

NEPAL:

Sustainability of IDP returns undermined by lack of assistance

A profile of the internal displacement situation

19 June, 2008

This Internal Displacement Profile is automatically generated from the online IDP database of the Internal Displacement Monitoring Centre (IDMC). It includes an overview of the internal displacement situation in the country prepared by the IDMC, followed by a compilation of excerpts from relevant reports by a variety of different sources. All headlines as well as the bullet point summaries at the beginning of each chapter were added by the IDMC to facilitate navigation through the Profile. Where dates in brackets are added to headlines, they indicate the publication date of the most recent source used in the respective chapter. The views expressed in the reports compiled in this Profile are not necessarily shared by the Internal Displacement Monitoring Centre. The Profile is also available online at www.internal-displacement.org.

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

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.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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

CONTENTS

CONTENTS	3
OVERVIEW	9
SUSTAINABILITY OF IDP RETURNS UNDERMINED BY LACK OF ASSISTANCE	9
CAUSES AND BACKGROUND	17
BACKGROUND	17
CASTE-BASED DISCRIMINATION AND SYSTEMIC INEQUALITIES RESULT IN MARGINALISATION OF MANY GROUPS IN NEPAL (2001)	17
NEPAL IS THE POOREST NATION IN SOUTH ASIA (JULY 2007)	18
POLICE CAMPAIGN 'OPERATION ROMEO' DISPLACES SEVERAL THOUSAND PEOPLE IN ROLPA DISTRICT (NOVEMBER 1995)	20
THE PEOPLE'S WAR (1996-2001)	21
INTENSIFICATION OF THE CONFLICT SINCE NOVEMBER 2001 (2001-2004)	24
KING STEPS DOWN AND PARLIAMENT REINSTATED FOLLOWING MASSIVE NATIONWIDE PROTESTS (OCTOBER 2006)	27
ABSENCE AND LIMITATIONS OF STATE'S REACH CREATED A SECURITY VACUUM THROUGHOUT NEPAL (MAY 2008)	30
THE MAOIST INSURGENCY	32
INVOLVEMENT OF CIVILIANS IN THE ARMED CONFLICT IS THE MAIN CAUSE OF DISPLACEMENT (AUGUST 2007)	32
PEOPLE FLEE EXTORTION, FORCED RECRUITMENT, ABDUCTION AND PHYSICAL VIOLENCE BY MAOISTS (JUNE 2007)	36
PEOPLE FLEE WIDESPREAD PATTERN OF VIOLATIONS BY GOVERNMENT FORCES AGAINST SUSPECTED 'COLLABORATORS' (2006)	39
VIGILANTE GROUPS CAUSE MAJOR DISPLACEMENT MOVEMENTS IN 2005 AND REMAIN A POTENTIAL DISPLACEMENT THREAT IN 2006 (OCTOBER 2006)	41
DIFFICULT SOCIO-ECONOMIC LIVING CONDITIONS IN CONFLICT-AFFECTED AREAS FORCE PEOPLE TO LEAVE THEIR HOMES (2006)	44
STUDY SUGGESTS ECONOMIC MOTIVES, NOT PROTECTION CONCERNS ARE BEHIND A SIGNIFICANT NUMBER OF CHILDREN URBAN MIGRATIONS (JUNE 2006)	47
SIGNIFICANT DECREASE IN FORCED RECRUITMENT OF CHILDREN BY MAOISTS DURING 2007, BUT CONCERNS REMAIN (DECEMBER 2007)	48
UNREST AND DISPLACEMENT IN THE TERAI	51
UNREST IN EAST AND CENTRAL TERAI DISPLACE THOUSANDS OF PEOPLE (MARCH 2008)	52
VIOLENT PROTESTS BY MADHESI ACTIVISTS CREATE TENSION AND UNREST IN THE TERAI (MARCH 2008)	58
OTHER CAUSES OF DISPLACEMENT	63
DISPLACED FROM THEIR LANDS BY GOVERNMENT DEVELOPMENT POLICIES (MARCH 2008)	63

EX-KAMAIYAS FREED BUT DISPLACED BY FAILED REHABILITATION (2000-2007)	66
NEPAL IS HIGHLY DISASTER PRONE (2004-2007)	70
PEACE PROCESS	72
SOCIAL EXCLUSION AND INJUSTICE IS A MAJOR THREAT TO THE PEACE PROCESS DESPITE NEW LEGISLATION AND CPA'S COMMITMENTS (DECEMBER 2007)	72
CONSTITUTIONAL CHANGES AT THE HEART OF THE PEACE PROCESS (JUNE 2005)	74
PEACE PROCESS REVIVED AS NATIONWIDE MASS PROTESTS FORCE KING TO REINSTATE PARLIAMENT (OCTOBER 2006)	76
CONSTITUENT ASSEMBLY ABOLISHES THE MONARCHY (MAY 2008)	77

POPULATION FIGURES AND PROFILE **81**

GENERAL	81
APPLYING THE UN IDP DEFINITION: WHO ARE THE DISPLACED IN NEPAL? (2007)	81
STUDY SHOWS 10 PER CENT OF URBAN MIGRANTS HAVE BEEN DISPLACED BY CONFLICT SINCE 2001 (AUGUST 2007)	83
VARIETY OF CAUSES OF DISPLACEMENT REFLECTED IN THE VARIETY OF PROFILES OF THE DISPLACED (JUNE 2006)	83
TEACHERS, CIVIL SERVANTS, POLITICAL PARTY AFFILIATES AND ARMY/POLICE FAMILY MEMBERS PARTICULARLY VULNERABLE TO DISPLACEMENT (2006)	88
BACKGROUND CHARACTERISTICS OF WORKING IDP CHILDREN (JUNE 2006)	89
STUDY SUGGESTS CHANGE IN PROFILE OF IDPs WITH POORER STRATA OF SOCIETY ALSO AFFECTED BY DISPLACEMENT (MARCH 2005)	90
GLOBAL FIGURES	90
BETWEEN 50,000 AND 70,000 PEOPLE REMAIN DISPLACED (JANUARY 2008)	90
LACK OF IDP POLICY IMPLEMENTATION GUIDELINES AND ABSENCE OF REGISTRATION (MARCH 2008)	95
PROBLEM WITH THE GOVERNMENT'S IDP DEFINITION AND REGISTRATION SYSTEM (SEPTEMBER 2006)	96
DISAGGREGATED DATA	101
HALF OF THE DISPLACED ARE WOMEN (AUGUST 2007)	101

