquarters they fled to. It becomes a human rights problem because it bars citizens from all access to public services and participation.”¹⁴

Given the interruption of VDC administrative infrastructure, many Nepalis, even those not directly displaced the conflict, face an almost impossible task in obtaining new or replacement documents. According to the Inter-Agency Report, “Most important documents can only be issued by the CDO Office and for those who have left their homes, this means an expensive sometimes perilous journey to district headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued. Although there are merits to the system – few Nepalis have identity documents and identity is confirmed through community based systems – it is open to abuse and potentially discriminatory in the current situation ... Women face particular difficulties; they need permission from their father or husband for most legal and administrative procedures, a situation heightened by the conflict. It is the duty of the State to provide documents such as citizenship cards or passports; capacity support can also be given to local and national authorities responsible for document issuance...”¹⁵

Related to documentation is the issue of citizenship and statelessness. Until a Parliamentary Act in June 2006, Nepali citizenship was based on jus sanguinis or descent. According to Article 9(1) of the 1990 Constitution, “A person who is born after the commencement of this Constitution and whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal.” Persons born before the 1990 constitution are governed by identical requirements found in Section 3 of the Nepal Citizenship Act 1964 (as amended). Thus both the constitution and citizenship statutes discriminated against persons who were unable to verify that their father was a Nepali citizen, resulting in a substantial number of stateless Nepali residents, although the actual number is subject to considerable dispute.¹⁶

The Citizenship Act of 1964 (as amended) does provide for acquisition of Nepali Citizenship. Any foreign national of full age and capacity may submit an application to obtain Nepali citizenship if he: 1) can speak and write in the national language of Nepali; 2) is engaged in any occupation in Nepal; 3) has relinquished his citizenship of another state; 4) has resided in Nepal for at least 15 years; 5) is a citizen of a country where there is legal provision or a custom to provide naturalized citizenship to Nepali nationals; and 6) is of good conduct and character.

As documented citizenship is a basic pre-requisite to voting rights, this issue should be resolved prior to any registration process for the CA elections. On June 1, the Parliament initiated discussion of an Act to remedy this problem.”

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 8

“Old, pre-conflict administrative structures and procedures remain despite their apparent weaknesses in the current situation. For example, many documents must be issued by the Village Development Committee (VDC) - effectively the civil administrative authorities in villages - Secretary, the vast majority of which are no longer present in their villages. Displaced persons,

but also those who have remained in their homes, must track down the VDC Secretary to obtain basic documents. For example, a citizenship card, necessary for property and banking transactions, securing a national passport and other basic rights, can only be issued upon certification by the VDC Secretary and the issuance of a migration certificate.

Most important documents can only be issued at the CDO (Chief District Officer) office and for those who have left their homes, this means an expensive and sometimes perilous journey to district Headquarters to have education, citizenship, birth, marriage and death certificates, and passports issued. Although there are merits in the system - few Nepalese have identity documents and identity is confirmed through community-based systems - it is open to abuse and potentially discriminatory in the current situation. The government should be encouraged to establish alternative procedures where VDCs are no longer functional or VDC secretaries no longer present. Women faced particular difficulties; they need permission from their father or husband for most legal or administrative procedures, a situation heightened by the conflict."

CHR, 7 January 2006, p. 16

"56. Regarding other civil and political protection needs, many IDPs face problems due to lacking documentation (see Guiding Principle 20), both from their places of origin, but also in their new places of residence. Authorities have to date not taken any measures to facilitate the issuance of new documents to replace documents lost in the course of displacement. This is a major obstacle for IDPs to integrate into the towns and district headquarters they fled to. It becomes a human rights problem because it bars citizens from all access to public services and participation. The Representative is especially worried that no particular effort seems to have been made to help the IDPs register their newly born children."

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Conflict and displacement has violated family's right to unity (May 2009)

- The conflict forced many men and children to flee the affected areas to go to urban areas or to India, a traditional migration route. As a consequence families were often separated for long periods of time.
- Many women also lost their children or husbands who were killed or who disappeared at the hands of the Maoists or the army.

SIRF, 6 May 2009, p. 53

"Many family members were displaced. In most affected areas almost all men migrated or fled to India and other countries. Similarly, many fled to cities within the country and India. These resulted in the violations of the rights to family to live together. Children are growing up with no proper care and guidance from parents, elders, and community. A woman respondent said that the Maoists murdered her husband. She sent her two young daughters to seek asylum in a relative's house in Kathmandu, fearing for their lives.

Many women lost their sons and husbands, who were the 'bread winners' of families. During armed conflict many of the women had been widowed. Many husbands have been disappeared, severely tortured and handicapped. The economic status of these families has worsened. They are having difficulty in getting food and daily needs. Their duties towards the family have increased and have to take over every responsibility of the house including social, cultural and economical. They have to raise their children and educate them. In such cases the women are responsible for everything. Very few are able to get any help from the society. Some fortunate ones were able to get some help from their natal home but others have worst to say. They do not have any access to the state's compensation package. Maoist's victims have been able to get some but the state victims are not able to get any."

PROPERTY ISSUES

General

Maoists and other armed groups continue to seize land while refusing to return land seized in the past (June 2007)

OCHA, 12 June 2007, p. 2

"The reporting period also saw marked increase in reports of captured land by TJMM, especially in Eastern and Central Terai districts as well as CPN-Maoist in Mid and Far Western Regions. On 10 May, (TJMM-Jwala Singh) is reported to have captured 32 hectares of land and a house at Yagyabhumi-4 VDC in Dhanusha District. On 28 May, the same group reportedly captured 30 hectares of farm land and a house of a resident from Bishapur VDC-5 of Siraha District. On 29 May, Cadres of TJMM (Jwala Singh) are also reported to have captured 23 hectares of farmland belonging to 6 residents of Saptari District. On the same day, cadres of JTMM (Jwala Singh) reportedly captured 41 hectares of land belonging to two schools at Sorabhag VDC-7 in Morang District. Similarly, on 30 May, TJMM (Goit) reportedly seized 5 acres of land from a resident of Siswa VDC, Morang District.

The CPN-Maoist and its sister organizations also stepped up their land seizure activities during the reporting period. On 9 May, the District committee of the CPN-Maoist declared in a public meeting in Martadi of Bajura District that they will not be returning the lands and properties which they took by force in the past from general public and also warned members of the public not to pay back their debts to the Banks. On 11 May, CPN-Maoist captured 4.66 hectares of land belonging to Urban Development Committee, situated in Mahendranagar municipality. On 11 May, the Minister for Home Affairs met with CPN-Maoist Chairman and sought his commitment to return confiscated properties, including land and to stop the excesses of YCL. However, it seems that the CPN-Maoist did not make any commitments to this request because land seizures at the behest of CPN-Maoist reportedly continued across the country. On 13 May, the DAO of Bardiya District issued public notice warning to take legal action against anybody who captured private land and property contrary to the country's Constitution. However, this notice did not deter the seizure of land by CPN-Maoist and other groups. On 13 May, All Nepal Peasants' Association (Revolutionary) captured 18.66 hectares of land belonging to Regional Agriculture Training Centre, located at Sundarpur in Kanchanpur District. On 21 May, following a meeting between local administration officials, Human Rights organizations and representatives of the 8 political parties, CPN-Maoist agreed to and did return some captured land to land owners in Dang and Banke districts of Western Region. On May 30 CPN-Maoist cadres led by a CPN-Maoist Parliamentarian seized over 37 hectares of land in Dhadhabar VDC in Bardiya District. The seized land reportedly belonged to a retired doctor of Nepal Army and seven other residents."

Nepalbiz, 2 May 2007

"At a time when the UN is asking the Maoists to return the confiscated properties and create environment to return the displaced persons in home, a top Maoist leader Mohan Baidya alias Kiran has said on Tuesday that the Maoists would not return the properties seized by them during the insurgency period.

"We are not at the position of returning the properties that has already been distributed to the poor people," Baidya said it at a program held in Sindhuligadhi. He also said they (Maoists) would also not reduce the number of their combatants.

Addressing the program held to felicitate Baidya and another top Maoist leader CP Gajurel, the eastern command chief of the Maoists Ram Bahadur Thapa alias Badal urged one and all to be prepared for the decisive movement.

He also said the Maoists would launch another phase of movement from street, parliament and the government to establish republic in the country.

Another leader Gajurel, speaking on the occasion said the postponement of the constituent assembly (CA) elections was a grand design by national as well as international forces."

Nepalbiz, 14 April 2007

"Violating the Comprehensive Peace Accord, Maoists have started opening offices under their United Revolutionary People's Council (URPC), a body parallel to local state institutions, in Lekhnath municipality of Kaski.

According to The Kathmandu Post daily, Maoist cadres have reactivated opening such offices in different wards of the municipality. According to local cadres, their party has directed to launch a nationwide campaign for opening such council offices.

They also said that the party's central committee has directed them to open parallel offices at par with government offices at district, municipality and village levels. Earlier, Maoists have announced that they scrapped all the parallel bodies after they joined the parliamentary politics.

The paper quoted Maoist area number 4 in-charge of the municipality Darshan as saying, "We will be opening ward, municipality and district level offices much the same as the government. We plan to open our offices adjoining government offices."

He further said that the offices are meant to solve problems unsolved by the state. Similarly, in Bardia, Maoists have threatened to kill Mukti Bahadur Swar of Gola village of Bardiya district if he ventures to return home. According to Swar, who has been living at the district headquarters for five years, the Maoist cadres had threatened to chop him into pieces if he attempted to return home.

The incident occurred at a time Maoist leaders are saying that they are allowing all internally displaced persons (IDPs) to return to their village without hindrance. Meanwhile, many IDPs have appealed to local authorities to help create conducive environment for their safe return and for the return of their seized properties."

Restitution

Less than a third of the displaced feel satisfied with HLP issues (June 2009)

- During the conflict, the Maoists challenged the existing land management system and confiscated and destroyed movable and immovable properties including land and houses of major landowners, political opponents and other people associated with the royal regime.

- The state is reported to also have used the same practices against dissenters.
- Despite repeatedly committing to return confiscated properties and resolve HLP issues, the Maoists have yet to fulfill these promises in all districts.
- At the end of 2008, the Maoist leader, also prime minister of the government, again promised that all land and property would be returned by March 2009. As of May 2009, however, unresolved land and property issues continued to hamper the return of IDPs to their homes and the IDP Working Group assessment showed that only 28 per cent of the displaced felt satisfied with the issue.

IDP Working Group, 15 June 2009, p.30

"Many international and national media outlets, MOPR, and IDP Working Groups have reported evidence of houses, land, and other property that have been captured or destroyed during the decade-long conflict. Following a warfare strategy that challenged existing land management systems, the U-CPN Maoists confiscated and destroyed movable and immovable properties of opposing political leaders, landowners, and from anyone else perceived as the opposition. Likewise, the state is accused of using the same practices against dissenters of the government and supporters of the U-CPN.

Although issues of Housing, Land and Property (HLP) is hotly debated in the political arena, little has been done to resolve issues that still hamper sustainable return of IDPs. Although various agreements and commitments²⁰ were made at the central government level, proper implementation at the field level cannot be seen. Since the signing of the 12-Point Understanding Between the Seven Party Alliance (SPA), Maoists have made many commitments aimed at resolving HLP issues, but these promises have not been fulfilled. Furthermore, and more recently, former Prime Minister Dahal addressed the Constituent Assembly (CA) members and once again committed to implement all agreements made regarding IDPs by mid-December 2008. At a meeting with National Committee leaders on 1st January 2009, former PM Dahal said that he needed at least three extra months to fulfill his pledge; however, four months later, only 28% of respondents feel satisfied with issues surrounding property captured or homes destroyed during the conflict.

Current Conditions

Entangled between political strings, the problem of captured properties, their return, and compensation have not been completely resolved. Compensation issues regarding properties that were looted and destroyed are isolated. In spite of several commitments to release properties, the Maoists have been slow to act. With just a few exceptions, the Maoists have not fulfilled their repeated promises to return property seized²¹ during the conflict.

Task Forces formed since 2007 by MOPR has been collecting applications for compensation of housing, land and property captured or damaged. Although the final report is still under way, the Taskforce records around 9,900 cases, with 2,000 cases being followed up by the Ministry for verification. 425 cases have been compensated with due process set by the government (property returned are not included). It was also reported that the Ministry of Home Affairs has compensated about 200 cases even before MOPR was formed. Remaining applications (about 2,800) were handed over to MOPR. These cases have gone through the verification process set by the government using the Guidelines of Economic Assistance and Relief Program for Conflict Victims (2065).

Property Repossession and Compensation

IDPs land issues are closely associated with land reform and tenancy issues. These categories of

issues still need State resolution. The tenancy issue is being used as an important stake by Maoists to gain a political foothold in the government. In many cases, the captured land is now occupied by several families (including tenants) and the process of returning land to rightful owners is complex.

NRC clients find it difficult to obtain supporting documents showing that the property was occupied, looted, or damaged during the conflict. In particular, it has been difficult to identify witnesses who can verify the status of the property before the occupation. CDOs also refuse to accept receipt of HLP compensation applications. They reason that the “deadline” for receiving compensation claims has expired. Poor notification of the deadline date from the Central levels to District levels, and then down to the grass-roots level, is the most likely reason for this confusion. The process of repossession and compensation of HLP to IDPs (in cases where Maoists are the defendant) is likely to be a lengthy process, and should be addressed by a legal framework as well as land reform legislation developed through political compromise.

According to the hand book on Housing and Property Restitution for Refugees and Displaced Persons (UN agencies, NRC 2007)²², compensation must be granted with the same intention as restitution, so that victims are returned as far as possible to their original pre-loss or pre-injury position. When compensation is provided, it must be given in a manner that is reasonable in terms of the victim’s losses. In the Nepalese context, the principles discussed in the hand book (see Pinheiro Principles) could provide valuable guidance for the implementation of HLP repossession and compensation programs.

Although the government has initiated a few compensation schemes for destroyed property, the issue remains mostly unresolved. DAOs have the responsibility of collecting applications on claims for such destroyed properties. These applications are forwarded to the Local Damage Evaluation Committee who then verifies and evaluates the damage on the basis of the Guidelines of Economic Assistance and Relief Program for Conflict Victims 2065 and then forwards the case to MOPR. After the needed verifications, the applications are returned to the DAOs for the distribution of aid. The National IDPs Policy²³ stipulates that the government will make necessary arrangements for property seized or destroyed during the conflict. MOPR officials admit that the government does not have a specific restitution policy that matches the guidelines found in the Guidelines of Economic Assistance and Relief Program for Conflict Victims 2065. Instead, the government is relying on high-level political agreements. These commitments for property repossession and compensation are now being slowly distributed after recommendation from the Special Committee to Monitor Commitment Implementation (SCMCI). For more information, see Figure 15. SCMCI Information on page 33.

The IDP working group assessment shows that the government has started collecting applications for compensating for destroyed properties. Among the districts surveyed, there have been 6,152 applications for compensations registered and 1,244 cases of property have been resolved (both compensation and property returned) in 12 districts. Interestingly enough, a few victims who have been compensated (for destroyed properties) refuse to accept the state assistance, stating that the allocated compensation (5% to 10%) is worthless compared to the actual value of properties now worth millions. It was shown in FGDs with NGOs and political parties that there are many cases where IDPs and other conflict victims have received economic assistance equivalent to, or even more than, the worth of their destroyed properties. However, the majority of these recipients are influential activists and prominent leaders of political parties.

A few of NRC’s own clients have reported that their properties have been released from the Maoists. In NRC’s experience, the released properties were small in size and belonged to IDPs

who were not involved with any political parties that opposed the Maoist Party. Property restitution has become more a political than a legal issue, and in the NRC's view, public officials have displayed little willingness to discuss or take action in cases where the Maoists still occupy properties. NRC has experienced clients who are afraid to take any formal actions against the Maoist Government in order to claim their right to property restitution. According to Nepali law, IDPs must register their property claims at their place of origin, which presents a major security issue. Furthermore, returning to their place of origin may have financial implications for IDPs, as travel would be a burden. Moreover, it appears that females are largely unaware of their right to inherit their deceased husband's property, and they have not considered returning to make a claim.

Childless widows are especially vulnerable, as the deceased husband's family members are reluctant to acknowledge the widow's property rights. It is assumed this is because extended families fear the sale of the land by the widow."

Maoists reportedly fail to return land and property to displaced people despite repeatedly committing to do so (December 2008)

Reuters, 16 December 2008

"Nepal's main opposition party said on Tuesday that Maoist former rebels had failed to return property they seized during a decade-long civil war, breaching a commitment made in a peace deal that ended the conflict.

The Maoists forced thousands of people considered their enemies from their homes and seized their land and property during their insurgency that started in 1996.

The rebels were brought into the political mainstream under the 2006 peace deal and emerged as the largest party in elections in April.

Former rebel chief Prachanda, who became prime minister after the April vote for a special assembly, told parliament last month the former guerrillas would return the land and property or pay compensation to the owners by Dec. 15.

But Bimalendra Nidhi, general secretary of the centrist opposition Nepali Congress party, said the Maoists were yet to fulfil their commitment. "They don't want to return the property," Nidhi told Reuters. "They encouraged grabbing the land during the conflict and are now finding it difficult to return."

The Maoists say they did not seize land themselves but landless farmers and peasants had grabbed the land from owners. "It is a serious national problem and the government is trying to resolve it," senior Maoist leader Dinanath Sharma said.

During the war, the Maoists promised revolutionary land reforms and to give land to farmers in one of the world's poorest countries, where more than 80 percent of its 27 million people live on farm income.

More than 200 people have been protesting in Kathmandu in recent weeks, demanding the Maoists return their property. Protester Tej Kumari Budhathoki said she cannot go back to her home in Ramechhap district in east Nepal because her land, cows, buffaloes and goats were seized by the Maoists. "I am told they have distributed my property to others," said Budhathoki, 42, who lives in a rest house in Kathmandu. "I need security for myself and my property to go back."

The United Nations says other commitments are yet to be honoured. These included the return of property to owners and of displaced people to their homes, the setting up of a panel to probe cases of disappearances as well as a peace and reconciliation commission. "These are all extremely important aspects of the (peace) process," Ian Martin, chief of the U.N. mission in Nepal, told independent Kantipur television recently. (Editing by Paul Tait and Sugita Katyal)"

Republica, 14 December 2008

"Timalsina, a resident of Kuika VDC-2 in Achham district was displaced from his home by Maoists in 1998. He says the Maoists must unconditionally return the seized property and the state must rehabilitate the victims.

"We can't return to our homes without security assurance from the state and the Maoists," Timalsina says.

However, the CPN (Maoist) is planning to settle the land-seizure issue through the recently formed High-level Land Commission. Maoist Central leader and lawmaker Barsa Man Pun says, "The High-level Land Commission will study the land issue and we will start returning the land in a systematic manner."

He says the people in the villages have captured only those pieces of land that were unused for long. "Since land issue is a complicated one I think we need to study this in detail. I don't think we can immediately return the land captured during the conflict," he says, adding, "The process of studying the land issue and its return will be carried out simultaneously."

While the CPN (Maoist) plans to formulate a system before returning the confiscated property, all the victims including Ram Kumari Dangi of Rangsi VDC-5 in Rolpa district, expresses her frustration this way: "We are not demanding any ministries or any positions. We are just asking the Maoists to return our rightful properties. We will be compelled to raise arms against the state if our genuine demands are continuously ignored."

Even if the Maoist party wanted to abide by the past commitments returning the seized properties that are now being used by Maoist cadres would prove to be a Herculean task.

Following are the commitments the Maoists made in public and have failed to abide by:

1. While signing a 23-point agreement on 23 December 2007, the Maoists expressed commitment to return in a month's period the private and public properties they had seized during the insurgency.
2. Maoist Chairman Dahal on March 8, 2007 appealed to his party cadres to return all confiscated properties and also pledged to arrange a better atmosphere for displaced families to return home.
3. Dahal on May 13, 2007 said his party had taken a decision to return seized lands to their actual owners. After discussions with the then Prime Minister Girija Prasad Koirala, Dahal agreed to return seized properties on the condition that the government would improve living conditions for Maoist combatants in the cantonments.
4. However, on May 17, 2007 Maoist spokesperson and Minister for Information and Communications Krishna Bahadur Mahara said the Maoists would not return seized lands to the owners until revolutionary land reforms were enforced.
5. The Maoists immediately after joining the government in April 2008 expressed commitment to return confiscated property and dissolve the paramilitary structure of the YCL."

Reuters, 12 November 2008

"Nepal's former Maoist rebels have said they will return land and property they seized during a decade-long civil war as part of a peace deal that brought them into the political mainstream.

Maoists, who began fighting the monarchy in 1996, forced thousands from their homes when they seized land and property during the war that killed more than 13,000 people.

Political parties complained the Maoists had not returned the seized property to its owners, despite promising to do so after emerging as the largest party in elections held in April under a 2006 peace deal.

"We'll return the seized property to their owners by mid-December," Prime Minister Prachanda, the Maoist chief who still uses his nom de guerre rather than his real name Pushpa Kamal Dahal, told a special assembly late on Tuesday.

"Compensation will be paid to those who do not get their property," he said. The Maoists have also promised to let more than 200,000 people displaced by war return to their homes.

They have vowed revolutionary land reforms and promised land to landless farmers in one of the world's poorest countries."

Nepalnews, 27 January 2008

"A senior Maoist leader has said that the properties and lands seized by Maoists would soon be returned to their owners.

Following the meeting of the Maoist central secretariat, Sunday, Dr. Baburam Bhattarai said that the commissions promised in the 23-point agreement will also be formed along with returning seized properties in a few days. "We have decided to return seized properties totally," he said."

Nepalbiz, 8 March 2007

"Chairman of the CPN-Maoist Prachanda has reiterated the commitment of enforcing the understanding made in the pasts to consolidate the coordination reached with the seven political parties. Prachand has assured that the enforcement of the agreement would be an inevitable condition of his party.

Chairman Prachanda said that party would firmly enforce the agreement of rehabilitating displaced people, returning seized land and assisting arms management process as per the essence of peace accord. He has also instructed party lines to implement this decision stating that the process would be carried through formulating time table."

IDPs are yet compensated for land and houses seized by security forces during the conflict (October 2009)

- People whose land was captured by the army during the conflict are yet to be compensated.

- Many of them were displaced as a result and have yet to return to ehri homes.

The Himalayan Times, 3 October 2009

"The government has been using lands and houses belonging to many local residents since 2003 without proper compensation. The Nepali Army had captured the land during the insurgency era. The government, following the rumor of Maoists' attack on the government troops stationed in the district headquarters of Phidim, had captured the land and houses in Phidim and Chyangthapu VDC. The property has been fenced with barbed wire.

The property captured by the Nepali Army included those of Nilkantha Thapa, Nar Bahadur Thapa, Prem Kafle, Dal Bahadur Kandel, Tanka Kandel, Khadga Thapa, Durga Thapa, Tarabir Gurung and Pusya Dhungana. They all hail from Phidim 1. Likewise, the Chyangthapu based security base camp had captured 7 ropanis land of Surendra Timilsina, a house of Rajendra Timsina, 7 ropanis land of Muktinath Timsina, houses and 10 ropanis land of Ghanaprasad Dhungel, Mana Kumari Gurung and Durga Kharel in 2002 and using them without any compensation.

Muktinath Timsina of Chyangthapu said that the security agency also spoilt their lands and houses by felling trees and digging tunnels inside houses. Most the land and house owners of Chyangthapu were displaced and they have not yet returned to their homes. Prem Kafle, a displaced victim of Phidim, said they went pillar to post demanding to vacate their houses and lands. During the armed struggle, the government had also kept army camp inside Chyangthapu based Bishnu Secondary School. UML district secretary Ganesh Kambang said the Janaandolan Coordination Committee had proposed for compensation soon after establishment of loktantra. Panchthar CDO Dulluraj Basnet said frequent formal letters had been sent to various ministries, but to no avail."

Return of property is underway in most districts although serious problems persist (August 2009)

- While in many districts land return and reform reportedly are not overt sources of conflict at present, there are some areas in which these issues continue to provoke disputes and violence
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- Unresolved land and property issues continued to hamper the return of IDPs to their homes in 2008 and 2009.
- Commitments made by the Maosist and the government at the central level usually fail to translate into concrete achievements at the local level.
- During 2007, Maoists cadres have been reported to resist the implementation of commitments made by their leadership to return seized land and property.
- In some districts visited by the UN since April 2006, Maoists continue to control the land of IDPs and are reported to hand over land and property only to returnees not considered as 'feudal/exploiters'.
- In places where the Maoist prohibited the selling of land, IDPs were not able to sell the land before leaving and take the money with them.
- In many cases, the displaced appear to have left the land in the care of relatives who stayed behind and paid 50% of the income to the IDP. This arrangement would make it easier for the returnees to reclaim the land and property upon return.

- Houses and land of landowners, political workers and members of the local elite had sometimes their houses locked by the Maoist and forced to leave. Their land would also be distributed to poor people.
- Secondary occupation of housing appeared to be low in the east, while secondary occupation of land is common and frequently administered by the CPN/M

The Carter Center, 26 August 2009, p. 6

"The challenges regarding land issues at the local level are complex and underscore the need for an effectively structured, well implemented property return process in conjunction with the formulation of land reform policies, as stipulated in the CPA (Clauses 3.7 and 5.1.8) and subsequent agreements. There are reports, mainly in the Tarai, of unlawful property deals brokered by UCPN(M) cadres, crop harvests being seized or returned only conditionally, and landowners being attacked upon return by UCPN(M) supporters. Though return of property is reportedly underway or nearly complete in most districts visited, there continue to be allegations in Dang, Banke, Bardiya, Kailali, and Rupandehi that the UCPN(M) is either demanding shares or confiscating harvests from previously captured land, or taking a cut of the profits on sales of seized property.

In Bardiya, the UCPN(M) district-in-charge, Chief District Officer (CDO), and other local stakeholders reached an agreement in early 2009 that stipulated landowners whose property was seized would be allowed to return. According to a local official, the UCPN(M) has returned seized properties; however, local UCPN(M) representatives admit to mediating deals between individual landowners and tenants that specify the share of the harvests that will go to the landowner, the amount of land that the landowner must cultivate, and whether new tenants may be moved onto the land. In two VDCs, interlocutors said that most landowners have not returned and are not collecting their harvest shares from tenants. In Kailali, two prominent landowners tried to recover their land after speaking with high-level UCPN(M) leaders, who reportedly then committed to return it. However, lower-level UCPN(M) leaders allegedly did not comply. Local UCPN(M) representatives confirmed that the land had not been returned, but claimed that it had been confiscated by "the people." In one VDC, local leaders further noted that they had proposed to one landowner that he could return if he gave part of his land to small farmers.

One common response from UCPN(M) representatives is that in some cases it is not possible to expel the people who have since settled on the seized land. Much of the land has been reportedly distributed to small farmers or occupied by landless people. In June, freed Kamaiyas in Kailali district padlocked a municipality building for two weeks to press the government to draw attention to their demands for land. While meetings have been held to try and address the problem, political party leaders and local government officials say that a solution would need to come in the form of policies and decisions at the national level. The different cases observed by the Carter Center illustrate that property return and the formulation of land reform policies will need to go hand-in-hand to achieve equitable solutions and avert continued future conflicts."

IDP Working Group, 15 June 2009, p. 29

"The assessment results show that 37 % of respondents who have been considered as successful returnees have expressed serious issues relating to property and repossession. However, only 6% of respondents indicated that there were no serious problems in getting their property back.

Note: this study only assessed immovable property such as land and structures. All respondents indicated that neither the Maoists nor the state has paid compensation for looting or destruction

of property. Movable properties, such as vehicles and personal possessions, are analyzed in Analysis: Housing Land and Property on page 30."

IRIN, 24 December 2008

"Former Maoist rebels are exacerbating the problems of the poor and those still displaced from the 1996-2006 conflict, say human rights groups, despite the Communist Party of Nepal-Maoist being the leading political party.

Prime Minister Puspa Kamal Dahal and several senior ministers - all Maoist leaders - have been unable to control incidents of intimidation, threats and extortion carried out by party workers, they say.

The Maoists are causing economic hardship by delaying the return of, or refusing to return, land and property seized during the conflict, said Arjun Narsingh, a spokesman for the Nepali Congress (NC).

The NC, the second largest party in Nepal, has boycotted parliament on several occasions in a bid to put pressure on the prime minister to implement his commitment to get all seized property returned to its rightful owners.

In November, Dahal said his government would ensure the return of all such property. The fact that many displaced people have no means of livelihood without it, is causing the displacement problem to continue in some areas.

Local government officials who requested anonymity have said there have been problems resettling displaced families in remote Maoist-controlled villages because they were too frightened to return."

UNSC, 18 July 2007, p. 3

"8. Land issues have been and can be expected to continue to be highly contentious. Under the Comprehensive Peace Agreement, the parties committed themselves to returning Government, public and private buildings, land and other properties, as well as to adopting a programme of land reform and to providing land to socially and economically disadvantaged classes, including landless squatters, bonded labourers and pastoral farmers. On several occasions, however, local Maoist cadres have resisted the implementation of commitments made publicly by the Maoist leadership to return seized property and have even seized additional property. The Nepali Congress Party has made it clear that fulfilment by CPN(M) of these commitments is one of its central concerns in the peace process."

OCHA, 6 September 2006, p. 3

"Despite very positive results experienced by some returnees, many are still reluctant to return home until they see how the situation develops. Continued insecurity and extortion by the CPN-Maoist are negatively impacting the social and economic development of host communities and opportunities for sustainable returns and reintegration.

Land and property restitution are major issues that will have a lasting impact on the IDP returns. Compensation for the loss of property and possessions incurred due to the Government and CPN-Maoist actions will be extremely controversial, according to NGOs who are working on the IDP returns.

In many of the districts visited by OCHA since April 2006, CPN-Maoist and their supporters continue to control IDPs' lands, many of them with cash crops, despite claims for property restitution by the returnees. In Sankhuwasabha district, an NGO staff member reported that CPN-Maoist had given 'fair land restitution' only to those returnees who were not considered 'feudal/exploiters'. One returnee, a political party member, placed under the 'feudal' category received only one-third of his land on return."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 14

"What happens to property during displacement varies, depending on the place and the individual. In some places the Maoists are taxing or prohibiting the selling and buying of land, making it more difficult for people to make arrangements before they flee and take their money with them. If selling of land was not restricted many people would have sold their land at an unfair price increasing the likelihood of future land disputes. Many IDPs had left their land in the care of relatives who stayed behind. There was frequently an agreement by which the relative would pay 50% of the income to the displaced person. This arrangement could, depending on the harvest, be profitable to the relative or lead to rather poor conditions and create conflicts between the relative and the displaced. The positive aspect of the arrangement is that the land and the house were cared for and can be used upon return.

Some people had their houses locked up by CPN/M and were forced to leave the village; this include particularly government officials, politicians, landlords and others who were seen as enemies of the people's war. One person the mission met with had been forced to sign documents on the handover of the property. In some instances the CPN/M had given the land to poor people for a certain percentage of the harvest; the Maoists claimed that the land was only being taken care of temporarily and would be returned. In several VDCs the mission was told the left land was cultivated and shared within the community.

The mission met with several returnees who were able to get their houses and land back from the Maoists but also met with people who were staying with relatives in the same village because their house was still locked and the land being used by others. One Maoist representatives met with suggested they might need a circular from central level to return the occupied land. Most of them stated that immovable property would be returned, whereas they could not do anything to compensate for the movable property that was damaged or looted. Property restitution is as always likely to become problematic. Secondary occupation of housing appeared to be low in the east, while secondary occupation of land is common and frequently administered by the CPN/M. In general, the CPN/M offered no solutions for the secondary occupants, leaving it up to the former owner to negotiate the return of their property with those occupying it. This is particularly true for land occupation, a remnant of tenant farming arrangements that existed prior to the CPN/M. One suggestion given to the mission was that the returnees could continue to pay a certain percentage of the harvest according to the agreement between the CPN-M and the present land-users."

CHR, 7 January 2006, p. 16

"55. Another problem relates to property rights (Guiding Principle 21). While some displaced persons were able to leave family members behind to look after their property, others had to leave it unattended or hand it over to the CPN-M. There are no mechanisms to protect the houses and land left behind. In cases where property had been given as collateral to a bank loan, owners now face the problem of having to honour their obligations vis-à-vis the bank."

Displaced women unable to exercise property rights (June 2009)

- Property claims have to be registered at the place of origin, a journey many displaced widows cannot afford. Many are also unaware of their legal inheritance entitlements, or face opposition from in-laws reluctant to acknowledge their rights.
- Displaced widows have also faced significant challenges in recovering expropriated property or getting compensation

IDP Working Group, 15 June 2009, p. 33

"According to Nepali law, IDPs must register their property claims at their place of origin, which presents a major security issue. Furthermore, returning to their place of origin may have financial implications for IDPs, as travel would be a burden. Moreover, it appears that females are largely unaware of their right to inherit their deceased husband's property, and they have not considered returning to make a claim.

Childless widows are especially vulnerable, as the deceased husband's family members are reluctant to acknowledge the widow's property rights. It is assumed this is because extended families fear the sale of the land by the widow."

WCRWC, May 2008, p. 5

"Female heads of households and widows face particular challenges in returning to their communities of origin. The enforcement of widows' property rights remains problematic. Not only do other family members wish to claim the property, the Maoists have also been reluctant to hand back confiscated land. The Procedural Directives of the National Policy Relating to Internally Displaced Persons drafted by the Government of Nepal makes specific reference to war widows deprived of their property, and notes: "One particularly vulnerable group of IDPs are widows of men killed in the conflict who, together with their children, are forced out of their homes by the family of their late husband. Such women should be provided with legal and any other assistance necessary to acquire and protect their property rights.""

IRIN, 2 May 2007

"Living in extreme poverty, the two female internally displaced persons (IDPs) can barely feed themselves. They live in constant fear of Maoists tracing them for sharing their stories with the media.

Both are landless and neglected by their relatives who tell them not to return and that they should forget about reclaiming their property.

"Despite the laws to provide equal property rights, women are unable to exercise this right at the village level," said Adhikari, whose relative also warned her not to return home as she will not get anything of her husband's property. Now she makes a living by selling candles, earning less than US \$1 a day.

"They warned that they would use the Maoists to kill me if I dared return," she said with frustration.

But they are not the only female IDPs. The Maoist Victims Association (MVA), a forum for IDPs, has recorded cases of at least 200 widows living as IDPs in the capital alone.

The MVA believes that there are thousands of female IDPs in Kathmandu and other major cities and towns but they are too afraid to identify themselves.

Increasing vulnerability

The issue of female IDPs has barely caught the attention of the government or the national media, said local aid workers who added that female IDPs are more vulnerable and suffer more than their male counterparts.

"In a society where there is already a lot of discrimination against women, the inequalities have been enhanced in the case of female IDPs," Angela Lenn, project manager of Information, Counselling and Legal Assistance of the Norwegian Refugee Council (NRC) in Nepal, said."

Study shows most IDPs in district headquarters have their houses and lands at the place of origin occupied by others with consent (August 2007)

RUPP, August 2007, pp.7-8

"The study has revealed that a total of 2174 displaced households own houses at the places of origin. Among them 72% have their houses occupied by their relatives or others with consent. A sizeable number of households have their houses vacant as 16% of these households have their houses empty at the place of origin. About 3 % of the total households have their houses occupied by the secondary occupants without their consent and 8% do not know the current situation of their houses.

Chart No.6: Situation of house of conflict displaced HHs at place of origins

Situation of land at the places of origin

The study on the issue of the situation of land at the place of origin has brought forward a picture similar to that of the situation of houses at the places of origins. Out of a total of 2058 displaced households that own lands at their places of origin, 76 % have their lands being farmed by their relatives or others with consent; and 12 % have their land fallowed. About 2% have their lands occupied by others without their consent. And the remaining 10% do not have knowledge of the current situation of their lands at the places of origin.

Chart No.7: Situation of land of conflict displaced HHs at the place of origin

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PATTERNS OF RETURN AND RESETTLEMENT

Return prospects

Many IDPs have returned in the wake of the peace agreement, while most others prefer to integrate locally (June 2009)

- IDP WG study shows awareness of rights and entitlements among IDPs is very low. Most do not know about the IDP Policy and that it entitles them to choose between three durable solutions.
- IDP WG study shows that 53% of IDPs are willing to integrate within their host community, while 37% want to return. The remaining 10% showed an interest to resettle elsewhere within the country.
- An estimated 50,000 IDPs have chosen not to return partly due to protection concerns but also because of the better opportunities available in urban areas
- Survey conducted by MCRG showed 63 per cent of IDP interviewed in Nepalgunj reported that they didn't see any possibility for returning.
- Limited number of IDPs have return during the 2006 post-ceasefire period, many are still uncertain about the security situation and lack assistance to return.
- Ceasefire Code of Conduct, signed in May 2006, provided explicitly for the return of the displaced.
- IDP mission to the Mid-West in December 2005 concluded that conditions were not yet in place for promoting return
- 12-point agreement between the Maoist and political parties in November 2005 provided for the return of the displaced
- In view of the continued deterioration of the political and human rights situation, massive returns appear unlikely in the near future.
- Also, many of those who have moved to urban areas or to India are likely to stay, especially the youngest.
- WFP survey reveals that almost half of the displaced have no intention of returning to their homes.
- Since the ceasefire, only small numbers of people have gone back from the capital and some district headquarters. Many prefer to wait and see.
- Some will not return as they have nothing to return to in their homes due to looting and destruction of their homes by the Maoists and without any compensation received by from the government.

IDP Working Group, 15 June 2009, p. 23

"The National IDP Policy entitles every displaced person with 1) the right to a dignified and informed return, 2) to integrate in his or her current place of displacement, or 3) to resettle elsewhere in Nepal. It is essential for IDPs to have information on these three options (in advance) in order to exercise their rights. But displacement and IDPs are new terminologies for Nepali society, where most of the displaced persons themselves do not even understand their meanings. During interviews with IDPs, the awareness of rights and entitlements were found low. Likewise, respondents are unaware of the right to the three durable solutions stated in the National IDP Policy. Only 30% of respondents knew about the IDP Policy and the rights that go

along with it. 70% of respondents are neither aware of the policy, nor the definition of the entitled rights.

There is an obvious lack of nationwide awareness campaigns for IDPs implemented by the state. Since awareness and knowledge on durable solutions is so limited, it was a challenge for the assessment team to dig out preferences from the respondents. However, statistically 53% of IDPs are willing to integrate within their host community, while 37% want to return. The remaining 10% showed an interest to resettle elsewhere within the country. This clearly indicates that the government, as well as I/NGOs, should focus their interventions on the 3 durable solutions, and not only on return, as is currently the case.

The 2006 study *Voices of the Internally Displaced in South Asia* was conducted by Calcutta Research Group, and in this study it was found that a vast majority (63 percent) of the respondents in Nepal stated that there was no possibility of returning to their homes, while slightly over one fourth (26 percent) stated there was still some chance of going back.

The assessment correlates with Calcutta Research Group's study; where we found that 63 percent of respondents are not willing to return (see Figure 7 for detail)."

OCHA, 16 January 2009, p. 16

"Many persons are still displaced since the conflict, although some have returned to their places of origin. Some have chosen to integrate in their place of displacement, partly due to protection concerns and partly due to pull factors (better services, increased opportunities for work). Others would like to return but need further assistance and security to do so in a sustainable way (full return government package, restitution of their properties). Returns were largely spontaneous but some were 'facilitated' by NGOs, with most returnees needing assistance to re-establish livelihoods and often legal aid regarding documentation or land and property issues. Although a national policy on internal displacement was adopted in 2007, the "Procedural Directives" required for its implementation have still not been approved, seriously inhibiting the full implementation of the policy.

Land and property are fundamental assets for survival, prosperity and identity and certainly are important concerns of the protection cluster. In the context of IDPs land and property are associated with access to adequate shelter, security tenure and proper allocation of land. Right to adequate shelter and security of tenure are key concerns whether the IDPs are returning to their places of origin or are willing to integrate in the place of displacement, or cannot go back because of various reasons. Those who are going back should have access to their lost land or seized land and those who are not able to return due to various reasons need to be resettled by allocating proper land and providing security of tenure. Access to adequate shelter and provision of land tenure will lead to protection of human security, including human rights and human dignity and fulfilment of responsibility of the

international community to protect people at risk. Failure to address the above concerns will create more problems in future and therefore priority needs to be given to address these concerns and incorporated in the response strategy."

OCHA, 29 April 2008, p. 3

"While a number of reports indicated that the number of returnees to former conflict areas continues to increase slowly, other reports warned of trends of new displacement due to political disagreements, and resistance against further returns. Protracted IDP situations such as Kapilvastu and Haripur also saw no improvement or can be expected to change anytime soon."

OCHA, 10 January 2008, p. 20

"IDPs displaced over the course of the conflict continue to return to their places of origin, although many, estimated to be over 50,000 persons, chose to integrate where they are living in displacement. This is partly the consequence of protection concerns and partly of the result of the draw factor of better services and increased opportunities and work in cities and towns where they were displaced to. Returns were largely spontaneous but some were "facilitated" by NGOs, with most returnees needing assistance to re-establish livelihoods and often legal aid regarding documentation or land and property issues. Throughout 2007, UNHCR, with the support of OHCHR, OCHA, the NRC and the NHRC, implemented a project covering 20 considerably conflict-affected districts in Eastern and Mid- Western Nepal.

The project was considerably successful in promoting dialogue, reconciliation, and mutual understanding among the stakeholders involved in IDP issues at the district level, and therefore contributing to the establishment and strengthening of an environment conducive to sustainable return. In late 2007, the Government announced a relief package of \$5.6 million from the Nepal Peace Trust Fund to support those returning and opened a new registration process to enable unregistered IDPs to register and become eligible for assistance."

OCHA, 23 February 2007, p. 20

"IDPs displaced over the course of the conflict are returning in significant numbers, both spontaneously and 'facilitated' by local NGOs and others. Key concerns for returnees and remaining IDPs are in the domains of protection and material assistance. Agreements reached centrally between the Government and CPN-Maoist allow for the free and voluntary return of IDPs, however a number of families have faced problems once back at their place of origin. Other IDPs and returnees need basic legal assistance and material support to re-establish livelihoods."

MCRG, December 2006, p. 50

"More than one-third (35 per cent) of the respondents stated that they had problems in moving from one place to another in the residing area. The vast majority (63 per cent) of the respondents stated that there was no possibility of returning to their homes while slightly over one-fourth (26 per cent) stated that there was still probability in the process. Of those respondents who were hopeful of returning to their homes, the vast majority (87 per cent) held that the government should initiate the process. The respondents who felt it was impossible to return to their homes were further asked the reasons behind their assertions. The majority of them expressed said it was due to lack of security. In the survey, respondents were asked what type of problems they were facing. Most of them stated more than one problem. Of those who had stated that there were some kind of problems, 61 per cent had economic / employment-related problems, 58 per

cent had lack of security of their children, women and elderly members of the family, while 29 per cent had social discrimination/forcible integration problems."

OCHA, 6 September 2006, p.1

"With the signing of the 12-point agreement in November 2005, the Seven Party Alliance (SPA) and the CPN-Maoist have already expressed their willingness to unconditionally allow the safe return of "displaced democratic party leaders, activists and common people". The ceasefire Code of Conduct signed on 26 May takes it a step further with specific references to the needs of IDPs¹ and the issue of restitution of land and property to returnees². Moreover, for the fiscal year 2006-07, the government committed to mobilizing resources to support the process of return and announced an immediate cash relief package for conflict victims.

Since the end of the hostilities in April, it is estimated that thousands of displaced persons have returned to their original homes either spontaneously or under the auspices of local human rights NGOs. The majority of IDPs are still uncertain about the security situation or unable to make it back to their home due to financial constraints, but may well be on the verge of returning."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 12

"Following the ceasefire, there has been increased interest in returning home. However, some people had begun to come back even before. Some had been able to return after the request to the CPN/M by the community. Many teachers were asked to return by the community and the Maoists, but had been forced to pay donations and participate in indoctrination programs upon return. Others had decided that they simply wanted to return, and entered into quiet and informal explorations to learn if their return would be accepted. This included wealthy individuals who had returned late 2005 and early 2006. Some returnees felt safe, and that their departure had been in response to subjective rather than objective fear (the 'tiger in the mind').

Negotiations between CPN/M and local NGOs had enabled some IDPs to return safely. However, the agreement with the Maoists had not always been kept, as some had been threatened upon return and re-displaced. In Jhapa district, a VDC secretary who attempted to return to his original VDC was advised to leave by local CPN/M leaders because he was a representative of the "old regime".

Since the ceasefire, there had been an increasing number of recent returns but many are still reluctant to return until they see how the situation develops. Most IDPs keep update on the situation at home through regular contact with friends and relatives. A few persons had gone back to check the situation before they made up their mind. The local community's ability to assist returnees varied from one VDC to another; some held collections within the community and saw support to returnees as their duty, while others said they could not afford to assist them. The conflict has, by extortions and lack of manpower, left a very fragile economic situation in the villages.