PATTERNS OF DISPLACEMENT **102**

DISPLACEMENT IN THE TERAI	102
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)	102
DISPLACEMENT DUE TO THE CIVIL WAR	103
MOST PEOPLE FLEE RURAL AREAS FOR THE SAFETY OF URBAN AREAS/MAIN CITIES OR TRAVEL TO INDIA (DECEMBER 2006)	104
IDPs PREFER NOT TO BE RECOGNIZED AS SUCH TO AVOID STIGMATISATION (JULY 2006)	108
MAJORITY OF WORKING IDP CHILDREN WERE ACCOMPANIED WHEN TRAVELING TO URBAN AREAS (JUNE 2006)	110
DISPLACEMENT TO INDIA	111
LARGE FLOW OF DISPLACED PEOPLE MOVING TO INDIA ILLUSTRATES THE TRANSBOUNDARY NATURE OF THE DISPLACEMENT CRISIS (JUNE 2006)	111
EXPLOITATIVE WORKING CONDITIONS IN NEPAL ENCOURAGE IDP CHILDREN TO MOVE TO INDIA (JUNE 2006)	114

PHYSICAL SECURITY & FREEDOM OF MOVEMENT **116**

PHYSICAL SECURITY	116
VIOLENCE AGAINST CHILDREN HAS DECREASED BUT NOT CEASED (APRIL 2008)	116
HUMAN RIGHTS SITUATION IMPROVES FOLLOWING THE ESTABLISHMENT OF A NEW GOVERNMENT, BUT SERIOUS PROTECTION CONCERNS REMAIN (JANUARY 2008)	116
MANY DISPLACED CHILDREN PUSHED INTO THE LABOR MARKET AND EXPOSED TO PROTECTION RISKS (JANUARY 2008)	120
MID- AND FAR-WESTERN REGIONS MOST AFFECTED BY HUMAN CASUALTIES LINKED TO THE CONFLICT (OCTOBER 2007)	121
FEW WORKING IDP CHILDREN EXPOSED TO PHYSICAL ABUSE OR TRAFFICKING (JUNE 2006)	121
PARALLEL JUDICIARY STRUCTURES RUN BY MAOISTS IN RURAL AREAS LACK INDEPENDENCE AND FAIL TO GUARANTEE PEOPLE'S RIGHT TO SECURITY AND PHYSICAL INTEGRITY (SEPTEMBER 2006)	122
FREEDOM OF MOVEMENT	124
LANDMINES KILL CHILDREN DISPROPORTIONATELY, CONSTRAIN MOVEMENT OF PEOPLE WITHIN NEPAL AND CONTRIBUTE TO DISPLACEMENT (JANUARY 2008)	124

SUBSISTENCE NEEDS **128**

GENERAL	128
MOST HUMANITARIAN INDICATORS IN NEPAL HAVE BEEN AT 'EMERGENCY' LEVELS FOR GENERATIONS (JANUARY 2008)	128
RURAL AREAS IN THE FAR- AND MID-WESTERN HILLS AND MOUNTAINS MOST AFFECTED BY CONFLICT (OCTOBER 2007)	130
CONFLICT HAS SEVERELY DISRUPTED AGRICULTURAL MARKETS IN BOTH URBAN AND RURAL AREAS (JULY 2007)	131
DISPLACED COMMUNITIES REMAIN FAIRLY WELL INTEGRATED, ALTHOUGH LIVING CONDITIONS ARE OFTEN DIFFICULT (JULY 2006)	132
DISPLACED MEN AND WOMEN REPORT LACKING FOOD, SHELTER AND EMPLOYMENT (DECEMBER 2006)	134
EXODUS TO THE URBAN AREAS PLACES PRESSURE ON THE INFRASTRUCTURE AND CAPACITY TO DELIVER BASIC SERVICES (2005)	134
Food	136
POPULATIONS IN THE MID-WESTERN AND FAR-WESTERN REGIONS ARE THE MOST MOST VULNERABLE TO FOOD INSECURITY CAUSED BY DROUGHT (MAY 2008)	136
WIDESPREAD FOOD INSECURITY DUE TO THE ARMED CONFLICT AND RECURRING NATURAL DISASTERS (JANUARY 2008)	141
GOVERNMENT LACKING A STRATEGY TO FIGHT HUNGER (APRIL 2007)	144
DISPLACEMENT HAS EXACERBATED MALNUTRITION AMONG CHILDREN (SEPTEMBER 2005)	145
HEALTH	148
HEALTH CONDITION OF THE IDP EVICTED FROM THE WILDLIFE RESERVE HAS STABILISED (APRIL 2008)	148
CONFLICT HAS INCREASED MAGNITUDE OF HEALTH PROBLEMS WHILE REDUCING THE CAPACITY TO ADDRESS THEM (JANUARY 2008)	148
PSYCHO-SOCIAL NEEDS OF IDPs REMAIN UNADDRESSED (JANUARY 2008)	150
HEALTH ASSESSMENT IN DANG AND KAPILVASTU SHOWS LARGE NUMBER OF EYE INFECTIONS AMONG IDPs (SEPTEMBER 2007)	151