Willingness to return

It is too early to make general statements regarding the willingness of individuals to return to their homes, particularly as the preconditions of safety and security against future violations do not exist. When asked if they wanted to return, the responses from the displaced community were mixed. Some expressed the desire but did not feel the conditions were right. Others were less certain, having managed to successfully establish themselves in the district headquarters if it was in their best interest to return. Even though the Maoists have requested government officials and teachers to return to their posts, many were still reluctant to return. However, most information regarding the interest and will of people to return is circumstantial – gathered at the tea-shop, based on belief rather than research, or presented at the group rather than individual level."

OCHA, 18 July 2006, p. 5

"Post-ceasefire, limited returns have been taking place, a number of them facilitated by local human rights organisations. Many displaced are not yet ready to return due to security concerns. Promotion of proper return conditions must address issues such as food security, shelter, income opportunities, property restitution, compensation, and most importantly, physical security against further human rights violations."

OHCHR, 16 February 2006, pp. 18-19

"63. In the Letter of Understanding with the seven-party alliance, CPN (Maoist) "expressed its commitment to create an environment allowing the political activists of other democratic parties displaced during the course of the armed conflict to return to their former localities and live there with dignity, return their home, land and property seized in an unjust manner and carry out their activities without let or hindrance". In the weeks that followed, there were reports of some families deciding to return to their villages in conflict-affected districts, but many remained reluctant to do so. Before this period, displacement was reported to have continued, and there were early reports of its resumption following the ending of the ceasefire."

UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, p. 10

"While the 12 point agreement between the CPN/M and political parties has led to some returns, mainly of political workers, the non-extension of the cease fire is likely to lead to renewed displacement, rather than more returns. There is no information about returns of IDPs who were displaced by security forces, and their numbers are likely to be insignificant for the moment. In any event, the right to safe return needs to be discussed with the security forces.

Eventually, a more permanent political settlement or substantively improved respect for human rights and IHL will be the only sustainable basis for return. In the longer term, IDP return (already part of the 12 point agreement) needs to be ensured a prominent place on the agenda of future peace-talks. Also important for issues related to return are the potentially large numbers of persons who have fled to India due to lack of services and basic livelihood opportunities in Nepal. Although these persons are neither refugees or internally displaced persons, they should also be of concern to the international community, and included in any community-based efforts to support return.

Needless to say, conditions are not in place for the UN to promote return of IDPs. Limited returns have however been taking place, a number of them facilitated by local human rights organisations. According to one, they negotiate written conditions of return with the CPN/M. While IDPs have the right to return, there is a need to ensure that sufficient and accurate information about conditions in return areas is provided to enable people to freely exercise this right. For a start, closer and regular contacts with local human rights organisations are necessary on the issue of IDP return. There are concerns that the security forces are not aware of role that UN and humanitarian agencies need to play in secure conditions of return and monitoring of conditions. The role of independent organisations - particularly UN human rights agencies - in securing, assessing and monitoring conditions of return needs to be understood and respected by both State and non-State parties. Also, informal returns will continue to be organised and the UN needs to ensure independent monitoring of such movements."

12 point agreement between Maoists and political parties provides for the return of the displaced

Kantipure Online, 22 November 2005

"The seven-party alliance and Maoists have reached a consensus "to restore democracy in the country."

(...)

In the agreement, the parties and the Maoists have agreed to the demand put forward by the seven-party alliance to revive the House of Representatives and form an all-party government to hold talks with the Maoists and to go for constituent assembly elections.

Both the sides have decided to target their assault on the "autocratic monarchy" from their own positions for the establishment of a full-fledged democracy.

The agreement paper also says that, in order for a free and fair election, the Maoists and the parties have reached an understanding to keep the Maoists' armed forces and the Royal Nepalese Army under UN or other trustworthy international supervision during the constituent assembly election.

The Maoist rebels, in the agreement paper, have also expressed their commitment to competitive multi-party democracy, civil liberty, civil rights, the concept of rule of law, and human rights.

Admitting their mistakes on their own part in the past, the parties and the Maoists, in two separate points, have uttered that they would not commit such mistakes in the future.

The Maoists have also promised to allow leaders and cadres of other political parties and the public, who were displaced during the armed conflict, to return home and carry out their political activities without let or hindrance."

SAFHR, March 2005, pp. 35-36

"It is also clear that the situation of IDPs and the rising numbers of persons of this category is no longer one that is of a very short term nature. With no end in sight for restoration of peace (cessation of armed hostilities as a first step even) it is not likely that the numbers of IDPs will reduce. In such circumstances returning home is not likely to take place either. Youth who have moved out are equally unlikely to move back to their villages permanently. "I may not go back to my village after having stayed in the city/town area but I want to have the choice to go home when I want to!" (one of the young IDP men we met in Kathmandu, August 2004) (...)

In the event that there is 'peace' back in the villages, those who had little or no land or those who have nothing left back home any more, have no incentive to return and attempt to put together a life of sorts. Return to a state where nothing exists in terms of physical assets or basic services or local infrastructure, and more importantly the total breakdown of social networks and support systems, is unimaginable."

WFP survey reveals that almost half of the displaced have no intention of returning to their homes

WFP, March 2005, pp. 9

"Ten field monitors visited 14 municipalities, 32 VDCs and 380 households in the headquarters, municipalities and districts of Banke, Chitwan, Dailekh, Dang, Gorkha, Jhapa, Kailali, Kanchanpur, Kapilvastu, Kavre, Makwanpur, Morang, Nawalparasi, Rupandehi and Surkhet from October 19, 2004 to

January 13, 2005. Migrant households were selected with the help of district officials and key informants. A full household interview was conducted for each.

(...)

The majority of respondents (45%) stated that they did not want to return to their district of origin. 34% stated that they would return provided there was security and/or peace; 20% if they were provided with land and/or income and employment generation opportunities; and 1% if provision of basic services improved.

Over half of households that primarily left for conflict-related reasons say that they would return if peace and security prevailed in their districts of origin. A little less than half have no plans or intentions to return – regardless of what happens. The small remaining fraction would be motivated to return if they were provided with land and/or income and employment generation opportunities.

Slightly more than half of the households that primarily left due to earning constraints have no plan or intention to return home. Thirty-seven percent would return home if they were provided with land and/or income and employment generation opportunities, and ten percent if there was security and/or peace."

UNDP-RUPP study shows more than half of the displaced do not intend to return (July 2007)

- Study among IDP working children showed that many intended to stay in their job and place of residence despite difficult working conditions. Few children expressed the desire to return, even if the conflict ended.
- Factors influencing the IDPs' decision to return are: the degree of investment made in their new location and the success of that investment, the person's age, with younger people generally less keen to return to village life, the person's resources back in the village with poorer people less likely to return.
- It is important to remain alert to the possibility that many of the poorest IDPs may choose to stay in their new locations

RUPP, August 2007, p. 9

"The study has also revealed that a majority of displaced households; in fact, about 59 % do not want to return, though the reasons behind not willing to return to the places of origin are not limited to security alone but also expanded to education, employment and other urban attractions."

OCHA, 18 July 2007, p.2

"A study conducted by Rural Urban Partnership Programme (RUPP) of UNDP in late 2006/early 2007 in Mahendranagar, Dhangadhi, Nepalgunj and Pokhara municipalities shows that of the total displaced households currently residing in the four municipalities, 59% do not want to return to their place of origin. More than 70% of the respondents also said, that at their place of origin, their land/house was being used by others with their 'consent'."

Many working IDP children likely to stay in new place of residence despite ending of hostilities

TDH, CREHPA, SCA, June 2006, p. 26

"While many children did not like their working situations, most intended to stay. Boys showed more interest in seeking other employment and moving to other places than girls. One half of the boys and almost two thirds of the girls intended to remain in their present jobs.

The most common reasons cited by children for remaining in their current jobs were liking their work situation and having no work alternatives. Difficulties of returning home and fear of Maoists were rarely reported as reasons for remaining in the current job. The most prevalent reasons given by the children for leaving the work situation were excessive workload, verbal or physical abuse by the employer, and lack of payment for work. More than one half of all girls reported excessive workload as the reason they wanted to leave their job.

Children were not clear what they wanted to do if they left their jobs, and were vague about their desired destinations. Most children did not intend to return home, and most expressed an intention to remain in the city where they were presently working. Only one in four girls and one in seven boys desired to return to their homes. Travel difficulties and fear of Maoists were not prevalent reasons for staying in urban areas, and it can be supposed that many children who have been displaced by the present conflict will not return to village life once the conflict has ended."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 12-13

"The SNV/INF survey asked IDPs about their thoughts and plans for the future (the survey was carried out in the weeks prior to the cease-fire). Most of those interviewed were focussed more on their present needs and situation rather than on long term planning. Some expressed a desire to return to their villages. Others were quite explicit about their desire to sell off their village assets and remain in their new locations. The situation can be summarised by one individual who commented that, in the event of a stable settlement to the conflict 'some people will stay and some will return home'. What is unknown is how many will stay and how many will return. The interviews highlighted a number of factors that might influence an IDP's decision to stay or return. In addition to issues of personal security, these included:

the degree of investment made in their new location and the success of that investment
the person's age, with younger people generally less keen to return to village life
the person's resources back in the village with poorer people less likely to return

Many IDPs are young and poor, highlighting the danger of assuming that the 'IDP problem' of accelerated urbanisation will resolve itself in the event of a stable settlement. In the course of researching appropriate intervention strategies for working with IDPs in Nepal, discussions with UNHABITAT staff in Nairobi highlighted the experience of Cambodia where most IDPs chose to settle in urban areas after the conflict. At the time the development community focussed its intervention on programmes to encourage return to rural areas and livelihoods, in the process missing the opportunity of helping the majority of people who had decided to stay. The situation in Nepal may be similar or different, depending on when the conflict is resolved. However, it is important to remain alert to the possibility that many of the poorest IDPs may choose to stay in their new locations."

CPA commitments towards the return and rehabilitation of the displaced not yet fulfilled (June 2007)

NHCR, June 2007, p.12

"The Comprehensive Peace Accord between GON and CPN-M contains the commitment of both parties to allow people displaced due to the armed conflict to return home voluntarily to their

respective ancestral or former residence without any political prejudice, reconstruct infrastructure destroyed during the conflict and rehabilitate and socialize the displaced people into society. However, the failure to guarantee the safety of displaced persons and lack of basic necessities such as food, clothes and shelter, needed for them to return home, some of them are not ready to return. However the process of returning home has started. CPN-M chiefs have said that there is no danger from their side towards displaced persons and no permission is required from anyone for those wanting to return home.

Both parties have also agreed to immediately return properties such as government/public/individual buildings, houses, lands, seized, locked up or prohibited from being used during the armed conflict. The failure to translate these commitments into serious action, however, has created problems.

Immediately after the promulgation of the Interim Constitution of Nepal 2063, the Maoist leadership declared the dissolution of people's court at all levels on 17 January 2007. However, the announcement failed to address issues regarding decisions already made by the peoples' courts. The announcement in fact created confusion at lower levels and it still continues. They continue to act as a law enforcement body in various districts including Kathmandu, Lalitpur, Kavrepalanchowk, Salyan and Chitwan.

Before the announcement of the dissolution of parallel government and people's court, which came after the formation of the Legislature-Parliament, CPN-M used to impose tax and hear different cases. The failure to return the properties that they had seized in the name of such courts has contravened their own announcement. The CPN-M seized the entire property including house, land and grain of Hari Prasad Shrestha, Diwakar Raj Shrestha and Ramesh Raj Shrestha of Treveni-7, Salyan on 2 November 2006. Even after the CPA, they retained control on these properties. Since, the decisions made in the past by peoples' court are still valid, it becomes crystal-clear that CPN-M failed to respect and fulfill their own commitment in the CPA."

Nepalnews, 16 December 2006

"Two of the provisions in the Comprehensive Peace Agreement (CPA) signed on November 21 between the government and the Maoists are directly linked with the Internally Displaced Persons (IDPs).

The first provision expressed the commitment of both sides "to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialize the displaced people into the society." Likewise, another provision expresses their commitment "to respect and protect the individual's freedom to move freely and right to choose a place to reside within the legal periphery and also expresses commitment to respect the right of the people who have been displaced to return home or to live in any other place they choose."

See [Full text of the CPA](#), 22 November 2006

Maoists encourage IDP return, but are reported to apply a selective "approval" (October 2006)

- In September 2006, Maoists continued to encourage IDP return with commitments to return land and property to the displaced and facilitate their return through newly established offices.
- Inter-agency mission to the East noted a tenuous line of control between central level CPN-M and local level cadres resulting in discrepancies between the official line encouraging return and the reality in the field where CPN-M pose conditions to IDP return, which cannot guarantee a dignified return for the displaced.
- Divided in 3 categories by the Maoists, only the displaced belonging to category 3 are welcome to return without any conditions. IDPs of category 2 and foremost 1, accused of having committed serious crimes, need to appear before a people's court to apologize.

OCHA, 5 October 2006, p.2

"During the reporting period, thousands of Nepalis returned home from India for Dashain; CPN-Maoist continued to encourage IDP returns right across the country with promises to return properties confiscated during the conflict and facilitating the returns through its newly established offices aimed at working with the returnees.

In Udaypur district in the East CPN-Maoist announced that it would return the property of four of the 30 families whose land had been confiscated by the party; CPN-Maoist informed OCHA that 15 families have returned to their villages from the district headquarters since the April ceasefire. CPN-Maoist also announced that it was willing to return land belonging to the IDPs in Saptari and Siraha districts. In Sankhuwasabha district, a joint follow-up meeting between UNHCR, SPA representatives, CPN-Maoist and the CDO agreed to support the IDP returns, with CPN undertaking to provide security to the returnees.

In Ilam, the party opened its office to facilitate the process of IDP returns; there were two applications from the displaced people by 22 Sept. A returnee reported that the local cadres of CPN-Maoist had banned her to harvest cardamom from her own field.

Following the assassination of a lawmaker in Siraha district on 23 Sept, the people of hill origin went on a high alert in the southern VDCs of the Terai district; some fled to urban centers for safety. Also, CPN-Maoist opened the contact office for displaced persons in the district headquarters to facilitate the IDP returns."

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 12

"As mentioned earlier, the CPN/M divided IDPs into three categories: A, B and C. Reportedly those in Category A could never return; they are people who have seriously exploited the local population or committed serious crimes in the villages. People assumed to be spies or having caused casualties would also belong in category A. There are few in this category; reportedly less than 7 families in each of the districts visited. Those in Category B included people who had been in a position of power or performed activities in opposition to the Maoists insurgency, such as politicians, village leaders and government officials. If these people wanted to return, they would have to go before the people's court or stand in front of the local population and apologize. Punishments would be sentenced according to the people's will and varied from very large donations, forced labor and regular participation in party activities, to simply promise to "behave" and simply not cause trouble. Those in C category were welcome to return. The majority of IDPs seem to fall in groups B and C.

Based on talks with the different levels of the CPN/M, the mission noted a tenuous line of control from central level CPN/M to local level cadres on many issues including the return of the displaced. As a result policies and practices on return vary widely from one VDC to another. However, most CPN/M reiterated their commitment to the 12 point agreement, including point 7 referring specifically to the returns. However, they did stress that while the party might not have

any objection to the return of all displaced, some persons would not be welcomed by the community due to their past behavior. The mission found a need for a more comprehensive understanding within the CPN/M as to the causes of displacement, along with awareness raising on the responsibilities of local authorities to create conditions conducive to return. Maoist cadres dismissed subjective fear as an individual's problem rather than a condition provoking displacement and therefore not part of their responsibility to address.

Obstacles to return

Insecurity, housing, land & property issues, lack of livelihoods and fear of discrimination are the main obstacles to return (June 2009)

IDP Working Group, 15 June 2009, p. 24

"Efforts have been made by NGOs (such as Caritas and Insec) to address issues related to return, along with other displacement problems in Nepal. According to Caritas and Insec, they have initiated return programs before the CPA. However, the return momentum was escalated after the CPA and when the government introduced a return and relief package in October 2007 (see The State Relief and Assistance Package on page 40). This assessment identifies major contributing factors for IDPs not willing to return to their place of origin. Note: Focus Group Discussions (FGDs) have found that some IDPs have received the government's return package but have not returned, although the percentage of such cases could not be determined.

Respondents in the displacement areas clearly expressed that livelihood problems, security condition, low social acceptance, and economic opportunities in their places of origin, are the major constraints preventing them from returning. In addition, their current living conditions and other social factors are also restrictive.

All the respondents were asked to describe their major obstacles for return, and their perception are as follows:

Security: 38% of respondents think that the security situation in their place of origin is extremely low, and would rather to stay in their area of displacement. Respondents from Kapilvastu, Bara, Bhojpur, Dang and Bardiya districts expressed a high level of fear and worry about persecution. During FGD's, IDPs with political affiliations were particularly worried about security conditions.

Housing, Land and Properties: Property restitution or compensation is another crucial issue that directly relates to the livelihood of the person willing to return. 28% of residents expressed that they still have unresolved property issues, which is preventing them from returning to owned land. Bara, Dang and Bardia districts were reported to have the most property-related concerns.

Livelihood: 22% of respondents expressed low livelihood and economic options. The rest, however, mentioned moderate and better conditions.

Social Acceptance: Respondents expressed that the absence of sufficient social coherence results in discrimination, thus preventing IDPs from returning home in a sustainable and dignified manner."

IRIN, 24 December 2008

"Former Maoist rebels are exacerbating the problems of the poor and those still displaced from the 1996-2006 conflict, say human rights groups, despite the Communist Party of Nepal-Maoist being the leading political party.

Prime Minister Puspa Kamal Dahal and several senior ministers - all Maoist leaders - have been unable to control incidents of intimidation, threats and extortion carried out by party workers, they say.

The Maoists are causing economic hardship by delaying the return of, or refusing to return, land and property seized during the conflict, said Arjun Narsingh, a spokesman for the Nepali Congress (NC).

The NC, the second largest party in Nepal, has boycotted parliament on several occasions in a bid to put pressure on the prime minister to implement his commitment to get all seized property returned to its rightful owners.

In November, Dahal said his government would ensure the return of all such property. The fact that many displaced people have no means of livelihood without it, is causing the displacement problem to continue in some areas.

Local government officials who requested anonymity have said there have been problems resettling displaced families in remote Maoist-controlled villages because they were too frightened to return."

IRIN, 5 November 2008

" "How can we survive when we have so much to fear and there's nothing for us to return to?" asked Ratna Thapa Magar, a former soldier in the Nepal Army. He explained that the most vulnerable displaced families were those whose relatives served the army, police and armed police force.

Magar said many former soldiers like him were forced to quit their jobs, fearing for the security of their families, and remain displaced after their land and houses were seized. He said Maoist cadres were still preventing them from returning to their villages.

Chiranjibi Timilsina, an IDP who was forced to leave his home in Accham, a remote district in the northwest, said villagers' survival was at risk as their land had been seized and redistributed among farmers and other local people who supported or sympathised with the Maoists, he said.

However, Maoist leaders in the capital denied the accusations and explained that anyone could return home without fear as there was now a climate of peace and former rebels had even joined the government."

OCHA, 18 March 2008, p.3

"IDPs say it is not so much security which is the main obstacle to their return but the government's refusal to recognize most of them as IDPs. According the Norwegian Refugee Council (NRC), which works with IDPs in 15 districts, the number of Displaced families yet to be officially registered is growing. NRC officials explained that those who had lost the opportunity to register their names with the government were now desperately seeking help from the NRC and INSEC. NRC has already registered over 1,000 families (nearly 5,000 people) as IDPs, and every week 10-15 more are added. NRC also pointed to the fact that most of these persons were

unaware of their status as IDPs and many of them had no access to relevant information, and recommended the government to set up a proper system for effective IDP reintegration."

OCHA, 16 January 2009, p. 5

"On 17 December, INSEC Nepalgunj released a report on conflict-related displacement, according to which 2,642 persons from the Mid and Far Western region have not yet been able to return to their homes due to lack of peace and security."

UNHCR, 28 December 2007

"Like Madhav, many families in Nepal have recently returned to their place of origin after years of displacement. The exact number of individual returnees – believed to be in the tens of thousands – is unclear as many have gone home on their own or with the support of local non-governmental organizations (NGOs).

"Many people displaced to this district from the nearby villages have already returned and many are in the process of returning," said a senior district official in Dang. "The main problem for the returnees is property restitution. Other IDPs have decided not to return as they have found a better economic situation in the place of displacement."

Ram Bahadur (1) returned home earlier this year. "It has been six months since I came back to my village, but still I have not got my entire land. Although the Maoist leader has said that they would return our land, many like me still find it difficult to have our farms and houses back," he said.

Human rights activists agree that the main problems for returnees are land seizure and livelihood. "The main reason for people not returning is the land issue. Without their land how do they earn their livelihood?" said Bimal Kumar Adhikari, a rights activist from the Informal Sector Service Centre. "There is a need to do more; all parties have to be committed to facilitate the return of internally displaced people (IDP) to their hometown."

IA, September 2007, pp.40-41

"In the current context, the gradual return to villages of IDPs, ex-combatants and other returnees (e.g. migrant workers who fled to India to escape the conflict) has far-reaching implications for community security. Returning IDPs and ex-combatants are likely to have experienced deep psychological trauma which may affect their ability to reintegrate peacefully back into communities. Furthermore, communities may find difficulty in accepting back those that fled during conflict and those that became part of the violence and bloodshed. It is for these reasons that the return of IDPs, excombatants and other returnees is a particular issue and one which demands particular attention during the current context in Nepal. With most ex-combatants remaining in cantonments to await the opportunity of being assimilated into the Nepal Army, few, so far, have returned home.

(...)

The political changes of the past months have brought many positive developments in the situation of IDPs in Nepal. The twelve point agreement between the Seven-Party Alliance (SPA) and the CPN (M) as well as the Comprehensive Peace Accord (CPA) between the Nepal Government and the CPN (M) has special clauses that intend to deal with the problem faced by the IDPs in the country. There is a general belief among many within the security and policy-making arenas that the problem of IDPs will be solved automatically as the peace process moves

forward. However, the multiple and diverse obstacles to the safe and peaceful return of IDPs highlight the need for all those involved in the peace process to pay particular attention to the problem of IDPs, especially at the micro and meso levels.

With the signing of the Comprehensive Peace Accord, the return of some IDPs to their native places has already started in many districts. However, many are still in district centres, unable to return to their villages. Information gathered during research tells us that many of those still facing obstacles to their reintegration are mostly large landowners and political party cadres displaced by the Maoists; this was particularly the case in the Terai districts of Kailali and Morang. Many have lost their homes and land, and those whose homes have been returned are empty of all household items and fields barren. Without basic tools, utensils or a harvest to sustain them for the coming year, these IDPs are unable to return home. Those who are yet to return are receiving little of the financial or logistic support that they need. One IDP in Makawanpur for example, injured during conflict and unable to work, receives a basic food ration but nothing for the expensive painkillers he is required to take every day.³⁶

Those who have returned to the villages are in some cases considered by their neighbours as returned criminals. Returning political party cadres still face harassment and threats from Maoist cadres in many places. Former neighbours may have caused or supported their displacement. Many returnees have suffered a loss of social respect and have difficulties reintegrating themselves with the people who were not displaced. The perceptions (real or false) of those who remained in the villages during conflict regarding those that left further complicate the successful reintegration of IDPs. HimRights, an NGO working with displaced families in Hetauda, Makawanpur district explained that a common perception among local people is that IDPs are now enjoying financial support and benefits whilst those who stayed in the village throughout the conflict get nothing.³⁷ There is no local mechanism to facilitate the reconciliation process among villagers and therefore no means for addressing these perceptions and disputes."

OCHA, 18 July 2007, pp. 1-2

"For those who want to return, factors hindering return are:

Fear/distrust: According to a recent OCHA-OHCHR mission to Rukum and Rolpa Districts, 'fear' was mentioned as the biggest obstacle to return. Generalized fear, reinforced by well-known cases of failed returns, have discouraged, especially people associated with political parties or security forces, to return. Many expressed a profound distrust in CPN-Maoist promises of safe return, arguing that CPN-Maoist violations continue in rural areas. Others objected to CPN-Maoist conditions of return such as the need to secure 'approval letters' from CPN-Maoist in district headquarters and demands to 'account for past wrong-doing' once back in the village. Returnees sometimes have to subject themselves to 'discussions' with the community and the CPN-Maoist on 'mistakes in the past' and commit to 'improve their behaviour' as a precondition to having their property returned. Persons closely involved in the conflict either as combatants, supporters or informants on both sides, perceive threat to their physical security upon return. Many IDPs; some used to a leadership position in their communities, are not willing to return to villages whose dynamics are more or less dictated by the CPN-Maoist, which would compel them to keep a very low profile; particularly when the police and other state agents are not in a position to guarantee basic political freedoms.

Livelihood options and incentives: IDP families who have migrated have often lost the basic assets needed for survival on return. Unlike wealthy landowners who generally have sufficient residual resources to live adequately wherever they choose, subsistence farmers whose land or houses have been 'reassigned' or taken over by secondary occupants, following their departure, would be unable to re-establish basic livelihoods. Some of these groups are waiting for incentives and compensation packages from the government. These groups are unlikely to move until they

see the 'final offer' on the table for fear of losing out to a later and better offer. General deterioration of socio-economic infrastructure in rural areas, especially hill districts, implies that there are few if any 'pull' factors for return to these areas, accelerating the existing trends of rural-urban and highland-lowland migration.

Lack of clear government strategies: While the new IDP Policy specifies clear right to protection, lack of both implementing Directives and familiarity with the Policy at the field level means that it remains largely unapplied. Although there are many ad-hoc initiatives to support return and reintegration, there is no comprehensive action plan stating clear objectives and means to provide a framework for these activities.

Land tenure and land seizures: Both parties to the conflict acknowledged a critical need for land reform in the CPA, but few steps have been taken towards its implementation. In the meantime, the CPN-Maoist 'de facto land reform' continues. CPN-Maoist and its affiliates, including the Tharu National Liberation Front (TNLF) and All Nepal Peasants' Association (Revolutionary) continue to seize land and re-distribute in many districts in the Terai. In this context, many landed IDPs see no advantage in entering into negotiations or planning return until this issue is fully resolved."

Lack of awareness on the entitlements of the national IDP policy due to insufficient dissemination efforts by the government (June 2009)

- While most Chief District Officers (CDOs) are aware of the existence of the IDP policy, very few seemed to know anything about its content. Political parties did not have a better knowledge of the policy. The main reason for this is the lack of active dissemination of the policy by the government.
- Only 35 per cent of the IDPs were aware of the IDP policy, but almost none could spell out their rights and entitlements.
- 61 per cent of the displaced were aware of the relief and assistance programme offered by the State but only 33 per cent reported having managed to receive assistance.
- While the government made a number of efforts to implement the IDP policy, no visible efforts were made to disseminate it.
- Absence of comprehensive plan for assistance and protection has not encouraged return movements and has left district officials passive.
- The registration/distribution process started at the end of the 2007 is reportedly lacking consistency and inclusiveness

IDP Working Group, 15 June 2009, p. 34

"The government of Nepal adopted the National IDP Policy in February 2007. This policy is aligned with the United Nations Guiding Principles on Internal Displacement (UNGPID) that encompasses universally accepted definitions and principles in regards to all IDPs.

The National IDP Policy sets institutional mechanisms at the central and district levels to deal properly and efficiently with internal displacement-related issues in Nepal. The Central Steering Committee²⁴ headed by the Home Minister and the Central Program Coordination Committee²⁵ (headed by Chief Secretary) are situated at the central level. The District Program Coordination Committee and IDPs Identification Committee are situated at the district levels. The National IDP Policy has made provisions for LPCs²⁶ to facilitate and coordinate the policy implementation. The Ministry of Peace and Reconstruction has formulated a Term of Reference

(ToR) and have been forming LPCs in districts since August 2007. The National Planning Commission, through MOPR, is assigned to monitor the overall implementation of The National IDP Policy²⁷.

Implementation Status

Awareness On National IDP Policy And Other Related Directives

One of the major objectives of assessment is to gather information on the implementation of the National IDP Policy at the district levels. To assess the current situation, IDPs, Returnees, CDOs, various district authorities, political parties and other various stakeholders were asked for their views. The research shows that all CDOs, except two, are "aware" of the National IDP Policy. However, very few CDOs polled knew anything about the content of the Policy. Furthermore, the majority of political parties polled were unaware as well. Inefficient dissemination of information regarding the National IDP Policy was the reason cited here.

The field assessment found that 35% of the IDPs and returnees respondents are aware of the National IDP Policy, and only I/NGOs have taken initiatives to raise this awareness (but not the government).

None of the respondents could spell out their rights and entitlements granted by the policy. However, 61% of the respondents were aware of the relief and return package. Nevertheless, only 33% of respondents have received state relief and assistance from this program. 35% of the respondents did get direct or indirect support from the non-state agencies like: INSEC, NRCS, CARITAS, BEE GROUP, Save the Children, NRC and other UN agencies during the return process.

These non-state services included return process facilitation, help to deal with property captures, distribution of food and non-food items, and support for a few projects that provided drinking water and irrigation in the return areas.

It was observed that information campaigns were organized in the format of orientation & discussion programs between political parties and other concerned stakeholders in eight districts. These programs were, by in large, supported and facilitated by I/NGOs. The research could not find information on any programs organized by the government. This indicates that the dissemination of information about the National IDP Policy has not been a priority for the last successive governments.

On the other hand, the assessment team did observe that the government has undertaken a few visible steps in terms of National IDP Policy implementation, particularly in the formation of LPCs and the execution of a return and relief package that has encouraged IDPs to return."

OHCHR, December 2007, p. 22

The Government itself has not responded fully to IDPs' needs upon return. Those IDPs who have returned did so despite the absence of a comprehensive plan addressing the assistance and protection needs of returning IDPs. This gap has allowed district officials to remain passive in relation to supporting local return processes. In the absence of state action, such responsibility has often been shouldered by local human rights NGOs, with limited funding from international donors. It was only in late 2007 that the Government announced a relief package of \$5.6 million from the Nepal Peace Trust Fund to support those returning and opened a new registration process so that IDPs who had never registered could do so and become eligible for assistance. Local authorities in some areas have confirmed having received the funds and started disbursing them (for example, some 600 people are reported to have recently returned to Rolpa with travel support), although it would appear that the registration/distribution process is not consistent or necessarily inclusive."

IA, September 2007, p. 42

"The government has recently drafted and endorsed a National IDP Policy, designed to address the problem of IDPs, however, without any local mechanism for implementation it is unlikely to be successful. Furthermore, local government bureaucracy and political leadership do not possess the knowledge needed to engage in issues facing IDPs. There is an urgent need to prepare and distribute Information, Education and Communication (IEC) materials on IDPs and orientation and training to returnees as well as those involved in facilitating their safe return.

Returning IDPs are not currently receiving the financial or logistic support they need for their return. Although the Government has announced that IDPs need to register themselves at the District Administration Office in order to qualify for the Rs 5000 per family as support for their return, many have failed to come forward due to fear of reprisals and a disbelief that the current 'peace' will sustain. There is no proper mechanism to monitor the IDPs who have received financial support from the government to confirm whether they have really returned home or not. The responsibility for acquiring information about IDPs and supporting and monitoring their return has fallen largely upon the shoulders of I/NGOs. In Makawanpur district, HimRights have taken responsibility for acquiring information on the government aid distributed and confirming the IDPs' safe return to their respective villages. Similarly, in Jumla, the Karnali Integrated Rural Development and Research Centre (KIRDARC) is facilitating the return of IDPs in coordination with the district administration. Many I/NGO representatives involved in the mapping and reintegration of displaced people believe that 'official' figures of IDPs may represent only a fraction of those displaced as many have fled to India and are yet to return."

58 families displaced by Madheshi Tigers in 2007 remain displaced in Sunsari district due to security concerns (April 2009)

OCHA, 16 April 2009, p. 4

"On 2 April, 58 families who were displaced as a result of threats and intimidation by armed Madheshi Tigers in September 2007 demanded compensation from the government. The displaced families continue to live under poor conditions in Bharaul VDC, Sunsari District. Several of these displaced maintain that they would be willing to return if adequate security was provided, while others are seeking resettlement."

INSEC, 2009, p. 43

"INSEC eastern regional office at Biratnagar, distributed 48 sets of clothes and quilts for the 48 families of Haripur VDC of Sunsari district displaced by threats from Madheshi Tiger, an armed group operating in the area. These displaced persons have been living near Koshi Tappu since August 2007."

Selective "approval" of IDP return by Maoists and unresolved land and property issues constrain returns to some areas (December 2007)

- While many returns took place in Nepal during 2007, return to some areas was reported as still problematic due to opposition by Maoists or disputes related to land and property.
- Information gathered by OHCHR showed that the formal commitment by CPN-M central level to the safe and dignified return of IDPs was often not implemented by CPN-M cadres, who in some regions oppose the return of IDPs or pose conditions to their return.

- In some areas, CPN-M use the "IDP" term as a negative label to designate a small group of displaced belonging to the upper strata of society and closely linked to the State.
- OHCHR expressed deep concern about the emerging pattern of selective "approval" of IDP return by CPM-M who, in some regions, classify IDPs in different groups depending on their degree of alleged linkage to the State.

OHCHR, December 2007, p. 21

"Over the past year, many of those internally displaced by the armed conflict (IDPs) have either integrated where they currently reside or have already returned to their places of origin. In some areas, returning IDPs have been unconditionally allowed to return by the CPN-M and have had their property restored to them. In other regions, the return of displaced landowners and politically-active IDPs is hampered by the failure of the CPN-M to restore all confiscated property and to ensure a conducive, safe local environment.

Local CPN-M cadres effectively decide who can return and reportedly impose conditions on return, including public apologies for alleged "wrongdoing". In many cases, confiscated land has not been returned to displaced landowners in an effort to reform land tenure patterns and avoid problems with secondary occupants. This has been exacerbated by the absence of a proper mechanism for resolving issues related to the return of confiscated land and property. The CPA made a commitment to pursue "scientific" land reform, but there has been no apparent progress on this.

Returns have largely been spontaneous, though some have been assisted by NGOs, and most returnees need assistance and often legal aid regarding documentation or land and property issues."

IA, September 2007, p. 42

"In Jumla there was a serious confrontation between the villagers of one village (including senior political party cadres) and the Maoists. The conflict culminated in the whole village being evicted by the Maoists and displaced to Surkhet, a contiguous district to Jumla. After the ceasefire, most of these people have returned to their village, however senior political party cadres are still taking refuge in the district headquarters. So far, there is no serious problem regarding their security, however, there is a fear of tension flaring up between Maoists and IDPs in the near future, particularly those IDPs that were displaced due to their political affiliations. A similar sentiment was also expressed by the district coordinators of KIRDARC from Mugu, Humla, and Kalikot. They said that they have already witnessed such incidents in villages in their respective districts.

According to Caritas data, there were between 5-6,000 IDPs displaced from Morang and an estimated 10,000 IDPs have come to Biratnagar from surrounding hill areas. Some IDPs had brought assets and money with them to support their family while the majority are living either as dependents or are surviving by doing odd jobs. Though the local government (the CDO and the DDC) offices provide some emergency relief to the IDPs, the major burden of supporting them has been taken by NGOs such as the Jaycees and Red Cross. After the ceasefire and subsequent Comprehensive Peace Accord, some IDPs are already returning to their homes while others are planning to return. However, there are also cases where those who had returned home were again forced to leave their place owing to threats to their security.

(...)

Those IDPs who face some of the most serious security issues are members of the Seven Party Alliance whose rehabilitation is delayed by fear and mistrust of Maoist cadres in the villages. Many of the political party leaders were categorised by the Maoists as "Third Category IDPs" (so-

called enemies of the people and the CPN (M)) and continue to be unwelcome in their native villages."

OHCHR, 25 September 2006, p. 7

"Since April 2006, the CPN-M has repeatedly given commitments in writing to respect the right of internally displaced persons (IDPs) to safely return to their places of origin and to have their land and property returned to them. Information gathered by OHCHR shows that this commitment has not been universally adhered to. In some regions, IDPs have been able to safely return and local CPN-M cadres have handed back their land and houses (but generally not movable property). In other areas, the CPN-M local and district-level representatives have ignored CPN-M central-level commitments to allow IDPs to return safely. In those areas, CPN-M local cadres either disapprove of IDP return or condition return on the returnees appearance before the "people's courts", or in front of the community, to apologize or "clarify their action" before they were displaced. Others have had to pay sums of money to the CPN-M upon return.

In some areas, the CPN-M has classified the IDPs into categories of displaced persons. The label "IDP" is often used for a very limited and specific group of displaced persons, namely the wealthier land-owners, those affiliated to political parties or those openly opposed to the CPN-M, as well as persons the CPN-M judges to be "bad or anti-revolutionary people". In its on-going dialogue with the CPN-M, OHCHR has tried to create a better understanding of the international definition of an IDP and the fact that most individuals have fled quietly due to threats of forced recruitment, extortions or other violations.

OHCHR is therefore urging the CPN-M to unconditionally fulfill its commitment to respect safe and sustainable return of all displaced persons and to return all the property illegally confiscated or looted by the CPN-M. While recognising the CPN-M Central Committee's recently stated willingness to provide institutional support to this process, OHCHR is deeply concerned about an emerging pattern of CPN-M selective "approval" of IDP return, which risks being further formalized by the Central Committee-proposed establishment of CPN-M administered "IDP-return application" processes in each district. Given that many IDPs were originally displaced by the CPN-M, their internationally recognized right to a dignified return would be violated if they had to "apply" for permission to return from the same organization that displaced many of them. In addition, central and regional-level CPN-M representatives have the obligation to monitor and ensure that local CPN-M cadres adhere to commitments to respect safe, dignified and unconditional return of all IDPs."

OCHA, 6 September 2006, p.3

"There are a number of key elements that must be taken into account by the authorities, NGOs and agencies in the planning and implementation of the return process, including preconditions, definition, reparations, return conditions and assistance.

To date, the UN is still questioning whether the appropriate conditions are in place for a safe return of IDPs. Apart from the security concerns, the possibility of return has to be granted to all IDPs, independent of their ideology or past activities and that the ad hoc and selective approach observed to date in some instances is unacceptable.

Currently there is no comprehensive plan for return that includes both those who found protection within Nepal and those who fled abroad to avoid the effects of the conflict. The UN stresses that gearing up to address the needs of returnees in terms of protection and material assistance is a priority.

Facilitated and spontaneous return

The UN recognizes that the return is occurring with a notable increase since the SPA and CPN-Maoist signed a 12-point agreement in November 2005. Further, an improved security situation since the ceasefire has resulted in facilitated IDP returns by local human rights organizations and an increase in spontaneous IDP returns, though the number of individuals who have returned spontaneously is difficult to determine. According to a recent assessment mission to Jumla and Mugu districts, the majority of IDPs returning spontaneously are the youth who had fled forced recruitment by CPN-Maoist and individuals or families with a political affiliation.

The IDPs' right to return is not consistently respected by the CPN-Maoist. Questions are being raised over the CPN-Maoist commitment to the 12-point agreement. While in some districts there are reports of safe returns and CPN-Maoist keeping its commitment, reports from other districts suggest that the CPN-Maoist have not always allowed unconditional return.

In Taplejung, Panchthar and Bara districts, for example, CPN-Maoist has categorized the IDPs: a) those who cannot return (those accused by the CPN-Maoist of 'spying for the old regime,' or 'class enemies,' etc); b) those who have 'excusable criminal records' but could still return after issuing a public apology; and c) those who could return with dignity, but most likely after a payment. Such a categorization contradicts the spirit of the 12-Point Agreement signed in November 2005 by the SPA and the CPN-Maoist and makes IDPs question whether they will be able to live without fear of attacks or reprisals by CPN-Maoist. This issue calls for immediate attention or will create new hurdles in the peace process."

Lack of reintegration support and community-level reconciliation efforts put the return and peace process at risk (September 2007)

IA, September 2007, pp. 16-17

"As the peacebuilding process in Nepal moves forward, IDPs, economic migrants and ex-combatants, amongst others, are beginning to return to their place of origin or move to new communities. Many have high expectations of being compensated or receiving benefit packages from the Government and the international community. However, these returnees not only place huge pressure on the host communities they settle in but also face significant challenges themselves. Communities need to deal with a changed dynamic and returnees are faced with (re) establishing a life and livelihood.

In such situations actual and perceived levels of security within communities can deteriorate rapidly, especially with the emergence of splinter groups. If the need for socio-economic reintegration and reconciliation at the community level is not addressed it is unlikely that returnees will be able to reintegrate themselves in ways conducive to sustainable peace and tensions may rise to the detriment of the overall peace process. Unless there is a clear understanding of the nuanced security issues experienced at the community level, and there are institutions in place to manage tensions, actual and perceived levels of security and trust within communities can deteriorate rapidly and local level conflict can re-emerge.

A leitmotif emerged in all the districts covered in this research project and among varied groups of stakeholders, in the form of a serious concern regarding the potential for acts of revenge and retaliation for abuses committed during conflict at the local level. There was a general feeling that the national level rhetoric of conciliation and cooperation failed to address the experiences and concerns of those at the grassroots who had suffered most during the conflict. The reintegration of returnees is a particular issue of concern in this regard and will be discussed in further detail in this report. The Maoist's failure to return land and property despite promises from the leadership is fuelling anger and frustration amongst displaced people. Victims of conflict from both sides

have received little in the way of compensation or rehabilitation support from the government. Political parties are struggling to find areas of consensus on which they can work together to encourage sustainable peace and continued Maoist acts of criminality and violence at the local level threaten to undermine what little cooperation exists among the eight main political parties. Frustration and mistrust continue to run high in the districts as the peace process begins to fail in meeting the high expectations placed upon it.

The issue of localised revenge is much more multifaceted and complex than simply a reaction to abuses committed during war. Many emergent 'revenge' conflicts are retaliations against the generations of exclusion and oppression - social, political and economic – that constitute a fundamental cause of repeated conflict in Nepal. It should be noted that grievances coming to the fore in recent months far outlast the ten year conflict. Recent violence in the Terai region demonstrates that the causes of the conflict there still remain unaddressed and until they are, frustrations and mistrust manifested in localised conflicts threaten to escalate and return the entire country back to civil war."

NHCR, June 2007, p.13

"During visits and conversations, some IDPs told the Commission's staff members: "We are ready to return home. But, our land remains unfarmed since ten years and we have to mend our house. So where will we stay and what will we eat? Where will our children sleep? This is the reason why we fear to return home." The Commission has been continuously negotiating with the concerned parties for successful rehabilitation of displaced persons."

Return movements

Lack of post-return monitoring makes it difficult to estimate the number of returns and their sustainability (June 2009)

- No reliable figures of number of IDP returns and their sustainability due to poor registration and lack of post-return monitoring.
- In October 2008, the government reported that 27,135 IDPs had received the relief fund and returned home.
- Since the ending of hostilities in May 2006 tens of thousands of IDPs have returned to their homes. By March 2008, the number of remaining IDPs was estimated at between 35,000 and 50,000.
- Most return movements appear to have been isolated and the majority of the displaced are still too uncertain about the security situation and fear Maoist's attitude towards the displaced.
- On some regions, Maoists established three categories depending on the profile of the displaced: those who can't return home, those who can after public apology and those who can return home unconditionally.

IDP Working Group, 15 June 2009, p. 25

"After the signing of the CPA in late 2006, many people returned to their place of origin, yet there is no national data that can produce a reliable number. The return trend has gained momentum after the government launched a relief and assistance package through DAOs. Most of these returns were facilitated by I/NGOs in partnership with the government and political parties. 50% of the returnees interviewed were assisted by I/NGOs.

(...)

Field research teams collected information from 15 DAOs regarding the number of returnees (2,456). These districts have 12,970 registered IDPs with the reported number of returnees representing less than 20% of the estimated total. The figure used by CDO offices is based on State relief and assistance recipients, and this number does not reflect a 100 % sustainable return, as most of the beneficiaries of the return package received only partial benefits. See Figure 18 on page 41 for the specific data on these return packages. No effort was made by the government to monitor the post return situation, so it is assumed that CDOs are unable to compute the exact number of returnees in their respective districts, so they are just reporting MOPR data."

IPS, 6 October 2008

"Fourteen months ago, the peace ministry formed a task force to collect data of the people displaced, dead, and disabled or with damaged personal property. The data showed a total of 45,801 internally displaced persons (IDPs), while about 15,000 people were also identified as having been killed during the conflict.

A total of 27,135 IDPs have so far received relief funds from the government and returned to their homes, the vast majority of them non-Maoists. In the case of the dead, only four families have received compensation so far and none of these had Maoist affiliation."