ALARMING MALNUTRITION RATES IN NEPAL, IN PARTICULAR IN THE FAR- AND MID-WESTERN REGIONS (JULY 2007)	152
DISPLACEMENT CRISIS LIKELY TO HAVE CONTRIBUTED TO THE SPREAD OF HIV/AIDS (JUNE 2007)	154
POOR IDPs EXPERIENCE PROBLEMS IN ACCESSING HEALTH SERVICES IN AREAS OF DISPLACEMENT (DECEMBER 2006)	157
WATER & SANITATION	158
INFLUX OF IDPs IN BIRENDRANAGAR (SURKHET) INCREASES DEMAND FOR DRINKING WATER SUPPLY AND SANITATION (MARCH 2005)	158
SHELTER AND NON-FOOD ITEMS	158
STUDY SHOWS THAT IN BIG CITIES, MOST IDPs DO NOT OWN THEIR HOUSE/APPARTMENT (AUGUST 2007)	158
ONLY THE MOST VULNERABLE REMAINED LIVING UNDER TENTS IN DAILEKH 6 MONTHS AFTER BEING INITIALLY DISPLACED (JANUARY 2006)	159
INFRASTRUCTURE	159
HIGH LEVEL OF INFRASTRUCTURE DAMAGE IN FAR- AND MID-WESTERN REGIONS (OCTOBER 2007)	159
ASSISTANCE TO REBUILD INFRASTRUCTURES IS THE MAIN PRIORITY IN RURAL AREAS AND DISTRICT HEADQUARTERS (OCTOBER 2007)	161
VULNERABLE GROUPS	162
MOST KAMAIYA CHILDREN FORCED TO WORK UNDER EXPLOITATIVE CONDITIONS (DECEMBER 2007)	162
CHILDREN ARE PARTICULARLY VULNERABLE TO THE DISASTROUS EFFECTS OF DISPLACEMENT (SEPTEMBER 2007)	162
MIXED SITUATION WITH REGARDS TO IDP CHILDREN IN URBAN AREAS (JULY 2007)	168
WOMEN HEADED HOUSEHOLDS PARTICULARLY VULNERABLE DURING DISPLACEMENT (MAY 2007)	170
ELDERLY FACE LACK OF FOOD, SHELTER AND ACCESS TO HEALTH (DECEMBER 2006)	173
MAOISTS SURRENDERING TO THE STATE OFTEN BECOME DISPLACED WITHIN DISTRICT HEADQUARTERS AND FACE ABUSES (JULY 2006)	174
DISPLACED WOMEN VULNERABLE TO TRAFFICKING WHEN ENDING UP IN URBAN AREAS OF NEPAL OR IN INDIA (FEBRUARY 2006)	174
<u>ACCESS TO EDUCATION</u>	<u>177</u>
GENERAL	177
CONFLICT HAS HAD DISASTROUS EFFECTS ON THE EDUCATION SYSTEM (FEBRUARY 2007)	177
MAJORITY OF WORKING IDP CHILDREN HAD RECEIVED AT LEAST PRIMARY EDUCATION PRIOR TO DISPLACEMENT (JUNE 2006)	179
CONFLICT AND DISPLACEMENT HAS DEPRIVED MANY CHILDREN OF EDUCATION (DECEMBER 2005)	180
OBSTACLES TO EDUCATION	181
NEED TO SUPPORT THE FAMILY AND LACK OF TRANSFER DOCUMENTS ARE MAJOR OBSTACLES TO IDPs' ACCESS TO EDUCATION (JULY 2006)	181
SURVEY SHOWS ONLY A QUARTER OF IDP CHILDREN ATTEND SCHOOL IN KATHMANDU (MARCH 2005)	182
<u>ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION</u>	<u>184</u>

SELF-RELIANCE	184
CONFLICT HAD A PARTICULARLY HIGH IMPACT ON LIVELIHOODS IN THE FAR- AND MID-WESTERN REGIONS (OCTOBER 2007)	184
MAJORITY OF IDPS IS UNEMPLOYED AND LIKELY TO END UP AS URBAN POOR (DECEMBER 2006)	184
MAJORITY OF IDP WORKING CHILDREN EARN BARELY ENOUGH TO SUPPORT THEMSELVES (JUNE 2006)	187
PUBLIC PARTICIPATION	188
AN ESTIMATED 50,000 IDPS WERE DISENFRANCHISED DURING THE 10 APRIL CA ELECTIONS (APRIL 2008)	188
ACCESS TO LAND	193
IDPS FROM HARIPUR NEED ACCESS TO LAND IN AREA OF DISPLACEMENT (MARCH 2008)	194
EX-KAMAIYAS' ACCESS TO LAND STILL NOT FULLLY ADDRESSED (JULY 2006)	194
<u>DOCUMENTATION NEEDS AND CITIZENSHIP</u>	<u>197</u>
GENERAL	197
DISPLACEMENT OF VDC SECRETARIES IN AREAS UNDER MAOIST CONTROL HAS SEVERELY LIMITED AVAILABILITY OF GOVERNMENT SERVICES (MAY 2008)	197
IDPS' DOCUMENTATION PROBLEM CALLS FOR A BROADER DOCUMENT RE-ISSUANCE PROGRAMME (JUNE 2006)	198
DOCUMENTATION NEEDS	200
MANY DISPLACED CHILDREN UNABLE TO GET CITIZENSHIP AND BIRTH CERTIFICATES (JULY 2007)	200
IDPS FACE DIFFICULTIES IN OBTAINING BASIC DOCUMENTS FROM ADMINISTRATIVE AUTHORITIES (JUNE 2007)	201
<u>ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE</u>	<u>204</u>
GENERAL	204
MAJORITY OF WORKING IDP CHILDREN NOT PROVIDED WITH A SAFETY NET BY FAMILY MEMBERS (JUNE 2006)	204
<u>PROPERTY ISSUES</u>	<u>205</u>
GENERAL	205
MAOISTS AND OTHER ARMED GROUPS CONTINUE TO SEIZE LAND WHILE REFUSING TO RETURN LAND SEIZED IN THE PAST (JUNE 2007)	205
RESTITUTION	206
DISPLACED WOMEN UNABLE TO EXERCISE PROPERTY RIGHTS (MAY 2008)	206
MAOISTS OFFICIALLY COMMITTED TO RETURN LAND AND PROPERTY TO DISPLACED PEOPLE (JANUARY 2008)	207
STUDY SHOWS MOST IDPS IN DISTRICT HEADQUARTERS HAVE THEIR HOUSES AND LANDS AT THE PLACE OF ORIGIN OCCUPIED BY OTHERS WITH CONSENT (AUGUST 2007)	208
LAND AND PROPERTY RESTITUTION STILL PROBLEMATIC IN MANY AREAS OF NEPAL (JULY 2007)	208
<u>PATTERNS OF RETURN AND RESETTLEMENT</u>	<u>211</u>