OCHA, 18 March 2008, p. 3

"Altogether 88 members of 25 families in Humla, Jumla, Achham, Kailali, Surkhet, Mugu, Dang, Kalikot and Dailekh districts who were displaced during the insurgency were reported to have returned home on the initiative of the Informal Sector Service Centre(INSEC), a human rights group. Local and international aid agencies struggling to get IDPs back to their homes are concerned about an alleged lack of government interest in their plight. Some 35,000-50,000 people are still displaced in various cities and towns, despite the end of the 1996-2006 armed conflict, according to estimates by agencies dealing with IDPs."

UNHCR, 28 December 2007

"More than a year after a historic peace agreement ended the civil conflict in Nepal, tens of thousands of displaced Nepalese have returned home to rebuild their lives. The challenges are daunting, but UNHCR and other agencies are helping them to ensure that their return is sustainable.

(...)

Like Madhav, many families in Nepal have recently returned to their place of origin after years of displacement. The exact number of individual returnees – believed to be in the tens of thousands – is unclear as many have gone home on their own or with the support of local non-governmental organizations (NGOs).

"Many people displaced to this district from the nearby villages have already returned and many are in the process of returning," said a senior district official in Dang. "The main problem for the returnees is property restitution. Other IDPs have decided not to return as they have found a better economic situation in the place of displacement."

(...)

Human rights activists agree that the main problems for returnees are land seizure and livelihood. "The main reason for people not returning is the land issue. Without their land how do they earn

their livelihood?" said Bimal Kumar Adhikari, a rights activist from the Informal Sector Service Centre. "There is a need to do more; all parties have to be committed to facilitate the return of internally displaced people (IDP) to their hometown."

OCHA, 28 December 2007, p. 4

"During the reporting period, a number of Internally Displaced Persons (IDPs) who had had been displaced by the conflict continued to return to their villages of origin so as to celebrate the major religious festivals. Most of these returns were facilitated by I/NGOs and Human Rights organizations. On 7 Oct, 46 IDPs displaced in Banke District returned to their village in Jumla District with the support of SC/US and INSEC. Similarly, on 12 October, 50 IDP families originally displaced from Dailekh, Surkhet, Jumla, Jarjakot and Kalikot districts returned to their homes with the support of International Rescue Committee (IRC) and CARITAS. However, during the reporting period, CPN-Maoist cadres were reported to have captured over 4000 acres of land cultivated by IDPs in Bardiya District. The CPN-Maoist is reported to have captured the land so as to harvest the rice in order to support the families of martyrs and Peoples Liberation Army (PLA)."

The Rising Nepal, 8 October 2007

"Forty six people displaced from the Kalikakhet of Jumla in Banke district during the conflict have returned home with the support of organizations.

They have been residing in various places for the past 5-6 years in Banke district. Carrying small children , they have returned home with a view to celebrating Dashain this time after six years , displaced Deepak Bahadur Shahi said.

INSEC Nepalgunj has helping 460 displaced people from Midwestern region including Jumla, Dailekh, Bajura and Mugu.

According to INSEC, 5,730 have been displaced in middle and far western region. Regional co-ordinator of Nepalgunj, Bhola Mahat, INSEC has assured of necessary support."

OCHA, 18 July 2007, p.1

"Post May-2006 ceasefire, UN and I/NGO reports indicate considerable return of IDPs. Some of the earliest returnees were young men and women who had left to avoid forced conscription. Some groups, who had left due to general insecurity, or due to a perception of deteriorating socioeconomic conditions in their home areas, also returned, either spontaneously or with external facilitation. In the Eastern Region alone, OCHA interviews with NGO activists of eight districts indicate that more than 1,500 families have returned in the last one year and a half. In the Mid-Western Region, it is reported that human rights NGOs have facilitated the return of more than 1,500 displaced individuals.

The level of return varies from district to district, and so do the needs and concerns of the returnees. In some districts in the Mid-Western Region like Pyuthan and Dailekh, high rate of return has been reported whereas in districts like Bardiya, Rolpa and Rukum, IDPs are still wary to return. In Libang (Rolpa District), the IDPs remaining in the district headquarters are organized in a Conflict Victims Organization (CVO) made up of 286 families, some of whom have been in displacement for the last ten years. Representatives of CVO say that 90% of their members are victims of the CPN-Maoist and if conditions were safer, around 80% of them would return."

OCHA, 12 June 2007, p. 4

"On 23 May, with the support from CARITAS, BEE Group, ENHURDEC and PIN Nepal facilitated return of 128 IDPs living at the Rajena camp in Banke District, Mid Western Region. Among the IDPs, 8 were reportedly from Achham, 11 from Dailekh, 29 from Surkhet and 80 from Jajarkot District. Separately on 25 May, with the support of CARITAS, a local NGO Social Environment Development Organization facilitated return of 210 people (from 28 IDP families) who have been living at the Dailekh District head quarters for the last 3 years. At a formal program before the return of the IDPs, leaders of the 8 political parties stated that they will assist the returnees through the District Development Committee (DDC). On a separate development, 80 families of about 400 persons from Garagaun area in Bajhkada VDC of Salyan District reportedly left their village due to threat of Monsoon induced landslides. The villagers are currently staying on temporary basis in the neighbouring Dadagaun VDC, which is considered relatively safe."

OCHA, 5 April 2007, p. 3

"In Mid Western Region, BEE Group with the support of CARITAS and IRC facilitated the return of 40 IDPs to Humla, Bajura and Mugu Districts from Banke district on 5 and 6 March. The IDPs had been staying at Rajena camp for more than 3 years."

OCHA, 19 February 2007, p.4

"In Mid Western region, the BEE Group and IRC completed preparations for facilitated return of 43 IDPs to Humla, Bajura and Mugu Districts from Banke district."

OCHA, 19 January 2007, p.3

"Following the improved security environment after the signing of peace accord, reports of spontaneous returns of internally displaced persons (IDPs) to their former places of residence continued. During the reporting period, a joint OCHA, UNHCR and OHCHR mission to Solukhumbu district in Eastern region identified a number of such families. Similarly requests from IDP families from, Bhojpur, Tehrathum and Sankwasabha districts (Eastern region) for facilitated returns by operational agencies were received by OCHA and UNHCR. OCHA, UNHCR, Human rights organisations and other actors were also involved in the facilitated returns of IDPs in Mugu district (Mid Western) and were planning for facilitated returns of 107 IDPs from Rajena camp (Banke district) to Humla and Jarjakot districts of the Mid Western region."

Nepalnews, 20 December 2006

"Following the signing of comprehensive peace accord (CPA) between the government and the Maoists, internally displaced people (IDP), who were compelled to live as internal refugees, have started returning home.

44 IDP's of remote Mugu district living in Nepalgunj of the mid- western region returned home on Tuesday. There are 17 children and 15 women among them. According to Madhu Panthee, documentation officer at the Informal Sector Service Centre (INSEC) regional office in Nepalgunj, the IDP's returned home at the initiation of rights activists.

He also informed that 275 IDP's of Mugu returned home earlier following the signing of CPA.

Meanwhile, a rights organization 'B Group' has agreed to provide food for three months to all the displaced people who had returned home.

Similarly, Nepal Red Cross Society Mugu Branch has agreed to provide immediate relief materials to the displaced people. Following the beginning of the peace process, a total of 500 IDP's have returned home. However, over 100 IDP's of various western districts are still languishing in the camps."

The Himalayan Times, 5 December 2007

"However, none of the organisations' representatives could give the exact figures of IDPs. A large number of people thought to be displaced have crossed the borders and are working in India.

According to Hanne Melfald, IDP adviser to the OCHA, as many as 200,000 could be internally displaced. Bjorn Pettersson, internal displacement adviser to the OHCHR-Nepal, said as many as 90 per cent of IDPs have returned home in some districts whereas about one-third have returned home in some districts.

However, IDPs are facing security and property related problems upon their return home, said Pettersson. "Some face continued persecution while many go to empty houses where movable property has already been looted," he said. Likewise, he further said that the donors are waiting for the government to chalk out policies to tackle the problem of IDPs before they are able to provide assistance on that front."

OCHA, 7 November 2007, p.3

"The ongoing peace process and continuing ceasefire has led to a massive population movement across the country during the annual festival season. Tens of thousands of Nepalis returned home for Dashain from across the border in India and for the time in years, many others travelled to their rural homes from the cities. The number of vehicular traffic in the East increased five-fold in Dashain compared to last year, according to the local traffic police."

OCHA, 6 September 2006

"With the signing of the 12-point agreement in November 2005, the Seven Party Alliance (SPA) and the CPN-Maoist have already expressed their willingness to unconditionally allow the safe return of "displaced democratic party leaders, activists and common people". The ceasefire Code of Conduct signed on 26 May takes it a step further with specific references to the needs of IDPs¹ and the issue of restitution of land and property to returnees². Moreover, for the fiscal year 2006-07, the government committed to mobilizing resources to support the process of return and announced an immediate cash relief package for conflict victims³.

Since the end of the hostilities in April, it is estimated that thousands of displaced persons have returned to their original homes either spontaneously or under the auspices of local human rights NGOs. The majority of IDPs are still uncertain about the security situation or unable to make it back to their home due to financial constraints, but may well be on the verge of returning."

OCHA, 7 June 2006, p. 2

"Despite the ceasefire and appeals made to the IDPs by the CPN-Maoist, there was no significant return of IDPs during the reporting period; population movements were rather isolated, according to OCHA field offices and preliminary findings of an IDP inter-agency field mission to eight Eastern districts carried out during the reporting period.

Uncertainty regarding the security situation on the ground and the CPN-Maoist policy toward IDPs were reported as the main reasons holding people back from returning. However, reports from across the country indicated that some groups of IDPs were starting to approach CDOs, CPN-Maoist, and human rights workers for information on the ground conditions and to get assistance for resettlement.

In many districts, the issue of resettlement of the IDPs emerged as a major concern with serious differences between the CPN-Maoist and the mainstream political parties over who should be allowed to return home. CPN-Maoist workers in Taplejung, for example, have put the displaced under three categories depending on the profile of the displaced: those who can't return home, those who can after public apology and those who can return home unconditionally. CPN-Maoist maintains that the return of those placed in the first category is non-negotiable while those in the third category would be resettled with dignity and due compensations.

The SPA on the other hand insists that the 12-point agreement—the framework document that outlines cooperation between the CPN-Maoist and SPA—doesn't foresee such categories for the IDPs. Some of the displaced who had returned to their villages in Dhanusha district in the Central region accused the CPN-Maoist of creating new hurdles in violation of the letter and spirit of the 12-point agreement¹. Isolated returns of IDPs were reported by NGOs based in Baitadi, Dailekh, Jajarkot, Jumla, Kailali, Mugu, Rukum and Surkhet in the Mid and Far Western regions. In Mugu, KIRDAC, an NGO, facilitated discussion between 19 IDP leaders and CPN-Maoist district chief.

On 12 May, 25 IDP families of Jumla district returned home; they were living in Rajhena camp in Banke district for the last two years. INSEC, a human rights group, mediated for their return."

People displaced by border incident with Indian security forces in Dang district accept to return home after receiving security and assistance guarantees (June 2009)

Nepalnews, 4 June 2009

"Parties have agreed to send an all-party delegation to Dang for inspection of the land encroached by Indian security forces, displacing thousands of Nepalese from their land.

(...)

Terming the Indian excesses as 'attack on nationality and sovereignty of Nepal', the parties condemned the Indian behaviour and urged concerned authorities to make arrangements for immediate rehabilitation of the displaced people. The parties have also asked the government to provide security to Nepalese citizens in those areas, a statement issued after the meeting reads.

(...)

In the meantime, villagers displaced from their homes in the border area along Dang due to atrocities by the Indian border security forces have agreed to return home after an assurance of security from Nepalese authorities.

The local administration in Dang has assured the villagers to ensure security, supply of essentials and developmental works in the village at an all-party meeting organised in Dang Wednesday evening.

Roshan Pun, coordinator of a struggle committee of the displaced villagers said, the villagers would return home within a week if the administration showed positive signs on implementation of the agreement."

INSEC assist IDPs return home (October 2008)

INSEC, 8 October 2007, p.3

"INSEC has been implementing peace campaigns in the most conflict-affected areas since last 5 years, particularly in the Mid Western and Far Western parts of Nepal when the armed conflict was at its peak. The victims of internal displacement are in the hope of getting back to their homeland. With this hope, victims of conflict have been regularly coming to the INSEC for assistance. Till date, INSEC has rehabilitated around 1200 IPDs with the coordination and support of others organizations. (see detail in the table below) Only yesterday (7 October), 56 persons of Jumla district who were living a displaced life at Banke district since 8/9 years due to the armed conflict have been repatriated by the initiation of INSEC in the support of Save the Children (US). Still more than 5 thousand people of mid and far western region await repatriation.

The activities of INSEC on IDPs

The insurgency started in the several districts of the mid-west and far west region when the Maoists began to attack police, main landowners, and members of other political parties, teachers and local government officials. People have been forced to leave their land and property and moved to the district headquarters in search for their settlement. In previous days INSEC has been able to rehabilitate the IDPs from different parts of the country with the support of other organizations, like DFID, Action Aid, Lutherun World Service etc. The table below shows the number of IDPs taken back to their homes under INSEC's initiation.

(...)

Presently, INSEC with Save the Children and Nepal Red Cross Society, is jointly conducting a program to support for safe and sustainable return of IDPs to their home, village in the Mid and Far Western Region of Nepal. The main components of the program are:

- Logistic support to 12500 people: Returning IDPs will be provided with Non Food Item (NFI) household return package.
- Food security to 11250 people: Returning IDP families will be supported for their agricultural production to ensure better livelihoods
- Protection to 8,600 people: ensure the protection of IDP families and their children returning home.
- Repair community water sources and sanitation facilitates and improve hygiene and sanitation practices by which 105,000 people will be benefited.

In which INSEC's major responsibility is basically to ensure protection of IDPs families and their children. This will be done through the following ways:

- Identify and assess the need of IDPs at the place of displacement
- Mediate, negotiate
- Coordinate with other stakeholders to ensure safe return process
- Closely work with Nepal Red Cross Society and IDP working committee in each district
- Ensure returnees safety and comfort in place of origin
- Conduct reconciliation activities in place of origin
- Refer to Norwegian Refugee Council for legal assistance in need"

Hundreds of IDPs displaced in the Terai by ethnic unrest in September 2007 do not feel safe enough to return (June 2008)

OHCHR, 18 June 2008, pp. 1-9

"Humanitarian agencies worked closely with local authorities to provide assistance to the internally displaced population, most of whom had returned home by January 2008, as had most of those who fled to India. Some of the displaced have requested resettlement, however, rather than returning to villages that have been targeted by violence several times and where they do not feel safe.

(...)

In a 24 September meeting between the Kapilvastu CDO, representatives of political parties, human rights activists and journalists, it was decided to temporarily relocate IDPs from Chandrauta to an interim camp in Sundaridanda before moving them to the Shankarpur IDP camp. The CDO insisted that the transfer would be voluntary and IDPs who opted to remain behind in Chandrauta would still receive assistance.²⁸ However, OHCHR found that there had been no consultation with the IDPs before taking the decision to transfer them and no efforts by the authorities to explain the situation to the IDPs.

Agencies, including OHCHR, OCHA and ICRC, expressed concerns to the district authorities over the relocation of the IDPs to areas that were perceived as less secure in terms of risks of further attacks. An estimated 145 families resisted leaving Chandrauta and unilaterally settled at two locations in Barkalpur and Barganga along the Mahendra Highway. As of April 2008, most of the IDPs along the highway had moved into a forested area next to Gorusinghe along Gorusinghe-Sandikharka highway in Kapilvastu where they are living in poor conditions without support from authorities or civil society.

The last week of December 2007 and early January 2008 saw the return of several displaced families from Shankarpur camp to their homes, leaving an estimated 82 families, who in April 2008 told OHCHR they do not wish to return to their villages for security reasons.

OHCHR received reports of hundreds, perhaps thousands of people, mostly Madheshis, fleeing across the border. It was very difficult to obtain reliable confirmation, however, of the numbers and situation of these refugees in India. It appears that most of them were provided with shelter and other support by family members in India."

OHCHR, December 2007, p. 22

"It is disturbing to note also that new forced displacement is currently taking place as a result of continuing violence in the Terai. Although accurate figures are not available, as indicated above, many people of hill origin (pahadis) have left the southern parts of the Terai temporarily or permanently, in fear of threats, abduction and other actions by armed groups. Several thousand people, including many children, were displaced as a result of the violence in Kapilvastu. While many have returned now, some are still in camps."

Re-displacement

Lack of livelihoods and security concerns make returns often unsustainable (June 2009)

- Livelihoods and security concerns were the two main reasons behind the return of a number of IDPs to their areas of displacement or their displacement elsewhere.
- There is also a high number of people who have deliberately gone back to their areas of displacement on the lookout for improved economic opportunities and who would then be considered as migrants.
- Those at most risk of re-displacement are politically active people considered by the Maoists as "village feudalists who can no longer dominate villagers".
- Some people also decide to move back to urban areas where they first fled because they realise there are insufficient education and economic opportunities in their original homes.

IDP Working Group, 15 June 2009, p. 29

"Unsustainable returns can be identified as those incidents where returnees are compelled to return back to a previous displacement location (or elsewhere altogether) for a number of various reasons. The major reasons articulated by a majority of the respondents were livelihood and security concerns.

Several return programs were facilitated by I/NGOs with some political consensus amongst district level political parties. In spite of these efforts from both the state and non-state actors, many incidences of unsuccessful returns were observed in the return areas. According to the NRC and other agencies, there are a significant number of IDPs that have deliberately returned to displacement areas on the lookout for better livelihood and improved economic opportunities. These returnees are not considered as unsustainable returns in this study (for example, an IDP who was returned but decided to leave for personal reasons).

The assessment team reviewed information on cases of unsuccessful returns while within the districts and by interviewing returnees in these areas. The team also had rigorous discussions on this issue with local organizations, district authorities and political parties.

The main reasons behind unsuccessful returns, as revealed by the respondents, are the poor livelihood options in return areas, and fear. The most fearful respondents were mainly village-level leaders of political parties, and they are afraid of political persecution by the Maoists. On the contrary, the Maoists claim that these IDPs are 'village feudalists who can no longer dominate villagers' and thus choose to return to their area of displacement.

Lack of access to education for children and relatively better economic opportunities in urban areas also are a source of new relocations. Other return cases reported unsuccessful for the reason that IDPs have vested interests in public land that they are occupying in their area of displacement.

Based on the information received from 84 respondents in their place of return, factors contributing to an unsuccessful return are as follows:

"

IPS, 9 April 2009

"It is difficult to imagine how the family has survived for eight years. Occasionally, Dahl finds work as a domestic helper. With a husband who has been ailing since he was beaten up, she is unable to go to work every day. Things have been worse since she had a hysterectomy for suspected cancer of the uterus two months ago.

"I keep wishing if only we could return to our home," she says longingly.

In June 2008, Dahal did try to return to her home in Okhaldhunda district. She was given 5,000 rupees (about 60 dollars) from the Kathmandu district administration office for the journey back. But without any means of support or assurances from the government, she could not stay on. "I want help to rebuild my house ... My cattle, my land have been taken by my neighbours," she says.

(...)

The government introduced a return and reintegration package in October 2007 under the National IDP Policy, but has focussed only on sending IDPs home.

Durganidhi Sharma, joint secretary in MoPR, says the government does not have the money to integrate and resettle uprooted families.

Registered IDPs are offered travel fares, a daily travel allowance and a resettlement allowance of roughly 7,200 rupees for a four-month period, which works out to less than one dollar a day. According to Sharma, 27,000 of the 52,332 registered IDPs have taken the money to return home.

However, the moot point is: how many returnees will stay on in the absence of a government policy on rehabilitation and funds to implement it. Both Dahal and Rawat took the transportation money but opted to return to Kathmandu.

Sharma does not deny that most IDPs are likely to choose urban homelessness over rural insecurity. "If IDP regulation had been in place then it would have been more effective to keep track of the IDPs and their status and to support them," he says."

Policy

The State Relief and Assistance Package only offered to those willing to return (June 2009)

- The State Relief and Assistance Package (SRAP) is managed by the State, and offered to those IDPs who are willing to return to their place of origin

IDP Working Group, 15 June 2009, p. 36

"In consistence with clauses 8.2 and 8.3 of the National IDP Policy, the government has developed

the Directives on Relief Assistance, February 2007 to persons and families displaced by armed conflict. These directives were to provide relief to IDPs, but the directive could not be implemented

due to a lack of resources (source: MOPR). The government amended existing components of the

State Relief and Assistance Package and began another implementation in October 2007 under finance from the Nepal Peace Trust Fund (NPTF).

The State Relief and Assistance Package (SRAP) is managed by the State, and offered to those IDPs who are willing to return to their place of origin. The main motive behind this offer is to encourage IDPs to return home. SRAP is seen as a way to “pull” IDPs home, thus solving the issue of displacement to a large extent. For implementation of SRAP in the districts, CDOs are fully authorized to determine and release the funds to particular IDPs after completing some basic steps of verification and registration. As shown from research, none of the districts have distributed the funds associated with SRAP completely.

It was also found that no mechanisms are set up for distribution of agriculture loans, as envisaged by SRAP. It is also noted that the CDO offices in most of the districts have not been distributing the house repairing & reconstruction allowance. In most districts, returnees have only received travel allowances, while other benefits are still pending. According to the focus group discussions and interviews with CDOs, a lack of political consensus amongst parties, as well as budget constraints (in some districts) seem to have significantly obstructed distribution of SRAP aid.

Note: MOPR has only spent 42%²⁹ of the total budget allocated for SRAP from the NPTF fund.

As heard from interviews with CDOs, three districts (Kavre, Lalitpur and Dang) did get sufficient SRAP funds, unlike the other 16 districts. However, seven districts have gotten just 50% of allocation, and 12 districts got less than 50% - based on the requirements for registered IDPs. Under the Special Program for Relief and Rehabilitation of the Internally Displaced Persons MOPR distributed SRAP funding to the following number of IDPs (as of mid Jan 2009):

The NPTF (III) report shows that 29,772 people have benefited from SRAP as of June 2008, however the 4th and 5th NPTF reports fail to indicate the exact number of IDPs that benefited from SRAP."