RETURN PROSPECTS	211
MANY IDPS HAVE RETURNED IN THE WAKE OF THE PEACE AGREEMENT, WHILE OTHERS PREFER TO INTEGRATE LOCALLY (APRIL 2008)	211
UNDP-RUPP STUDY SHOWS MORE THAN HALF OF THE DISPLACED DO NOT INTEND TO RETURN (JULY 2007)	215
CPA COMMITMENTS TOWARDS THE RETURN AND REHABILITATION OF THE DISPLACED NOT YET FULFILLED (JUNE 2007)	217
MAOISTS ENCOURAGE IDP RETURN, BUT ARE REPORTED TO APPLY A SELECTIVE "APPROVAL" (OCTOBER 2006)	218
OBSTACLES TO RETURN	219
INSECURITY, LACK OF ASSISTANCE AND INEFFECTIVE IDP REGISTRATION ARE THE MAIN OBSTACLES TO RETURN (MARCH 2008)	219
SELECTIVE "APPROVAL" OF IDP RETURN BY MAOISTS AND UNRESOLVED LAND AND PROPERTY ISSUES CONSTRAIN RETURNS TO SOME AREAS (DECEMBER 2007)	222
ABSENCE OF RETURN PLAN AND CONTINUED EXTORTION BY MAOISTS HAMPER RETURN OF IDPS (DECEMBER 2007)	224
LACK OF REINTEGRATION SUPPORT AND COMMUNITY-LEVEL RECONCILIATION EFFORTS PUT THE RETURN AND PEACE PROCESS AT RISK (SEPTEMBER 2007)	228
RETURN MOVEMENTS	229
INSEC ASSIST IDPS RETURN HOME (OCTOBER 2008)	229
THOUSANDS OF IDPS HAVE RETURNED IN THE WAKE OF THE CEASEFIRE (MARCH 2008)	230
HUNDREDS OF IDPS DISPLACED IN THE TERAJ BY ETHNIC UNREST IN SEPTEMBER 2007 FEEL TOO UNSAFE TO RETURN (JUNE 2008)	235
<u>HUMANITARIAN ACCESS</u>	<u>236</u>
GENERAL	236
MAOISTS AND OTHER ARMED GROUPS INTERFERE WITH THE WORK OF HUMANITARIAN ORGANISATIONS (MAY 2008)	236
REACH OF THE STATE REMAINS LIMITED (MAY 2008)	239
<u>NATIONAL AND INTERNATIONAL RESPONSES</u>	<u>245</u>
NATIONAL RESPONSE	245
LACK OF APPROVAL OF IDP DIRECTIVES BY THE GOVERNMENT UNDERMINES RETURN AND REHABILITATION EFFORTS (JUNE 2008)	245
INTERNATIONAL RESPONSE	249
INTERNATIONAL RESPONSE (JUNE 2008)	250
<u>LIST OF SOURCES USED</u>	<u>255</u>

OVERVIEW

Sustainability of IDP returns undermined by lack of assistance

Executive summary

More than 18 months after a peace agreement between Maoist rebels and the Nepalese government, an estimated 50,000 to 70,000 people displaced by ten years of civil war remain unable to return to their homes. Most are prevented from doing so by unresolved land and property issues, insecurity and a lack of assistance from the government. While some internally displaced people (IDPs) are waiting for better conditions before returning, many are likely to integrate in areas of displacement, mainly in towns and cities, where economic opportunities are greater and where many of them have been living for years. However, most of these IDPs are severely impoverished and struggle to make a living.

For those who have managed (most of them without any government assistance) to return home since the end of hostilities in 2006, the main challenge has been to re-establish a livelihood in areas hard hit by the war, where state institutions and services have only been partly restored. In the past year, the rate of return has varied between districts, and is higher where returnees are no longer facing threats and the Maoists have fulfilled commitments to return land and property. The lack of reintegration assistance and the continuing instability in much of the country are in many cases undermining the sustainability of the returns.

While the peace process did bring an end to full-scale armed conflict, it also enabled marginalised ethnic groups to make new demands and allowed radical and criminal groups to take advantage of the security vacuum in many districts. In September 2007, violent clashes in the eastern and central Terai region between highland Pahadis and Madhesis, a plains people frustrated by decades of political exclusion and social marginalisation, resulted in the displacement of at least 5,000 people, mostly Pahadis. Although concessions made by the government to Madhesi groups have since defused the crisis, tension between the ethnic groups has persisted during 2008 and led to further displacements in the Terai.

By and large, both the government and the Maoists have so far failed to live up to their commitments to the displaced. Despite issuing a new IDP policy in 2007, the government has so far not provided any clear action plan or guidance on the implementation of the policy. Approving these IDP directives is of paramount importance in ensuring that the displaced get the assistance they need. The successful holding of the Constituent Assembly elections on April 10, in which the Maoists surprised most observers by winning more than a third of all seats, is one more positive step on Nepal's arduous road to political and social stability. It is hoped that increased political unity and stability can now pave the way for an improved response to the needs of the displaced.

Background

(non-party) system of government, the reinstatement of a multi-party democracy and a new constitution in 1990 did little to change the distribution of power and resources or address the systemic inequality of Nepalese society. The political order continued to be dominated by the same elite who failed to improve the lives of the poor rural majority. In 1996, the Communist Party of Nepal (Maoist) (CPN-M or simply the Maoists) launched the "People's War" with the aim of overthrowing the constitutional monarchy and establishing a socialist republic.

The insurgency started in the mid-western region when Maoists began attacking the police, landowners, members of other political parties, teachers and local government officials. Forced to leave their land or threatened because of their association with the monarchy, people targeted started moving to district headquarters where many chose to settle. Using guerrilla tactics and virtually unchallenged by the government for five years, the Maoists gradually gained ground in other areas of the country.

It was not until the deployment of the army and the declaration of a state of emergency in late 2001 that the conflict escalated. By then, other poorer groups had fled from the fighting between the rebels and the army, forced recruitment into Maoist ranks or forced donations, and also the more general effects of war. In many areas, the conflict led to the breakdown of education, closure of businesses, weakening of local economies and interruption of public services. Insecurity and blockades further reduced the availability of food and accelerated a long-standing urbanisation trend (SAFHR, March 2005, p.36). Particularly after November 2001, when security deteriorated markedly in rural areas, many people started fleeing to district centres, to large cities like Kathmandu, Biratnagar and Nepalgunj, and across the border to India.

Although a seven-month ceasefire provided some respite in 2003, the conflict escalated over the years and by 2005 fighting had spread to all 75 districts of the country. The rebels were more or less in control of rural areas and the government's presence was mainly restricted to district headquarters and cities.

Following the February 2005 "royal coup" when King Gyanendra dismissed the government and declared a state of emergency, fighting and human rights abuses increased significantly throughout the country. However, in April 2006, following weeks of nationwide protests and international pressure, the King ended direct rule and reinstated parliament. In the following weeks, the new interim government of the SPA (a coalition of the seven main political parties) and the Maoist leaders agreed on a 25-point Code of Conduct to end the conflict and pave the way for the election of a "Constituent Assembly" to draw up a new constitution and lay the foundations of a new system of government. The Comprehensive Peace Agreement (CPA) of November 2006 formalised the commitment of both sides to peace and constitutional change while also providing for the return and rehabilitation of all people displaced by the conflict.

The peace process was put to the test during 2007 and 2008 with intense political power struggles creating an environment of high instability. The constituent assembly elections were twice postponed, first in June and then in November. The Maoists joined the government in April 2007, but quit after six months, only to rejoin three months later, following the parliament's decision to abolish the monarchy.

Some important successes were recorded during 2007, including the promulgation of an interim constitution, the separation and management of the armies or the distribution of nearly three million citizenship certificates. By and large, however, most people in Nepal have not seen much change in their daily life and are still waiting for the promised peace dividends.

Ethnic violence triggers new displacement in the Terai

During 2007, Madhesi groups in the Terai region started to protest over the lack of progress in the implementation of the peace process and the lack of opportunities for political and social integration. Although a special police task force was deployed in the districts most affected by violence, and some of the Madhesi's political demands were met, violence continued unabated during the year, claiming the lives of at least 140 people (DPA, 13 February 2008). The protests culminated in September 2007 when the death of a local leader in Kapilbastu district sparked riots and inter-communal violence between hill-origin Pahadis and the plainspeople Madhesis. The

violence forced between 6,000 and 8,000 people, mostly Pahadis, from their homes. Of these 4,000 were sheltered in IDP camps, while the rest stayed with family members (OHCHR, 18 June 2008, p. 8; IRIN, 26 September 2007). Further displacement, again mostly affecting the Pahade community, took place in the following weeks in eastern Terai (OCHA, 31 December 2007, p.3). While most of the people displaced managed to return to their homes in the following weeks, a small number remained displaced in camps at the end of the year. Since then, insecurity caused by the activities of up to 20 armed groups in central and eastern Terai have led to new displacements, mostly of Pahadis. Moving in very small groups and fearful of being identified, most of these IDPs remain out of reach of state assistance (OCHA, 31 March 2008, p.8; NRC, 5 March 2008).

In February 2008, Madhesi leaders called Terai-wide general strikes which paralysed most of the Terai and triggered violent confrontations with the Nepal national police (OHCHR, 27 March 2008). Special police task forces mobilised for the Constituent Assembly election in April helped to curb the violence, but the easing of security after the elections is reported to have been followed by a resurgence of violence and criminal activities (Xinhua, 10 May 2008).