The Local Peace Committees to monitor the implementation of the peace agreement (August 2009)

- Local Peace Committees (LPCs) have been formed at district level with the main mandate to monitor the implementation of the peace agreement until the coming into force of the new constitution. The LPCs are also to be extended at VDC level.
- Some of the main obstacles to the proper functioning of the LPCs include ideological differences between political parties, lack of financial support from the government and lack of institutional mechanisms for DAO.
- By 1 July 2009, LPCs had been formed in 55 of Nepal's 75 districts.
- LPCs can potentially help to promote inter-party cooperation, deal with local disputes before they get out of hand, facilitate the provision of relief and rehabilitation funds and support the district administration in maintaining law and order.

IDP Working Group, 15 June 2009, p. 35

"Local Peace Committees (LPCs) LPCs are set to be functioning until the new Constitution comes into force. The LPCs are supposed to monitor the implementation of the Comprehensive Peace Accord, subsequent treaties, and other political agreements. A typical LPC should be composed of 23 members including District authorities, members from civil society, conflict victims, a representative of the local Chamber of Commerce and Industries, and 2 people from various indigenous and ethnic groups.

The Terms of Reference of Local Peace Committees, 2009 (2065) lay out these two objectives:

1. To create an environment conducive for a just system in a transitional period through restoration of sustainable peace by resolving the remnants of conflict at the local level and systematically promoting the processes of peace and reconstruction through mutual goodwill and unity.
2. To address the concerns and complaints of local stakeholders for democratic values and beliefs and a sustainable peace.

According to information received from MOPR, LPCs have formed in 30 districts, following the government's application of the new ToR from early 2009. The formation of more LPCs are underway. MOPR is planning to establish offices in each district and since May 2009, 46 offices have been established. The new ToR sets out to establish LPC offices in all districts, which will help to make LPCs more administratively functional. Seventy-five LPC officers have already been trained and deployed into the districts. The new ToR also mentions that LPCs will be extended to VDC levels. During a recent field visit, it was found that peace groups have been formed in 13 VDCs, but only in the Mugu district.

According to a report by Nepal Transition to Peace (NTTP, July 2008), a total of 33 LPCs have been formed before the new ToR was applied. 12 of those LPCs fall into districts assessed in this report. Also mentioned in the NTTP report, the research shows that in Bhojpur district, there was only one LPC functioning. No others were found active. The IDP registration (identification and verification), as well as all jobs related to the peace process are being performed by party committees instead of by LPCs. This scenario prevails even in districts that do have a LPC established. Consequently, the political parties need to be more responsible for making LPCs functional.

The major challenges that were expressed by district level authorities, political parties, and civil societies during the interviews and focus group discussions for the proper functioning of LPC are as follows:

Political parties do not come to consensus and conclusion due to their ideological thoughts and priorities.

The government does not provide financial support for bearing administrative costs.

No human resource is provided to look after LPC related activities.

No institutional mechanism is set up for DAOs.

Political parties cannot easily nominate a coordinator of committee. This point was noted in seven districts.

The representation of DAO's is not specified in the TOR as a permanent member unless requested to be so from the LPC."

ICG, August 2009, p. 33

"Weak local governance: Despite repeated promises of cross-party agreement to re-establish local government bodies, there has been no action. Local politicians in several districts cited the absence of elected representatives and conflict between parties at the district and village level as a major obstacle to disbursing development funds and ensuring the provision of basic services.¹⁸⁶ However, there has been progress on the establishment of local peace committees (LPCs). By 1 July 2009, 55 of Nepal's 75 districts had an LPC in place and the MoPR had started deploying secretaries to support them. LPCs could be a crucial element of the peace process.

If they function well, they can promote inter-party cooperation, deal with local disputes before they get out of hand, facilitate the provision of relief and rehabilitation funds and support the district administration in maintaining law and order. In some districts, LPCs have, with the

encouragement of government officials, taken on a broad mandate to deal with sensitive issues.¹⁸⁷ Fostering local collaboration can go some way towards insulating against the dramatic ups and downs of national politics. LPCs bring together party officials and figures from civil society, as well as conflict victims and representatives of marginalised communities.

This is a good thing. Nevertheless, LPCs are not a long-term solution. They are neither elected nor transparent and they risk the appearance of serving political parties' interests (albeit by sharing out the spoils across the spectrum) rather than serving local communities' needs. They deserve conditional support, as long as they are not encouraged to entrench themselves at the expense of the promised return to accountable governance."

Asia Foundation, 20 May 2009

"Nepal's peace process has seen significant achievements in the last three years, but not all has gone well. In retrospect, Local Peace Committees (LPCs) feature as one of the most prominent failures.

Initially, the peace committees were designed to sustain peace by providing a common forum for people to locally implement national peace agreements. LPCs were to promote the notion that the responsibility to maintain peace at the local level lies with the people. They would bring together political parties, NGOs, and relevant local government agencies to prevent potential conflict, resolve them as they arise, and promote peace in the district. Following intense discussions, the LPCs were officially approved by the Cabinet in late 2006. The Cabinet made provisions for peace committees to be created in each of the 75 districts of the country. However, the committees never could quite achieve any of the stated objectives.

Here's what I think went wrong.

First, the Ministry of Peace and Reconstruction (MOPR) – first led by the Nepali Congress party and, later, by a Maoist minister – never supported the idea of forming a High Level Peace Commission, which was supposed to be the national supervisory body for the peace committees. The lack of a neutral, national structure to monitor them gave the MOPR an opportunity to bureaucratize them, which jeopardized their autonomy and effectiveness.

Second, the LPCs were supposed to be formed only after rounds of local consultations, thus ensuring local ownership and establishing clarity on the LPCs' concepts, functions, and responsibilities. None of these preparatory steps took place before forming the peace committees.

Third, while political parties made public commitments to launch them – and have mentioned them repeatedly – they have never been serious about LPCs' implementation. While each Nepali political party supports the idea of the peace committees, implementation has never truly been a priority.

Despite these problems, the peace committees are not dead yet. Nearly 40 LPCs formed under the earlier Terms of References were dismissed a few months ago, but some 20 new committees have since sprung up under a revised Terms of Reference. The Ministry of Peace and Reconciliation has recruited 75 officers to work as peace committee secretaries in each of the districts, and the LPC formation may gain momentum in the coming months. Some of the functional LPCs (for example, in Chitwan and Morang districts) indicate that LPCs could become effective fora to maintain local peace – if they are rolled out properly.

If Nepal is going to sustain peace at the local level, there is no alternative to the LPCs. The rising ethnic tensions in the Tarai — and in different parts of the country — only underscore how a lack

of a local peace structure could aggravate the situation. Nepal has already paid a price for delays so far. If the government cannot bring all political parties to cooperate on peace committee roll outs, the solution may be for non-governmental organizations to make the LPCs functional. If such an initiative is taken, there will be support from international community and civil society actors alike. Eventually, the political parties may also join in the effort."

HUMANITARIAN ACCESS

General

Paradigm shift in the security situation since the end of the conflict (August 2008)

- Both parties to the conflict formally subscribed to principles of IHL and endorsed the aid system's basic operational guidelines (BOGs) —a joint donor initiative to ensure development and humanitarian space.
- The BOGs provided a tool with which to advocate for verifiable principles that would allow development activities to continue with a humanitarian approach.
- Historically, the security of aid workers has never been a serious issue in Nepal
- Since the end of the conflict, the ethnicization of tension and violence in the Terai, the emergence of a gun culture, and the unfulfilled expectations of the peace process have resulted in less safe security environment and restricted humanitarian access.
- With the Maoists now a state actor, even if the YCL is reported to still employ violent tactics, the danger is seen to come more from the new non-state actors who felt excluded or had withdrawn from the peace process.

FIC, August 2008, p. 6

"The universality of humanitarian action poses no problems in Nepal. Foreigners in general and aid agencies in particular are respected ("Treat your guests as gods" is a saying often heard). The commitment of outsiders and the assistance they provide are valued across the various divided

communities. While the Maoists initially labeled foreign aid as "imperialist" and shunned US-based aid agencies, they later became more welcoming particularly because the humanitarians' discourse of rights and inclusion resonated with them. —a joint donor initiative to ensure development and humanitarian space in the midst of conflict. However, issues relating to the baggage that comes with aid and the modus operandi of agencies abound. After the postponement of the elections for the CA in October 2007 there was a distinct increase in anti-UN and antiaid agency rhetoric, with a dashed-expectations motif and a cynicism about the ubiquitous presence of aid vehicles—the white-car-syndrome— reminiscent of other transition situations.

(...)

Historically, the security of aid workers has never been a serious issue in Nepal. During the insurgency, US-based or -funded agencies were initially threatened or denied access by the Maoists. This was followed by a process of mutual accommodation. While serious incidents against aid workers have been rare—less than a handful in a decade—staff, particularly the national

staff of aid agencies, have been frequent targets of intimidation and shakedowns for forced donations. The BOGs have been a useful tool in this regard. The ethnicization of tension and violence in the Terai, the emergence of a gun culture, and the unfulfilled expectations of the peace process have resulted in a paradigm shift in the security situation of aid workers and of the communities in which they work. Since early 2007 the UN and INGOs have relocated staff or restructured programs in the Terai to cope with access challenges and related security threats.

(...)

While the Maoists initially labeled foreign aid as "imperialist" and shunned US-based aid agencies, they later became more welcoming particularly because the aid agencies' discourse of

rights and inclusion resonated with them. As we have seen, both the government and the Maoists formally subscribed to international humanitarian law principles and endorsed the BOGs. Respect for humanitarian principles was of course uneven. On the plus side, humanitarian access remained

possible, if sometimes difficult, to nearly all areas throughout the conflict years. People's movements were however often severely restricted. Unlike some of our other case studies—Colombia and Sri Lanka come to mind—the Nepali government and its armed forces did not have a policy of denying aid agency access to vulnerable groups in areas controlled by the insurgents. On the minus side, in addition to running the risk of being caught in the crossfire, aid agencies, especially local and national NGOs, were subjected to varying degrees of harassment by both sides and by requests for “donations” by the Maoists. Many NGO projects suffered or had to close

down. It was difficult for the aid workers to continue to work in a situation where they were often intimidated by the parties to the conflict, and it was sometimes almost impossible to travel due to various restrictions. A government official in Palpa asked “who would take risk and go to the field? It was extremely difficult to go to faraway villages. We went for day trips only to projects close to the district center.”

(...)

Unlike our other case studies, where the humanitarian players were in the lead, in Nepal the issue of how to relate to the insurgent Maoists and operate in a volatile environment became the preserve of the relatively tight-knit donor community and of the UN development agencies rather than of the humanitarian players. As we have seen, the BOGs became the main tool for negotiating access and space with the belligerents—i.e. essentially the Maoists, as the government's presence was limited mostly to district headquarters and Kathmandu. The BOGs allowed the aid community to adopt reasonably principled standards for operating in a conflict environment, as well as a mechanism for compliance verification. This was key to maintaining the credibility of the assistance effort as well as allowing agencies to react individually, collectively and predictably to violations and abuses against implementing partners.

The BOGs were not a legal instrument but provided a tool with which to advocate for verifiable principles that would allow development activities to continue with a humanitarian approach. Since the ground rules concerned development rather than humanitarian space, neutrality was not one of the principles. The BOGs focus was on the impartiality of aid, access and the freedom of development and humanitarian organizations to assist beneficiaries and implement projects independently of military and political interference.

Since 2005, UN and donor agencies as well as a number of NGOs have stepped up efforts to monitor threats to the operational space from either the CPN(M) or the security forces. Through tracking and reporting violations of the BOGs, organizations have been able to progressively assess and work to protect the degree of free access to vulnerable populations and, ultimately, the effectiveness of aid. Consequently, the BOGs have emerged as a widely accepted standard among development agencies operating in the country to monitor and manage operational space.

(...)

Historically, the security of aid workers has never been a serious issue in Nepal. In our visits we did not collect any evidence of aid workers having been killed specifically because of the work they were doing. While serious incidents against aid workers have been rare—less than a handful in a decade—staff, particularly the national staff of aid agencies, have been frequent targets of intimidation and requests for forced donations. There were also cases of misuse or looting of aid agency commodities and equipment (and of their restitution by the Maoists when effective pressure was applied by aid agencies).⁴⁷ While the security situation had improved to a great extent in all the hill areas visited in the months following the conflict—itself an indication of the extent to which aid activities had been caught up in the civil strife—intimidation was still a concern in different parts of Palpa and Rolpa. An informant—a 54-year old male told us that “you have to

take care of yourself. It is not useful to turn to the police for help.” Maoists still used threats and intimidation as tactics and occasionally demanded donations. Because of this practice, arguments and occasional fights between different political factions were becoming common in the study area. Police were present in the larger villages but not very active. In a village in Rolpa we were told that “when the police returned to the village, the Maoists welcomed them with garlands and told them not to move out of their compound without their permission.” There were no armed elements to be seen in the hill areas. Conditions seemed generally peaceful, despite instances of intimidation by the YCL. In the Terai, however, there was a distinct sense of tension and even foreboding. Ethnonationalistic groups had resorted to violence in several of the areas visited and our travel was disrupted by bandhs. Some of the groups responsible for violence had splintered from the CPN(M). “The Maoists were riding a tiger (that of minority and national demands),” said an activist in Nepalgunj. “Now their problem is getting off the tiger”. There were widespread concerns about the spread of a “gun culture”.

While the conflict had abated, the lethal hardware by which it was waged was still to hand. There had not been any direct attacks on aid workers in the areas visited. However, some interviewees were aware of cases of threats and intimidation of aid. Aid workers who visited field areas had often been the target of questioning and intimidation by both parties to the conflict. The people we interacted with at the village level said that there should not be any pressure on aid workers. During the conflict aid workers needed to be very careful while working and travelling in the villages. People felt that the aid workers who came to help should not be given any trouble by the security forces or the Maoists. A Magar woman (38) reflected this view. “Why,” she asked, “give trouble to people who are here to work? They are here to help us. They should be left undisturbed to do their work.” Whether aid workers faced more risk than the local people depended on who they were, i.e. if they came with an agenda. In general, local people agreed that there it was unlikely that the aid workers would be targeted for ‘being aid workers’. The nature of their work—requiring them to travel to the interior during the conflict period—might have put them at risk of being caught in an ambush or cross-fire. People believed that aid workers sometimes were intimidated if they were unable to communicate the purpose of their visit and of their activities to the local people (including the security forces and the Maoists). Sometimes aid workers had been accused of not being transparent about their programs and budgets, which invited conflict. A teacher (male, 42) observed that “people are now educated and they want to know what the development workers do. This is the age of people’s participation. If development workers make their program clear to villagers through meetings, then it won’t be an issue.”

Local people believed that aid workers who worked in US-funded projects were often viewed with suspicion by the local Maoists. The general perception, however, was that aid agencies did not take sides and were neutral. However, a few informants in Tansen felt that US-funded projects might be designed against the Maoists. Similarly, some of the human rights agencies were seen as pro-Maoist because they were seen raising questions about the abuses of state agencies while ignoring human rights violations by the Maoists. On balance, most of the people interviewed thought that the presence of outside agencies had been a positive factor in their own security. Other case studies in our series have concluded that in many settings engagement by aid personnel with local communities and transparency in operations serves as an investment in staff security, although it is of course no guarantee of safety.

During the insurgency, US-based or funded agencies were initially threatened or denied access by the Maoists. A CARE sub-office was burned down and World Vision had to close down its activities in the Terai for a six-month period because of threats. In general, however, initial tension and conflict was followed by a process of mutual accommodation. The BOGs were a

useful tool in providing a standard to which the parties to the conflict and the international community had agreed. The Maoists took the BOGs quite seriously and instances of intimidation decreased after they had signed up. In a sense, it was the aid agencies themselves who were sometimes uncomfortable with the BOGs and their reporting requirements.

Conventional wisdom in the aid community has it that attacks against aid workers and acts of intimidation (including denial of access and extortion of “donations”) were under-reported. Agencies, particular local NGOs who had often replaced international NGO or donor presence during the insurgency, were reluctant to report incidents because they feared that their projects might be shut down by the donors.

In sum, communities and aid agencies at the time of our visits shared a cautious optimism on security matters both in Kathmandu and in the hill areas. In the Terai, the perception was different. Several people expressed concern that their appearance—people from the hills are lighter-skinned while those from the Terai are usually darker—might put them at risk. People there were concerned that the ethnicization of the tension and violence, the emergence of a gun culture, and the unfulfilled expectations of the peace process might result in a paradigm shift in the security situation of aid workers and of the communities in which they work. The Maoists had become a state actor, at least formally, even if the YCL still employed the violent tactics of the earlier era. The danger was seen to come more from the new non-state actors who felt excluded or had withdrawn from the peace process."

Deterioration of operational space and humanitarian access towards the end of 2009 (January 2010)

OCHA, 11 January 2010, pp. 2-3

" There has been a recent deterioration in the operating environment based on field reports, security incidents and reported violations of the Basic Operating Guidelines (BOGs). UCPN-M prohibited the movement of press vehicles, the UN, and human rights organizations during the general shutdown in Kailali district. Only ambulances were allowed to operate. The International Committee of the Red Cross (ICRC) and the Nepal Red Cross Society (NRCS) had issued a statement on 22 December requesting law enforcement officials and bandh enforcers to continue to respect the right of the wounded to receive medical aid. Both organizations also called for free and unimpeded access for humanitarian workers particularly Red Cross ambulances and emergency services vehicles carrying the wounded and the sick.

Agitating Maoists cadres denied access to UN vehicles in Kailali district. Only after several hours of dialogues were the UN vehicles were allowed to continue. Similarly, the Road Struggle Committee led by the Dadeldhura Chamber of Commerce did not allow UN vehicles to operate during the bandh on 28 December. Equally, a UNDP vehicle travelling to Darchula from Dadeldhura was stopped by the protesters until the bandh was called off. The office of a WFP partner was vandalized on 21 December in Surkhet district. Protesters also padlocked the district office of another WFP partner in Surkhet. In Birendranagar, the USAID office was vandalized by UCPN-M cadres. According to INSEC, UCPN-M cadres tried to shut down the NRCS office in Doti on 20 December for defying the nationwide bandh. The NRCS explained their mandate: to provide the medical aid to the victims of any emergency irrespective of the political views and any other similar divisions, therefore the NRCS volunteers should be provided with freedom to work during emergencies and bandhs. The NRCS was able to convince the demonstrators and was allowed to continue working during the bandh.

One I/NGO suspended its programmes indefinitely in Eastern Region due to threats and extortion requests against their staff. Several agencies have reported being asked for donations or illegal demands."

OCHA, 10 December 2009, p. 4

"After a period of moderate improvement in operational space since June 2009 there is a recent deterioration in the operating environment based on field reports, security incidents and reported Basic Operating Guidelines (BOGs) violations. In eastern hills, groups have been targeting civil servants and the business community. In addition, some organisations received extortion letters. In some districts, violence between Young Communist league (YCL) and Youth Force has meant that development space in the relevant VDCs has been reduced due to staff perceptions of security.

Extortion by armed groups appears to be rising again following a lull in the middle of the year. In November an armed group sent threatening letters to some organisations working in the Eastern Terai. No significant BOGs violations were reported in western Nepal in November."

OCHA, 4 November 2009, p. 3

"Overall operational space and humanitarian access has improved in comparison to previous months, as the frequency of political strikes, threats and bandhs have reduced. OCHA Sub Office in Biratnagar reported that no agencies recorded impediments to their activities during the festival period. Cadres of Kirant Janabadi Workers' Party (KJWP) continued extortion campaigns against teachers and locals in Khotang and Bhojpur Districts.

However, international organizations and their partners in the eastern districts faced travel obstructions from bandhs, strikes and protests called by political parties, ethnic groups and Terai-based outfits. Protesting groups asked I/NGOs to close their office operations during the bandh and protest programmes. Many educational institutions and markets remained closed."

OCHA, 8 October 2009, p. 4

"Cadres of various Terai based organizations including Terai Madhesh Student Front, Madheshi Student Forum Nepal, Maithali Student Council and Red Rose Society Nepal reportedly padlocked the office of a NGO-Youth Action Nepal in Biratnagar from 15-21 September accusing them of not recruiting Madheshi staff in their office. They reportedly demanded to make the recruitment process transparent and inclusive.

The Federal Limbuwan State Council (FLSC) - Lingden faction reportedly warned of physical action if all teachers and employees of the District Education Office in Taplejung failed to pay donations as demanded through a letter to the District Education Office on 19 September. The FLSC Lingden faction was asking for two days' salary from all teachers and staffs to the party. The FLSC also sent a letter to the District Chairperson of Nepal Teachers Union and asked for the same.

Kirant Janabadi Workers Party (KJWP) reportedly intensified extortion activities in northern parts of

Khotang District since 9 August, according to local media. KJWP cadres are reportedly asking for donations and threatening physical actions against those who fail to pay their demands. Two local families were displaced from Jaleswori VDC of the district due to the threats."

OCHA, 1 September 2009, p.2

"The Minister for Local Development urged VDC Secretaries to return to the villages they administer to provide direct services to the citizens on 25 August. The Minister noted that some VDC Secretaries are required to cover more than one VDC, which the Ministry of Local Development plans to address by filling the vacant posts."

OCHA, 21 July 2009, p. 6

"The ability of the humanitarian actors to deliver services during the first half of the year was compromised at times due to a substantial increase in the number of bandhs (protests) and blockades being called by various actors. For example, in April, 35 out of Nepal's 75 districts were affected by bandhs and blockades.² These bandhs are increasingly enforced through violence and intimidation and have resulted in delayed implementation and delivery of services for days and weeks. The slow pace and inconclusive negotiations between the Government and armed groups in the Terai and Eastern Region of Nepal also led to an increase in extortion demands and threats against staff from humanitarian agencies and their partners."

OCHA, 1 July 2009, p. 2

"UN World Food Programme (WFP), which provides assistance to around 3.5 million people in Nepal, was operating at only 50 percent of its capacity because of recent strikes. The WFP , which has between five and 300 trucks moving around the country at any given time, depends in general on the commercial sector to move its food but drivers are becoming too scared to carry food during a strike. The Tharuhat Joint Struggle Committee (TJSC) and Tharuhat Autonomous State Council (TASC) sent a letter demanding inclusion in the programs and the staffing to UN and I/NGOs in Nepalgunj. On 3 June, Tharuhat cadres padlocked an Nepalgunj-based INGO office to pressure for Tharu recruitment. Humanitarian partners and human rights organizations discussed the issue, and agreed uphold the principles of the Basic Operating Guidelines (BOG).

Issues on operational space and Basic Operating Guidelines (BOG) were also discussed in the eastern region. Participant organizations were encouraged to report any incident related to BOGs violation or operational space related/humanitarian issues to OCHA so that a comprehensive security mapping and BOGs violation mapping could be done and shared among all partners.

A BOGs group meeting on 18 June, co-chaired by SDC and the HC/RC agreed, inter alia, to: further disseminate the BOGs, and to advocate for their endorsement with the Government of Nepal.

Issues related to Operational space were discussed during the 19 June IASC meeting and concluded that:

- Operational space has been reduced in the past months across the country especially in Terai districts.
- UNICEF, WFP, OCHA and UNDSS are working together to address the security issues raised by recent bandhs and strikes."

OCHA, 16 June 2009, p. 3

"Humanitarian and development partners continued facing challenges due to increased militancy by strike organisers. UN vehicles, International Non-Government Organisations (I/NGOs) and other vehicular movement was obstructed due to the UCPN-M protests this week. Vehicles were frequently prevented from passing road-blocks for the duration of the daily two-hour long strikes

throughout the country. On 15 June, those enforcing a strike asked UN offices in Dadeldhura to close down. Similarly a UN vehicle was stoned by strikers in Kathmandu."

Development space in the Terai restricted by insecurity and threats (December 2009)

OCHA, 10 December 2009, p. 2

"A number of donors and the United Nations issued a joint statement appealing to political parties and other groups to respect development space. Robert Piper, UN Resident and Humanitarian Coordinator, said eastern Nepal, in particular eastern Terai, is particularly affected by threats. He noted that donors were under pressure in terms of "financial intimidation" from different groups. Besides the UN and Association of International NGOs (AIN), signatories to the petition were: European Commission, Danida, Swiss Agency for Development and Cooperation (SDC), Canadian International Development Agency (CIDA), Embassy of Norway, DFID, SNV, AusAID, JICA, GTZ and Embassy of Finland. Altogether, their cumulative aid to Nepal is currently US\$ 500 million."

UNSC, 26 October 2009, p. 7

"33. With the notable exception of the Terai, the security situation has remained generally stable. Strikes and protests by various groups, especially those demanding compensation for victims of vehicular accidents, have continued across the country, in particular in the Terai. Freedom of movement for United Nations staff has not been denied, however, owing partly to the security forces reducing the obstruction of roads by demonstrators. During the reporting period, there were no direct threats against United Nations staff."

UNSC, 13 July 2009, p. 9

"34. The security situation was affected by the frequent strikes and protests of various groups across the country. Programme delivery by the United Nations and partners was disrupted due to the protests, particularly in the Terai. A national monitoring group reported in late June that there had been 500 shutdowns in the previous six months. During the reporting period, there were no direct threats made to United Nations staff; however, continuing protests are likely to affect the movement of United Nations personnel and the implementation of assistance programmes in the coming weeks. The United Nations country team is developing a coordinated approach and guidelines aimed at ensuring freedom of movement for United Nations vehicles at all times."

Reach of the state and government services remain limited in many districts due to threats against government officials (December 2009)

- Displacement of VDC secretaries in areas under Maoist control and in the Terai continues to severely limit availability of government services.

OCHA, 10 December 2009, p. 3

"OCHA Biratnagar has reported that in Bhojpur district, approximately 40 percent of the government posts have been vacant for past 8 months. This is partly due to the geographic isolation, difficult access and lack of incentives to work in remote areas. Similarly, it is reported that about 40 percent of VDC secretary posts are vacant and each VDC secretary is responsible

for more than one VDC in five districts in the Eastern Region. More than 85 percent of VDC secretaries are based in District headquarters due to the remoteness and security perceptions. LDOs perceive that if the one-way transfer trend continues, all VDCs will be vacated in several months."

IRIN, 4 December 2009

"Humanitarian agencies say the political crisis is beginning to interfere with their work.

"If this deadlock continues, development work will be seriously hampered, and it is actually already happening," Chij Kumar Shrestha, chair of the Association of International NGOs (AIN), grouping more than 80 INGOs in Nepal, told IRIN.

Local government bodies such as the Village Development Committees (VDCs) and District Development Committees (DDCs) – whose permission and participation is needed by NGOs in order to work - are almost non-functional, he said.

NGOs are also concerned that this will eventually affect funding for their work if donors do not see results, he said.

"Our concern is this deadlock will not allow us to deliver what we had promised to the donor agencies," said Shrestha, also country director of the US-based INGO, World Education.

Blockades

Meanwhile, protests and blockades by the Maoists are also impeding aid efforts.

"The challenges are growing for us, especially in our mobility, and it is not easy coordinating with local officials from VDCs to get things done," said Dinanath Bhandari, an officer with Practical Action Nepal.

Aid workers also expressed concerns that the growing instability meant Nepal was lagging behind its South Asian neighbours in its development."

OCHA, 4 November 2009, p. 3

"According to a report provided by the OCHA Sub Office in Biratnagar, out of 596 VDCs in 12 districts of Eastern Region, 480 VDCs have a presence of VDC secretaries i.e. 80% including secretaries working from District Head Quarters (DHQ).

The media reported that on 13 October, UCPN-M cadres disrupted relief distribution programmes in several flood-affected Village Development Committees (VDCs) of Kailali district and beat the Secretary of Tikapur VDC. It was reported that the party disrupted the distribution because the VDC secretaries were distributing relief materials to individuals based on their political affiliation and denied that the party had any involvement in the beating of the VDC secretary."

OCHA, 8 October 2009, p. 4

"In the several Districts of the MWR/FWR, the absence of the secretaries in the VDC Offices has had serious repercussions on the service delivery at the community level. The VDC offices rebuilt after the conflict have again been destroyed by the emerging group. For example, the Pathraiya VDC office was destroyed by Tharuhat cadres during the February 2009 Protest."

OCHA, 1 September 2009, p. 2

"In the several Districts of the MWR/ FWR, absence of the secretaries in the VDC Offices has a serious repercussion in the service delivery at the community level. There are only 14 VDC secretaries out of 30 VDCs in Jajarkot District, each VDC secretary is responsible for more than one VDC. In flood prone VDCs the flood response and assessment has been hampered. Several VDC offices rebuilt after the conflict have been destroyed by emerging groups. Twenty-two VDC offices including one post office in Janakinagar have been damaged by the Tharuhat cadres in Kailali district. VDC secretaries are operating from different 4 locations in Kailali district. In Dang, VDC secretaries are working from the DHQ following the threats and damages by Tharuhat cadres.

Eleven VDC offices have been damaged by Tharuhat cadres in Dang. In the Terai Districts of MWR/FWR Tharuhat cadres are involved in the taxation and claiming control over the natural resources in Tharuhat area."

OCHA, 5 August 2009, p. 2

"Government officials, in particular VDC secretaries, continued to face challenges from different groups: The threats against VDC Secretaries in Khotang, Bhojpur and Udayapur Districts continue to be reported. CPN-Maoist - Matrika Yadav local representatives in Khotang District reportedly demanded donations from the Simpani VDC Secretary on 21 July by phone, threatening physical if the specified amount was not provided. On 18 July, Kirant Janabadi Workers Party (KJWP) torched the office of Indrenipokhari VDC, Khotang District, for refusing to provide the requested donation fee of NPR 200,000, according to INSEC.

The Tharuhat cadres have increased the tax collection in the Terai Districts in MWR/FWR on 15 July. Tharuhat cadres looted a tax receipt and cash from the District Development Committee (DDC) officials and asked not to collect the tax on the natural resources products at Khutiya of Shripur Village Development Committee (VDC) in Kailali district. Reportedly all Party meeting has decided to take action against those involved in looting the tax and the receipt and requested DAO to provide the security to the DDC officials."

OCHA, 1 July 2009, p. 2

"An OCHA mission to eastern and central Terai (Jhapa, Morang, Sunsari, Saptari, Siraha, Dhanusa, Mahottari, Sarlahi, Bara, Parsa and Rautahat Districts) found that more than 40 percent of VDC Secretaries have moved to District Headquarters due to threats and warnings of physical attacks

by underground armed groups and criminal gangs. The majority are from VDCs located near the border. Violent threats reportedly resulted in civil servants being reluctant to attend work in Terai Districts. Consequently, around two dozen offices in Siraha and Saptari are without Chiefs, while others face a severe lack of manpower. Civil servants fear for their personal safety due to threats of

violence, and has led to a lack of human resources in government offices to provide the required services. The threats and increase in insecurity is related to the figures of violence against government employees over the last year. Around 90 percent of government offices face a manpower shortage. The seven sub-Custom Offices in Saptari were closed from 16 June due to the lack of civil servants.

The seven sub-Custom Offices situated in the Nepal-India border, reportedly remained closed due to the insufficiency of civil servants, resulting in a 75 percent tax collection reduction in the District.

From 26 June, the Biratamod Trade and Commerce Federation called an indefinite market strike against the decision of the Porters' Association to increase wages of the porters without the consent of the Federation, according to local media.

On 24 June, Sankhuwasabha district police identified two un-detonated improvised explosive devices (IEDs) at the entrance of the Tumlingtar Airport. This find came two days after the disposal of another IED found at the same location. The IEDs was diffused by the Nepal Army Disposal Team. The Bhojpur Multiple Campus remained padlocked for the past three weeks by the two students unions, Students Union Revolutionary and Nepal Students Union that demand the resignation of the Campus Chief. The padlocking of the government offices by the protesting groups including UCPN-M has impacted the delivery of public services."

OCHA, 16 June 2009, p. 2

"VDC Secretaries continued facing difficulties from different groups. Following threats from KJWP, all the VDC Secretaries from Khotang Udaypur and Bhojpur districts, relocated to the District Headquarters and informed the DDC that they would not return to their respective VDCs until their security was guaranteed. On 4 June, VDC Secretaries of Sunsari stopped work demanding action against those involved in the attack of the Jalpapur VDC Secretary, as well as demanding an increase in safety and security for VDC Secretaries.

Approximately 33 percent VDC Secretaries of the Terai Districts in the Eastern and Central regions (Jhapa, Morang, Sunsari, Saptari, Siraha, Dhanusa, Mahottari, Sarlahi, Bara, Parsa and Rautahat Districts) are displaced to District Headquarters due to threats, demand for 'donation' and warning of physical attacks by armed groups and criminal gangs. Majority of them are from those VDCs located near the Indian border."

OCHA, 1 June 2009, p. 2

"Extortion in the name of 'donations' and setting up of parallel governance and tax structures by different groups continued to be reported during the period as the DAO stepped up efforts to stop these activities. On 21 May, the Federal Limbuwan State Council-Revolutionary (FLSC-R) supporters closed the Phidim bazaar in Panchthar District to press for their demand for the release of its cadres who were held for vandalism and robbery. A transportation strike was also called along the Ilam-Panchthar road section on the Mechi Highway by FLSC-R. On 18 May, police had arrested two persons from Pauwabhanjyang, Panchthar District, while collecting/extorting money from the public.

VDC Secretaries continued facing difficulties from different groups. On 18 May, VDC Secretaries in Ilam District started a strike by obstructing the work of the District Development Committee (DDC) demanding investigations into the disappearance of their colleague from Sakphara VDC who disappeared on 18 April. The VDC Secretary was reportedly later traced in Jhapa District."

OCHA, 16 May 2009, p. 2

"Blocking of government offices from operating due to a variety of reasons by different groups continue to be observed. On 11 May UCPN-M obstructed a meeting of Dhangadhi Municipality and claimed that the UCPN-M will not allow any development activities to continue unless the President withdraws his decision. UCPN-M Municipality Incharge also declared a boycott of development activities in protest to other political parties' position on civilian supremacy. On 14

May, to protest against what they claimed to be the UCPN-M interference in the development activities in the District, all the political parties except UCPN-M in Salyan District padlocked the Offices of District Development Committee (DDC).

Extortion in the name of 'donations' and setting up of parallel governance and tax structures by different groups continued to be reported during the period. From 3 May, the Kirant Autonomous State Transporters Association intensified their donation drives from vehicles plying on the Diktel-Bhojpur-Dhankuta route and Ratnapark in Dhankuta, Khotang and Bhojpur Districts. The transporters feared the groups would vandalise vehicles if the donation was not paid.

The Khotang Chambers of Commerce and Industry requested the District Administration Office (DAO) to intervene and stop the extortion. On 9 May, the Federal Limbuwan State Council (FLSC)

supporters reportedly threatened the DAO of Panchthar and Ilam districts for prohibiting 'donation' collections and deploying police to stop extortion by cadres allied to FLSC. The Ilam and Panchthar DAO had increased security along the Mechi Highway in an attempt to control coercive

donation activities by the various ethnic and political groups. Similarly, on 11 May, police chased away the Tharuhat cadres who were collecting the money as 'tax' from vehicles along the east-west highway at Kohalpur, Banke District. On 13 and 14 May, the Janatantrik Terai Mukti Morcha - Rajan

Mukti (JTMM-RM) announced a general strike in protest against the arrest of their cadres in Bairagiya VDC, Mahottari District. The JTMM-RM cadres were arrested while collecting donations. The strike was called off after the DAO released the arrested cadres.

VDC Secretaries continued facing difficulties from different groups. On 10 May, Cadres of Kirant Janabadi Workers Party (KJWP) threatened to take physical action against the Suntale VDC Secretary in Khotang District if he failed to provide a donation to KJWP. The VDC Secretary relocated to the District Headquarters and informed the DDC that he would not return to the VDC until his security was guaranteed. Meanwhile, the Sakphara VDC Secretary in Ilam District who was disappeared on 18 April is still missing. On 6 May, following threats from the Tharuhat Joint Struggle

Committee (TJSC) cadres, most of the VDC Secretaries and two Police Posts from Deukhuri area shifted to DHQ of Dang District. TJSC cadres damaged 12 VDC buildings in the district during the Tharuhat bandh between 22 April and 3 May.

During this period a "Judicial Administration Committee" allied to UCPN-M was reported to be operating in Khotang District targeting the corrupt and black marketers."

OCHA, 4 May 2009, p. 2

"The trend of setting government offices on fire as reported in our previous weeks continued, further limiting the ability of the state to deliver services. On 25 April, TJSC cadres torched seven Village Development Committee (VDC) offices in Sadhepani, Balia, Bhajani, Joshipur, Thapapur, Dododhara and Ramshikarjhala villages of Kailali District. On 29 April, five VDC offices namely Mashuriya, Durgauli, Bauniya, Basauti and Gadrayia and one post office in Janakinagar in Kailali District were also burned down by TJSC activists. All the documents and furniture in the offices were completely destroyed.

In Dang District, on 28 April, TJSC cadres torched the VDC offices in Sishaniya, Lalmatiya and Sonpur. On 29 April, the same group burnt down four VDC offices namely Saidiyar, Hapur, Dhikpur, and Satbariya. The VDC documents and the building were completely damaged. During the same period, the offices of the Family Planning Association and the Area Postal Office in Lamahi were also set ablaze by the TJSC protestors.

Padlocking of government offices by different groups continue to be observed. On 24 April, a group of former Kamaiyas (bonded laborers) and landless people vandalized the District Forest Office (DFO), Bardiya on claims that the DFO evacuated people from forest areas but failed to distribute land to the affected and not distributing land to the landless people. Similarly, on 25 April, TJSC protestors padlocked District Forest Office, District Education Office in Banke, Bardiya and Kailali Districts and In-land Revenue Office in Nepalgunj, Banke District. On 28 April, accusing the political parties of failing to resolve a local dispute involving the proposed transfer of Agricultural Service Centre (ASC) from Pagnath VDC, locals of the Area-4 of Dailekh District padlocked the office UCPN-M, NC, CPNUMN, Nepal Workers and Peasant Party (NWPP) and National People's Front Nepal (NPFN). The construction work of the ASC estimated at NPR 4,000,000 (US\$ 50,000) has been halted for a year due to the dispute. On 19 April, Employees Joint Struggle Committee in Lahan, Siraha District, enforced a closure of government offices to pressure the government to provide employees with security."

OCHA, 16 April 2009, p. 2

"The trend of destroying Village Development Committee (VDC) offices through explosive devices and fire, damaging civil and other documents that started in January, mainly in the Mid and Far Western regions continued. On 9 April, an unidentified group planted a bomb which exploded at the Pahalmanpur Village Development Committee (VDC) Office of Kailali District. Many VDC Secretaries are currently operating from District headquarters.

Attacks on government officials by political and other groups continued, disrupting delivery of services. On 2 April, the Secretary of Amardaha VDC in Morang District was physically assaulted by cadres of MPRF. On 6 April 2009, an unidentified group attacked the temporary Police Post at Baddichur, Kunathari VDC in Surkhet District. Two policemen were critically injured.

Closure of government offices by different groups continued. On 1 April, Demanding participation in the District level meetings, the small political parties in Kailali District namely MPRF, Nepal Sadbhawana Party (NSP), Rastriya Prajatantra Party (RPP), National Janashakti Party (NJP) and National Samajbadi Party (NSP) padlocked the offices of Dhangadi Municipality and District Development Committee (DDC). On 2 April, demanding arrest of those involved in the murder of a cadre of CPN-UML affiliated Youth Force (YF); CPNUML members padlocked the Area Administrative Office in Butwal, Rupandehi District. On 8 April, cadres of Tharuhat Autonomous State Council (TASC) padlocked the ward offices of Tikapur municipality and declared that this would continue for an indefinite period until their cadres who were arrested on 2 April were released.

On 2 April, demanding 24 hour power supply and timely provision of electricity bills, the 'Struggle Committee against Load Shedding' started an indefinite closure of the Nepal Electricity Corporation (NEC) Production and Transmission office in Lahan, Siraha District. On 7 April, to pressurise the government to fulfil their undisclosed party demands, the NSP, padlocked the Mahottari District Development Committee (DDC) offices.

Extortion drives, especially in Eastern region and parts of the Central Terai continued. According to local media, the Federal Limbuwan State Council (FLSC) continued to impose compulsory donations on all business owners in most districts of Eastern Nepal. Similarly, on 7 April, TASC padlocked 10 VDC offices and a post office including Masuriya, Pahalmanpur, Darakh, Ramshikharjhala, Khailad, Bauniya, Baliya, Chuha, Udasipur, Fulbari and Chuha Post Office in Kailali District for an indefinite period in protest to the arrest of TASC cadres by government security officials on accusations of extortion. The TASC Kailali also announced a civil

disobedience campaign. On 8 April, following threats from TASC, government offices based in Tikapur area of the district were shut down. According to credible reports, TASC is currently extorting money in the name of 'taxation' from all contractors dealing in stones, land, gravel, and other natural resources in Kailali District."

OCHA, 1 April 2009, p. 2

"Padlocking of VDC offices by different groups continued, seriously disrupting the delivery of government civil documentation and other related services. The 8 VDC offices that were padlocked by Tharuhat Autonomous State Council (TASC) in Dang District on 12 February as reported in our past Situation Overview remained closed. Similarly, many VDC offices in Mugu and Jumla remained closed as most of the VDC Secretaries were operating from District Headquarters.

On 22 March, FLSC cadres padlocked over a dozen government offices in Panchthar District. The FLSC cadres reportedly forced the LDO out of office and padlocked the District Development Office and vandalized furniture. They also forced 50 VDC Secretaries out of their offices and padlocked the rooms. From 20 March, the indefinite bandh called by Limbuwan students affiliated to Sanghiya

Loktantrik Rastriya Manch (SLRM) paralysed normal life in the nine districts east of Arun River in the Eastern Region (Taplejung, Panchthar, Ilam, Jhapa, Sankhuwasabha, Terhathum, Dhankuta, Sunsari and Morang Districts). The agitators called the bandh demanding the student killed in Police fire during the Free Students Union's election in Jhapa District, Manil Tamang, be declared a martyr. The bandh affected normal life in Dhankuta, Sunsari, Morang, Jhapa, Taplejung, Panchthar, Ilam, Terhathum and Sankhuwasabha. Educational institutions remained closed in the nine districts while markets and shops were shut in Jhapa, Panchthar, Ilam and Sunsari. SLRM supporters obstructed vehicular movement in Birtamod in Damak and Dhulabari in Jhapa Districts."

OCHA, 16 March 2009, p.2

"The trend of setting the Village Development Committee (VDC) offices on fire, destroying civil and other documents that started in January, mainly in the Mid and Far Western regions continued. On 6 March, an unidentified group set fire two VDC offices in Darakh and Udasi of Kailali District. All official documents and furniture in both VDC offices were completely damaged. Similarly, on 12 March, two VDC offices based in Lalmatiya and Sishnayia of Dang District were damaged in the same manner. The 8 VDC offices that were padlocked by Tharuhat Autonomous State Council (TASC) in Dang District on 12 February as reported in the last Situation overview remained

closed. On 8 and 9 March, cadres allied to TASC shut down around 60 government offices including essential services offices such as Electricity Office, Water Supply Office and Telecom Office in Kailali District."

OCHA, 16 February 2009, p. 2

"Delivery of government services, especially in areas outside the capital continued facing challenges. On 10 February, Nepalese entrepreneurs who deal in Chinese goods shut down Nepal-China border at Tatopani, Sindapulchowk District, citing government's apathy towards taking action against those involved in stealing and smuggling of the Chinese goods.

Earlier, the entrepreneurs had on many occasions' shut down the border area, claiming that the Custom Office staff were cooperating with the entrepreneurs who were involved in the theft and smuggling of goods. Between 5-12 February, teachers that had reportedly been working on temporary contracts padlocked the District Education Office and Regional Education Offices in Doti District, demanding that they be given permanent job status and benefits. Similarly on

5 February, accusing police of failing to arrest some suspects after a clash in the area, local youths vandalized area police office at Siudiwar in Bhotedar Village of Lamjung District.

On 10 February, Three Village Development Committee (VDC) offices in Kailali District of the Far-Western region were burnt by a group of unidentified persons. During the arson, documents and other office equipments were totally destroyed. Similarly, on 12 February, after 8 VDC offices were padlocked by TASC in Dang District, The Affected VDC Secretaries made a 9 point resolution to the government, appealing for among other things security for VDC Secretaries, ending of threats, impunity and killings of VDC Secretaries, Declaration as martyrs of all VDC Secretaries

who have been killed in the past, government support to families of former VDC Secretaries and a directive from the Local Development Office (LDO) allowing the affected VDC Secretaries to work outside the offices padlocked by TASC. In a similar development, On 5 February, the VDC Secretaries of the southern VDCs in Jhapa District, Eastern Region received letters from JTMM-Jwala Sigh with threats of serious consequences if they failed to give financial contribution to the armed group.

On 10 February, Cadres of FLSC begun to collect 'tax' in Simsuwa village, Dhankuta District. On 27 January, FLSC had made public its intention and 'tax policy' that is to be applied for business organizations, NGOs, INGOs, media organizations and all other agricultural and business firms in nine districts in Eastern Nepal. On 14 January, Cadres of Kirant Janabadi Worker's Party (KWJP) reportedly threatened to kill a civilian in Bhojpur District for failing to provide them with 500, 000 Nepal Rupees within a week as previously demanded. A five-point understanding had been reached between the government and KWJP in January 2009 under which the KWJP agreed among other things to suspend its activities against civilians while pursuing negotiations with the government."