Numbers displaced by the conflict

Since the CPA was signed tens of thousands of people have returned to their homes. In the absence of any comprehensive registration of IDPs and of any systematic monitoring of population movements by national authorities or by international organisations, coming up with accurate estimates of the total number of people displaced by the conflict in Nepal has always been a challenge. For the past few years, most international agencies have settled for a range of between 100,000 and 200,000 people. In mid-2007, the UN IDP Protection Group projected that the high number of returns in the past two years had reduced the number of IDPs to between 50,000 and 70,000. For its part, the government announced in January 2008 that based on figures submitted by the districts, the number of IDPs stood at 25,000 (Xinhua, 31 December 2007). This figure include mainly Maoist victims and do not include people displaced in the Terai in 2007, nor does it include displacement to India where the majority of people displaced have sought refuge since 1996 and where a 1,500 km-long open border has made the monitoring of movements extremely difficult.

The major obstacles to assessing the scope of forced displacement in the country during and since the conflict have been the government's decision to only include people displaced by Maoist actions, as well as the very selective provision of assistance, which only reached the most well-connected among the displaced. Fear of ending up on an IDP list which would fall into the hands of the Maoists also deterred many from registering as an IDP. As a consequence, the majority of those displaced by the Maoists either remained unaware of their status or preferred to remain unidentified. They moved quietly to safer destinations, relying on family networks or traditional migration routes. Meanwhile, those who fled abuses by the security forces did not even qualify to register as IDPs.

Since only the well-connected people displaced by Maoist actions managed to receive any assistance, the IDP concept itself became used in some areas by the Maoists to refer to a limited group closely associated with the former government. This not only created difficulties in assessing the number of IDPs during the conflict, but also had serious implications in the return phase, with the Maoists reported to oppose the return of some categories of IDPs who they consider "bad or anti-revolutionary" people (OHCHR, 25 September 2006, p.7).

Obstacles to return

In the past two years, return movements have continued throughout the country. The process has been more successful in some districts than in others, depending largely on who was returning and whether or not the Maoists had fulfilled their promise to return land and property. Indeed, in many areas, the Maoists were reportedly still obstructing the return of IDPs they considered “criminals” because of their past involvement with the former government. The absence of any national return plan or assistance also discouraged many people from returning to areas where the government was still struggling to re-establish its presence and could not guarantee to protect them. The difficulty IDPs continue to face to register for government assistance is yet another serious obstacle to return (IRIN, 12 March 2008).

Most people returned without government support, but sometimes with the help of local human rights NGOs and international agencies. For the majority of the displaced who fled later in the conflict, reclaiming their land and homes was not the main obstacle to return as most had friends or relatives occupying their property in their absence (RUPP/UNDP, August 2007, p.8). Instead, the biggest challenge has been to re-establish livelihoods in areas where basic infrastructure has been destroyed or damaged, little post-conflict reconstruction has taken place, and government services remain unavailable. The reach of the government remains very limited due to the continued opposition of Maoists in many districts to the return of local officials elected under the monarchy, and also in the Terai because of the growing insecurity (OCHA, 10 January 2008, p.8).

The Maoists have done little to encourage IDPs to return. Following their departure from the government in September 2007, the Maoists were reported to have revived parallel administrations in several districts (OCHA, 28 December 2007, p.3). In February 2008, they announced their intention to extend these throughout the country after failing to reach an agreement with other parties on the issue of the vacant municipal posts (Times of India, 7 February 2008). Although the Maoist leadership has promised since May 2006 to facilitate the return and reintegration of IDPs and to return land and property confiscated during the conflict, returnees in many districts are in June 2008 reportedly still facing difficulties in reclaiming their land and houses. In some districts of the Far Western and Mid-Western regions, the Maoists continued and even stepped up their land seizure activities during 2007 (OCHA, 12 June 2007, p.2). There is concern in many districts that the failure to return land and property combined with a lack of government compensation and rehabilitation support is creating anger and frustration among the displaced, who are struggling to re-establish a livelihood (IA, September 2007, p.17). The November 2006 peace agreement also provided for the adoption of land reforms that would make available land to socially and economically disadvantaged classes, including landless squatters and bonded labourers (UNSC, 18 July 2007, p.3). This has so far not been a priority for the Maoists or the government.

Integrating in urban settings

The majority of the people displaced by the conflict travelled from rural areas to district headquarters such as Nepalgunj, Dhangadhi or Biratnagar and from there to larger cities such as Pokhara or Kathmandu or across the border to India (RUPP/UNDP, August 2007, p.2). While many have decided to return home in the past two years, an estimated 50,000 IDPs have chosen instead to integrate locally (OCHA, 10 January 2008, p.20). Many of them were forced from their homes and land in the early years of the conflict and they include landowners, civil servants and politically active people perceived as “enemies of the people” because of their association with the former monarchy. Most have managed since to re-establish new livelihoods in areas of displacement, sometimes with government assistance, and most of them are unlikely to return home in the near future.

For those displaced later in the conflict, mainly poorer people who fled not only threats from both Maoist and government forces but also the more general effects of the war, the decision not to

return is sometimes based on continuing protection concerns in areas of return, but it is often guided by economic and social considerations. Several years after arriving, many displaced people have adapted to new lives in urban or semi-urban environments with greater economic opportunity and better access to basic services. For those who have managed to find a job and acceptable housing conditions, or have managed to get their children enrolled in new schools, return is often not considered an attractive option.

Not all IDPs who live in these areas have improved their standard of living. The majority left everything they owned in their villages and used what was left of their assets to pay for the travel and survive during the transitional period when they had to adapt to their new situation. Often belonging to a farming community and ill-prepared to make a living in urban areas, most IDPs who found employment engaged in low-paid unskilled jobs. Rapid urbanisation and population growth combined with the conflict-IDP influx led the population of the Kathmandu valley to more than double between 1995 and 2004; it is now home to 30 per cent of the country's total population. IDPs' arrival in large numbers in cities not only placed a strain on the municipalities' capacity to deliver basic services such as water supplies, sanitation and waste management, but also increased real estate and rental prices. High rental prices, combined with a lack of resources and opportunities to earn a living, make it very difficult for the poorest to find accommodation and as a result IDPs regularly find themselves forced to live in inadequate conditions.

Displaced women and children

In the face of forced recruitment by the Maoists and a lack of education opportunities at home, many children went to urban areas with their family during the conflict or were sent there by their parents. Following the end of hostilities the extent of threats facing children has decreased significantly during 2007 and 2008, but many children were still reported to be vulnerable to forced participation in political activities, and also more direct threats such as landmines, food insecurity and child labour (UNSC, 18 April 2008, p.1; OHCHR, December 2007, p.20).

According to the Maoist Victims Association (MVA), there were in 2007 at least 1,000 displaced children living in Kathmandu and many more in cities and towns of the Far Western region where the conflict had been most intense (IRIN, 11 July 2007). In 2005, ILO estimated that at least 40,000 children had been displaced since the conflict started in 1996 (Xinhua, 12 June 2005). Many displaced children have lost their parents during or after the conflict and for them the return is even more unlikely to take place than for others.

Displaced children are particularly vulnerable where they lack the protection and assistance usually provided by the extended family and community. On the streets of the main cities they are exposed to a variety of threats, including trafficking, sexual exploitation and various forms of child labour. Many work as domestic servants, subject to severe exploitation and exposed to physical or psychological abuse (TDH & SCA, June 2006, pp.16-19). Many displaced children are denied an education because they lack the proper documentation or are too poor. The children of ex-Kamayias – bonded labourers who were officially freed by the government in 2000 but who remain among the poorest in Nepal – are also reported to be a particularly vulnerable to child labour and exploitative working conditions. According to BASE, a local NGO working to rehabilitate ex-Kamayias, up to 25,000 ex-Kamayia children are working under extreme exploitative conditions in hotels, restaurants or as domestic servants in the main cities and towns of Nepal (IRIN, 28 December 2007).

In a society where most women already suffer from discrimination, displaced women, and in particular those who have lost their husbands, are highly vulnerable to further impoverishment and as a consequence they are often exposed to significant protection and health risks. Most girls who fled the countryside to seek refuge in urban areas had no skills and faced significant

challenges in securing new livelihoods. Many ended up in low-paid jobs working in exploitative conditions and at risk of physical abuse. A study conducted by Terres des Hommes in 2006 showed that girls involved in child labour, such as those working in carpet factories, were exposed to more risk than boys (TDH, June 2006, p. 3). Many girls have been forced into prostitution in night clubs in the main cities of Nepal or in brothels across the border in India (IRIN, 2 May 2007; IRIN, 17 February 2006).

By 2004, NGOs working with displaced women were warning that the combination of conflict, displacement and prostitution had contributed to the spread of HIV/AIDS in Nepal. Although Nepal had a relatively low prevalence of HIV/AIDS compared to other countries in the region, the Far Western region, where many IDPs are concentrated, had by 2005 one of the highest rises in HIV rates in south Asia (UNHCR, 1 January 2006, p.29). In 2004, it was reported that up to 50 per cent of the women returning from India had tested positive for HIV (OCHA/IDP Unit, June 2004, p.3). During 2007, local NGOs in Accham district in the Far Western region reported that an increasing number of people returning home, mainly from India, were HIV/AIDS positive and that a total of 500 people had died from HIV-related causes in the past three years (OCHA, 12 June 2007, p.4).

Documentation concerns and resulting exclusion of IDPs

Many IDPs in Nepal have lost their documents during the course of their flight. The lack of documents such as citizenship, birth, marriage or education certificates has been reported as a major obstacle for IDPs' integration in areas of displacement, as it has prevented many displaced people from accessing administrative or social services or sending their children to school (CHR, 7 January 2006, p.16). To obtain replacement documents, people must return to their home area to get an affirmation document from the Village Development Committee secretary, many of whom have been killed or displaced. Others have been unable to make the journey home due to cost or insecurity. Thus many displaced people have found it impossible to obtain replacement documents.

In an effort to tackle the country's long-standing statelessness problem and to ensure that all Nepalese would be able to vote in constituent assembly elections, the government launched a massive citizenship campaign during 2007 targeting an estimated 3.4 million Nepalese people without a citizenship certificate, the basic identity document required to vote or access administrative services. While the campaign was very successful and up to three million people received a certificate by the end of the year, the requirements prevented many displaced people from getting one. Indeed, in a procedure similar to the replacement of lost documents, people had to apply to the authorities in their home districts, something many IDPs could not or would not do, and also provide supporting documents such as land ownership and tenancy titles as well as three witnesses. As a result, many IDPs, including children, did not get the citizenship certificates and continue to be denied access to basic services such as social welfare payments or free school (IRIN, 11 July 2007).

While the government issued a revised IDP policy in February 2007 which confirmed the right of IDPs to cast their vote in their area of displacement, a provision already present in the 2006 IDP policy, no concrete steps were taken to modify the Electoral Law accordingly. As of early 2008, the law still required citizens to reside in the constituency in which they voted. In addition, to be able to vote in areas of displacement, the voter registration had to be transferred through the submission of a "migration certificate" only obtained by IDPs in their place of origin. At the end of 2007, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons urged the government to solve this problem before the elections, warning that up to 50,000 IDPs – those who did not return home – would be unable to take part in the Constituent Assembly elections (OHCHR, December 2007, p.22). To ensure full participation, the

government created a “temporary voter” category for those who needed to vote outside their home constituencies, such as government employees, the security forces, the Maoists in cantonment camps and prisoners in jail. IDPs were, however, excluded even from this category and effectively prevented from exercising their voting rights in the elections (NRC, 7 April 2008).