OCHA, 16 January 2009, p. 2

"Government officials, especially the heads of departments at district level, continued to face challenges from different groups. On 25 December, following demonstrations by landless and freed bonded laborers (Kamaiya) in Kailali District demanding rights over land in a government-owned

campus area where they have been living for a long time, the 'Campus Struggle Committee' vandalized at least three government offices (Area Administration Office, Land Revenue Office and Land Survey Office of Tikapur) and blocked the East West Highway, demanding the eviction of

the Kamaiyas. The offices remained closed until 4 January, when with the support of the Area Police Office, the DAO ordered the vacation of the land and the arrest of some of the people who were blocking the offices. Similarly, on 2 January, protesting against the landlessness, Former Kamaiya Land Rights Struggle Committee (FKLRSC) obstructed the traffic along the east-west highway at Jhalari of Kanchanpur District, burnt land certificates and manhandled the officials of the District Land Reform Office (DLRO)."

OCHA, 16 January 2009, p. 11

"Local district, village and municipal-level elected officials' terms of office expired in 2002 and are still to be formally renewed. As interim arrangements, VDC Secretaries have been filling the gap, the presence and performance of whom were significantly affected during the ten-year (1996-2006) armed conflict. Even with the Comprehensive Peace Agreement (CPA) of November 2006 and the positive progress in the peace process, only 45% of the VDC Secretaries are consistently present at their duty station, with another 40% present part of the time⁸. That leaves about 15% of VDCs without any senior government representation. Particular challenges are faced in the Terai due to the proliferation of armed groups and their anti-government, anti-hill people rhetoric

and criminal activities. VDC secretaries and other government officials face extortion and threats and several have been killed, since the signing of the CPA.

Political interference in the work of the police and the conduct of parallel 'law enforcement' activities by youth wings affiliated to political groups, particularly the CPN (Maoist) affiliated Young Communist League and UML-affiliated Youth Force, constitute another threat to the rule of law, and has been undermining the legitimacy and credibility of State institutions. There has been considerable competition between party cadres over control of local development budgets and district level tender processes for State-funded programmes. There have been several clashes between cadres of the youth wings, and these could escalate, hampering operational space if effective local authorities are not soon in place.

Delivery of basic services has been hampered due to weak state presence and numerous bandhs⁹ and blockades in early 2008, negatively impacting humanitarian indicators."

NATIONAL AND INTERNATIONAL RESPONSES

National response

National response (January 2010)

Since adopting the National IDP policy in February 2007, the government has made only minimal efforts to ensure that those displaced by the conflict or by ethnic unrest in the Terai since 2007 receive proper protection and assistance to enable them to achieve durable solutions.

Nearly three years after being issued, the National IDP Policy has yet to be fully implemented. Much remains to be done before the policy can substantively improve the lives of the displaced. Procedural directives to ensure implementation were developed by the Ministry of Peace and Reconstruction (MOPR), the main government body responsible for coordinating assistance to IDPs, with support from the UN High Commissioner for Refugees (UNHCR), the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA) and the Norwegian Refugee Council (NRC). The MOPR sent directives to the Cabinet for approval at the end of 2007, but as of January 2010 they have still not been formally adopted despite repeated calls from UN agencies, civil society and international NGOs. IDP advocates argue that the absence of government approval is undermining return and rehabilitation efforts and preventing IDPs from enjoying their full rights. At the end of 2009, the MOPR was reported to have started revising the IDP policy and the directives in view of a possible re-submission to the Cabinet in 2010.

While the policy initially envisaged a number of relief and rehabilitation programmes for the displaced, these were later amended due to lack of resources and replaced by a State Relief and Assistance Package (SRAP). This is funded by the Nepal Peace Trust Fund (NPTF), a three-year programme established in February 2007 to implement the CPA. The number of target IDP beneficiaries was set at 50,000 and the total budget is \$5 million. The SRAP included three different packages: transportation (package A); subsistence, education, house repair and construction (package B) and agricultural inputs (package C). By November 2008, the MOPR reported that all the funds had been released to each of Nepal's 73 districts through the Districts Administration Offices (DAOs); however only 52 DAOs were reported to have implemented the programme (NPTF, 15 November 2008, p.24). A year later, the number of districts implementing the IDP programme still stood at 52 (NPTF, 15 November 2009, p.26).

Dissemination of information about the IDP policy has not been a government priority. In the absence of any state information programme, it has been left to local and international NGOs to inform IDPs of the policy, its procedures and their entitlements. While most Chief District Officers are aware of the policy, very few have any knowledge of its content. More local VDC Secretaries, the primary grassroots implementers, also had very little knowledge. Surveys have shown that while 61 per cent of IDPs had heard of the existence of return and rehabilitation packages, only 35 per cent were aware of the policy and none could identify specific rights and entitlements it provided (Nepal IDP Working Group, 15 June 2009, p.34).

While the IDP Policy specifies support to the three types of durable solutions, the government has clearly prioritised the return option. The relief package distributed by the government only benefits those who agree to return to their homes. In most districts, IDPs have only received the travel and subsistence allowance. Lack of adequate resources was cited as the main obstacle, with only three districts out of the 16 surveyed reporting having been allocated sufficient funds to meet the

needs of registered IDPs. Resettlement initiatives by the government have so far been limited in number and hampered by lack of capacity and poor coordination. A pilot resettlement project is underway in the western-most Kanchanpur district, but the project is only focusing on the construction of houses, the completion of which is expected to take up to 4 years, and is neglecting livelihood opportunities and the provision of basic services.

Coordination mechanisms set out in the IDP Policy have barely functioned even in Kathmandu, where coordination on IDP matters between different ministries is described as poor. The central level coordination mechanisms envisaged by the IDP policy, i.e. a Central Guidance Committee to be headed by the Minister of Home Affairs and a Central Program Coordination Committee to be headed by the Chief Secretary, never materialised. The overall implementation of the Policy is supposed to be monitored by the National Planning Commission, through the MOPR. Since 2007, local IDP Identification Committees have been added to the existing District Programme Coordination Committees. Local Peace Committees (LPCs) have also been established to facilitate and coordinate district-level policy implementation and distribution of SRAP return and relief packages. LPCs have now been formed in most districts, but their effectiveness has been limited by a lack of financial support from the government, the lack of capacity of DAOs and ideological disagreements between political parties.

Lack of approval of IDP directives by the government undermines return and rehabilitation efforts (June 2008)

Early government response (1996-2007): inadequate, discriminatory and insufficient

From the beginning of the conflict in 1996, the government largely ignored its obligation to protect and assist IDPs and provided a response which could only be described as inadequate, discriminatory and largely insufficient.

Although several compensation and resettlement funds were established for victims of the conflict, most dried up after a relatively short time. Also, government assistance was only provided to people displaced by the Maoists. Authorities did not encourage people displaced by government security forces to come forward with their problems, and people remained reluctant to register as "displaced" for fear of retaliation or being suspected of being rebel sympathisers (Martinez, Esperanza, July 2002, pp.8-9). A registration process established by the government allowed some displaced people to register at their local district office, but the criteria for eligibility was reportedly the following: to be displaced "due to the murder of a family member by a terrorist" (SAFHR, June 2003, p. 16).

There were also indications that funds had been arbitrarily disbursed and that only those with the right political connections managed to access these (GTZ, INF, SNV, UNDP/RUPP, NHRC & The Global IDP Project, March 2004, Annex 1). During 2002, the government distributed displacement allowances amounting to Rs. 100 per person a day under the Ganeshman Singh Peace Campaign (Kathmandu Post, 18 December 2002).

In 2003 and 2004, the government allocated 50 million rupees (\$667,000) for the rehabilitation of IDPs or rather to "provide immediate compensation and relief to the victims" (Ministry of Finance, 16 July 2004, p.13). It was not clear if people displaced by government forces were intended to benefit from this fund.

In October 2004, under pressure from IDP associations, the government of Nepal made public a 15-point relief package for victims of the Maoist rebellion, which included monthly allowances for displaced people. However, the allowance was reportedly limited to IDPs above the age of 60

who had lost the family bread-winner and to children whose parents had been displaced by the Maoists (Government of Nepal, 13 August 2004). Again, those displaced by the security forces were excluded from the assistance scheme.

[For more detailed information on the various government's relief plans and policies prior to 2005, see "[State of Statelessness, A Critical Observation on Government Responsibility for Conflict-induced IDPs in Nepal](#)", Prakash Gnyawali, 2006, in Informal Special Issue on IDPs, Vol. 19, No.2 & 3, Sep. & Dec. 2005, pp. 3-20]

Following the royal takeover in February 2005, the government sent signals that it was willing to do more to help and assist its displaced population. Following the visit in April 2005 of the UN Secretary-General's Representative on the Human Rights of IDPs, Walter Kälin, who described the IDPs in Nepal as "largely overlooked and neglected", the government promised to develop a new IDP policy (UN, 22 April 2005). In May, the Minister of Finance publicly acknowledged the gravity of the displacement crisis and urged donors to help the government provide assistance to the IDPs, described as "the first and foremost victims of terrorism" (The Rising Nepal, 6 May 2005).

In January 2006, the UN Representative of the Secretary-General on the Human Rights of IDPs presented his report on the situation in Nepal where he expressed his concern on the many limitations of the government's response, including the fact that many IDPs were not eligible for assistance, that those who were had to produce documentation, which they did not possess and also that financial resources made available were largely inadequate. Finally, Walter Kälin noted that protection and other assistance needs of IDPs were largely ignored (CHR, 7 January 2006, p. 10). A study conducted among IDPs in 2006 showed that only roughly one out of five had received support from the government, mainly shelter, food and economic support (MCRG, December 2006, p.49).

National IDP Policy (2006-)

In March 2006, the government issued a new National IDP Policy. Although, steps were made by the government with this policy to formalise the situation of IDPs, it remained far from comprehensive and failed to address the main weakness of previous state policies on IDPs, i.e. a politicized IDP definition, which excluded people displaced by state forces. Also, despite explicit references to the UN Guiding Principles on Internal Displacement, the policy ignored a number of basic principles and recommendations (OCHA, 6 September 2006).

On the positive side, the new policy established 3 coordination mechanisms and national focal points, namely the Central Directorate Committee, responsible for the overall policy framework; the Central Programme Coordination Committee, responsible for the implementation of the policy; and, at the field level, 75 District Programme Coordination Committees. At the same time, however, it was noted that the policy lacked a proper dissemination at the district level, with the majority of District Secretaries unfamiliar with the policy and implementation guidelines. Also, insufficient resources for its implementation were made available by the government (IOM, 29 June 2006, p. 13).

In July 2006, the government announced that it had set funds aside help displaced people return to their original places and to reconstruct destroyed infrastructure. Individual 'conflict victims' returning home were to receive a grant of Rs 5,000, while returning families would get as agriculture credits up to Rs. 10,000 per family (OCHA, 11 August 2006, p.1). The government's extremely precarious financial situation raised serious doubts about its capacity to back up its financial promises to the displaced. In May, the new government announced that the state was

bankrupt (OCHA, 18 July 2006, p.1). Government's officials at the district level were also reported to have limited knowledge of the financial assistance available for returning IDPs (OCHA & OHCHR, August 2006). The IDP policy was put on hold while implementation plans were being devised and modifications considered (OCHA, 6 September 2006, p. 2).

In February 2007, the government issued a revised **IDP policy**, which this time contained a new and non-discriminatory IDP definition. For the first time, people displaced by state violence were officially recognised as such by the government. In April 2007, following the formation of a new interim government incorporating CPN-Maoists, the responsibilities for assistance to IDPs were shifted from the Ministry of Home Affairs to the newly created Ministry of Peace and Reconstruction (OCHA, 3 May 2007, p.4). In the following weeks, directives on implementation of the new IDP policy started being drafted by the Ministry with the support of UNHCR, OHCHR, OCHA and the NRC (OCHA, 3 May 2007, p.4). In June 2007, a workshop was held in Kathmandu with UN agencies and NGOs working with the government to develop draft directives to guide government officials on the implementation of the policy (NRC, September 2007, p. 3). A month later, a senior protection officer arrived in Nepal to assist the Ministry of Peace and Reconstruction implement the national IDP policy. The directives were endorsed during a stakeholders' meeting on 1 November 2007 and sent to the Cabinet for approval (OCHA, 28 December 2007, p.4).

It was only in late 2007 that the government started providing an assistance package to returnees through the \$5.6 million Nepal Peace Trust Fund. The package is intended to cover the transportation, reconstruction and reintegration needs of an estimated 50,000 IDPs. Coordinated by the MoPR, the assistance programme is implemented in 73 districts through the Districts Administration Offices (DAO) but it has reportedly met a number of obstacles.

IDP directives remain unapproved

More than six months after being sent to the Cabinet for approval, the directives have still not been formally adopted despite repeated calls from the UN Humanitarian Coordinator and aid agencies such as the Norwegian Refugee Council (NRC), who say that the absence of government approval is undermining return efforts and preventing IDPs from enjoying their full rights (NRC, 21 December 2007; April 2008).

Under-staffed and under-resourced, the Ministry of Peace and Reconstruction (MoPR) has so far failed to provide a response at either technical or operational level that matched the scale of the needs of both the long-term and those recently displaced in the Terai (OHCHR, October 2007). By the end of 2007, the MoPR had only managed to distribute a quarter of the \$5.6 million to IDPs. Also, although IDPs not yet registered to receive the assistance package had been invited to do so many were reportedly turned down by the government and were forced to ask other organisations such as the NRC and INSEC, a local human right group, to assist them (IRIN, 12 March 2008). Another problem is that that government assistance has mainly focused on return with little or no provision so far for reintegration (NRC, May 2008). Also, those who chose not to return did not benefit from the government assistance (Nepali Times, 11 February 2008).

There are also indications that IDP identification systems, in place in many districts, are too informal and not always in line with the new IDP policy (OCHA, 31 March 2008, p. 3).

Obstacles to return remain despite Maoist's formal commitments towards the displaced

By and large, both the government and the Maoists have so far failed to live up to the commitments they made to the displaced in November 2006, when they signed the peace

agreement and formally agreed to "... allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society." (CPA, November 2006, art. 5.2.8). In the past two years, Maoists have been reportedly continuing to obstruct the return of some IDPs they considered as "criminals", mainly politically active people and landowners. While land and property has been returned by the Maoists to returnees in many districts, this has been far from systematic and has left many IDPs unable to return.

In November 2005, the seven main political parties and the Maoist signed a 12-point agreement where they approved a common platform of action for ending the king's absolute rule and restoring sovereignty to the people. The agreement already explicitly provided for the rights of IDPs to go back to their homes and recover their land and property. While some limited return movements started taking place in the wake of the agreement, it was mainly after the end of the hostilities at the end of April 2006 and the signing of the Code of Conduct on 26 May that significant numbers of people, estimated at a few thousands, started returning to their homes. In the Code of Conduct, both the government and the Maoists made clear references about the needs of IDPs [1] and their rights[2] during the return phase and committed to provide assistance (OCHA, 6 September 2006, p.1).

In early September 2006, the Maoist leadership issued a directive to set up of offices at the district level to resolve issues relating to internal displacement. The Maoists also continued to encourage the return of the displaced by promising to return properties confiscated during the conflict and facilitate return through the newly created IDP offices (OCHA, 5 October 2006). In January 2008, a senior Maoist leader announced that the properties and land seized by the Maoists would be returned to their original owners within a "few days" (Nepalnews, 27 January 2008).

Facts about the government's return relief package

Transportation expenditure: Per person Rs 300 to Rs 1000. The administration office will provide plane fares where there is no road access.

Refreshment (snack) cost: Per person Rs 500 for lodging and food while returning.

Livelihood cost: Per person Rs 60 per day for 4 months.

House maintenance and reconstruction cost: Per family Rs 7,500 for maintenance and Rs 20,000 for reconstruction of your house.

Educational relief: Per student Rs 2400 as a one time support.

Loan support without interest: Rs 10,000 to purchase seeds and raw materials and Rs 10,000 to buy cattle, industrial equipment and trading materials; possible total of Rs 20,000. (NRC, May 2008)

National organisations working with the displaced and providing assistance

The **National Human Rights Commission (NHRC)** [[Internet](#)], which was established in 2000 has set up a unit to focus on the issue of internal displacement and disappearances. The NHRC listed "studying, investigating and documenting internal displacement" as one of its key priorities of its first strategic objective for the years 2004-2008 (See [Strategic Plan 2004-2008](#)). For the [years 2008-2010](#), the NHRC committed to "frequently monitor the situation of IDPs and recommend for the effective implementation of the CPA." (NHRC, June 2008, o.17). More specifically, the NHRC committed to "Review of the existing IDP policy of the GoN and monitor its effective implementation" and "Conduct impact study on IDPs, disappearances and land mines" (NHRC, June 2008, p.19). Following the royal takeover in February 2005 and the subsequent amendment 3 months later of the Human Rights Commission Act as well as the reconstitution of the 'Recommendation Committee' (responsible for recommending the NHRC Commissioners) with members who had openly supported the royal takeover, the legitimacy and independence of the NHRC was severely undermined (see [NHRC Nepal: A case for review of status](#), September 2005, p. 1). At the end of September 2007, new Commissioners were sworn in after more than a year without any Commissioners being in place (OHCHR, 1 October 2007). According to OHCHR " ...in the light of the appointments and other progress made, the ICC, in October 2007, restored the 'A' status accreditation, with observations about certain issues that are still to be resolved and which will be reconsidered in October 2008." (OHCHR, December 2007).

The **Nepal Red Cross Society** [[Internet](#)], which is the country's largest humanitarian organisation and maintains a network in Nepal's 75 districts, has been assisting IDPs since the conflict started. More details on the assistance provided during 2005 to displaced and conflict-affected people can be found in the [Annual Report 2005](#) (30 May 2006).

INSEC [[Internet](#)], is Nepal's largest human rights NGO. In addition to its human rights monitoring and advocacy activities, INSEC has also been active in [assisting the displaced return](#) to their home since 2004. See [Informal, Special Issue on IDPs, Sept-Dec. 2005](#) for more information on INSEC's involvement in the return of IDPs. Between 2006 and 2007, INSEC facilitated the return of 90 IDP families (466 individuals). In the past five years, INSEC reports having returned or rehabilitated some 1,200 IDPs (8 October 2007, p1). INSEC has also been monitoring the conditions of returnees and has negotiated with various political parties for the sustainable return and reintegration needs of IDPs (OCHA, 18 July 2007, p.4).

The **Community Study and Welfare Center (CSWC)** has since 2004 advocated on behalf of the displaced. Based on a survey conducted between November 2003 and January 2004 in 5 districts of the Midwestern Region, CSWC identified 160,000 IDPs and suggested between 350,000 and 400,000 people could be internally displaced in Nepal.

Other organisations do not work have specific programs for displaced people, but include them in their assistance work.

Child Workers in Nepal Concerned Centre (CWIN) [[Internet](#)] work with children affected by conflict and has assisted displaced children. In 2005, it published a report showing that children were increasingly affected by displacement and that most of these children ended up in exploitative jobs and at risk of physical abuse (IRIN, 4 July 2005) .

Maiti Nepal [[Internet](#)] is working with victims of sexual abuses and has assisted displaced women and girls.

DOFA Nepal, is an NGO that is [helping IDP children attend school](#).

[1] “Assistance shall be provided in the work of returning displaced persons to their respective and rehabilitating them peacefully, comfortably and with dignity.”

[2] “The property of political party leaders and workers and ordinary members which was seized or padlocked or whose use was not permitted during the conflict shall be returned to the individual or family concerned and its use shall be allowed. Any problems which may arise in the process of returning this property shall be resolved on the basis of mutual agreement.”

International response

International response (January 2010)

Since the end of the conflict, the international community’s main priority has been to preserve the fragile peace process. The UN Mission in Nepal (UNMIN) was established in January 2007, with a mandate to monitor the management of arms and armed personnel and provide technical assistance for the CA elections in August 2008. The UN Peace Fund for Nepal (UNPFN), also established in March 2007, is intended to complement the government’s NPTF, as a vehicle to mobilise resources for short-term projects in support of the peace process (UNDP, 23 June 2009).

Prior to the introduction in Nepal in September 2008 of the cluster approach (a UN-led global initiative to improve coordination of humanitarian and development interventions), the Nepal Country Team of the UN’s Inter-Agency Standing Committee coordinated assistance to IDPs, with OHCHR, UNHCR and OCHA leading the response. The cluster approach was activated in response to the displacement caused by flooding of the Koshi River in eastern Nepal. OHCHR took the lead of the protection cluster, and attention has since focused on those displaced by the floods, with the needs of conflict-induced IDPs seldom discussed during meetings. At the end of 2009, OCHA, OHCHR, UNHCR and UNICEF requested the deployment of a senior protection officer (ProCap advisor) to work under the protection cluster on issues related to conflict-IDPs. This role had largely been undertaken by NRC up to its departure from Nepal in mid-2009.

NRC started assisting IDPs in Nepal in 2006, and together with OCHA and OHCHR tried in 2008 and 2009 to keep conflict-induced IDPs on the humanitarian agenda. NRC actively advocated for the rights of IDPs through media campaigns, workshops and meetings. Before closing its programmes, NRC and other interested members of the Nepal IDP Working Group published an assessment of the situation of conflict-induced IDPs. The report called for government approval of IDP Policy implementation directives, effective dissemination of information on the policy, increased allocation of state resources at central and district levels, intensification of integration and resettlement efforts, and greater attention to housing, land and property restitution and compensation issues (Nepal IDP Working Group press release, 15 June 2009).

Since 2008, priorities have again shifted back to development programmes and funding for humanitarian operations has decreased. Donor response to the UN’s 2009 Consolidated Appeal (CAP) was good in comparison with other post-conflict contexts, reaching 85 per cent of the total requirement of \$129 million. However, while donors pledged support for food and education, other sectors critical to durable solutions for conflict-affected people, including agriculture, shelter, and water and sanitation, remained largely under-funded. Protection and human rights-related

projects have also received little support. The European Commission followed by the United States and the United Kingdom were the three top donors in 2009. The Central Emergency Response Fund (CERF) also remained an important funding instrument in 2009, providing \$6 million to the WFP to fill an urgent funding gap at the end of 2009 and allow it to continue feeding 1.6 million people in 2010 (OCHA, 11 January 2010, p.3).

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