National and international responses

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 February 2007, the government’s revised IDP policy introduced for the first time a non-discriminatory IDP definition, which also recognised people displaced by state violence. In the following months, directives on implementation of the new IDP policy were drafted by the Ministry of Home Affairs with the support of UNHCR, OHCHR, OCHA and the NRC (OCHA, 3 May 2007, p.4). 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; 15 April 2008).

In April 2007, following the formation of a new interim government incorporating the Maoists, the responsibilities for assisting IDPs were shifted from the Ministry of Home Affairs to the Ministry of Peace and Reconstruction (MoPR). 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.

Under-staffed and under-resourced, the 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. 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, 29 May 2008).

Within a collaborative approach framework, UNHCR and OHCHR have since 2006 led the UN response on IDP protection. IDP Working Groups consisting of UN agencies, NGOs, INGOs, and donor agencies were also set up in Nepalgunj and Biratnagar (OCHA, 23 February 2007, p.20). The main mechanism for inter-agency coordination of humanitarian assistance is a local Inter-Agency Standing Committee (IASC), which meets regularly to share information and address the main humanitarian problems. Since the end of 2007, however, the UN has seemed to no longer

consider the IDP issue a priority, as illustrated by the non-renewal of IDP protection experts' positions within OHCHR and UNHCR. As of the end of March 2008, OCHA has taken over from UNHCR as IDP lead and has so far kept the UN involved in IDP issues.

The UN World Food Programme is currently running a \$54 million recovery programme to assist more than one million conflict-affected people in 28 districts across Nepal until the end of 2008. As of May 2008, less than half of the budget has been covered by donations or pledges (WFP, 19 May 2008, p. 37).

A number of international NGOs have increased their assistance towards IDPs, mainly to fill the assistance gap left by the government and to ensure the sustainability of IDP returns. In March 2007, the Norwegian Refugee Council (NRC) launched an Information, Counselling and Legal Assistance (ICLA) project in Nepal and opened offices in Nepalgunj, Biratnagar and Kathmandu, and later in Surkhet and Rukum. The project provides IDPs with legal aid, information and return assistance. NRC is also collecting data on numbers, conditions and locations of IDPs and sharing it with the rest of the humanitarian community. By the end of April 2008, NRC had provided ICLA to 15,000 IDPs and returnees and provided information to 12,000 people through community outreach meetings (NRC, 29 May 2008).

CAUSES AND BACKGROUND

Background

Caste-based discrimination and systemic inequalities result in marginalisation of many groups in Nepal (2001)

- 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."

Click here to see a [map showing the various ethnic groups in Nepal](#). (University of Texas Library, 1980, jpeg 210 kb)

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 capital 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."

Police campaign 'Operation Romeo' displaces several thousand people in Rolpa district (November 1995)

- Police campaign 'Operation Romeo' was conducted in November 1995 in Rolpa district (Mid-Western region) against Maoist sympathizers.
- The assault was accompanied by human rights abuses, rape and torture against civilians.
- As a consequence some 6,000 people were displaced within Rolpa and to neighbouring districts.

Mercy Corps International, October 2003, p. 38

"In November 1995, the coalition Government of NC Prime Minister Sher Bahadur Deuba, under the supervision of Home Minister Khum Bahadur Khadka, a native of Rolpa's neighboring Dang District, initiated a police campaign known as Operation Romeo. Maoist leader Baburam Bhattarai described the operation as a 'reign of terror' against Rolpa's peasants. One human rights report characterized the operation as 'state terror.' USAID's Democracy Under Threat report prepared in November 2001 described the operation as one of "massive brutal retaliation...[with]...widespread human rights abuses including torture, rape, detention and murder." In Kathmandu and abroad, Operation Romeo is perceived by many as a highly violent, scorched earth assault involving systematic extra-judicial executions coupled with a campaign of rape and other atrocities whose geographic scope went far beyond Rolpa.

The assessment's interviewees and other respected human rights experts, however, assert that:

Operation Romeo was conducted, and its impact overwhelmingly felt, mainly in Rolpa District. The INSEC (Informal Sector Service Center, a respected Nepali NGO) Human Rights Yearbook for 1995 reports that the operation was concentrated in eleven of Rolpa's VDCs. Some areas of Rukum District close to the Rolpa border may have been affected. Salyan, Dang and other districts received some civilians displaced by the operation.

There were apparently no documented cases of deaths in connection with the operation. But several thousand people fled or were displaced, and some did not immediately return or were not

specifically traced. Thus, it is possible that there could have been a small number of deaths. One respected human rights expert estimated the total number of such deaths, if they occurred, would have been less than twelve.

Rapes by the police took place. But rather than the use of rape as an instrument of systematic degradation of the Magar race which some suggest, the incidents are described by several reliable sources as multiple individual criminal acts (one knowledgeable interviewee estimated 40 such cases) carried out with impunity – none of the perpetrators were punished.

The INSEC Human Rights Yearbook for 1995 is reported to state that 6,000 people left their villages, most presumably temporarily, and 132 persons were arrested without warrants. That the police physically abused or tortured prisoners, confiscated chickens and goats, and stole personal property and jewelry from houses they searched, is not disputed. Nonetheless, Operation Romeo could not be characterized as a 'reign of terror,' 'state terror,' or 'massive brutal retaliation' in comparison with similar conflictive operations elsewhere, neither could it be described as the disciplined and orderly effort to restore order which its defenders would suggest."

The People's war (1996-2001)

- The CPN (Maoists) is born out of the split up of the United People's Front, which won nine seats in the 1991 parliamentary elections. The decision by one of the leader -Prachanda- not to participate in the 1994 elections prompted the creation the following year of the CPN.
- In 1996, the CPN declared the "People's war" on the basis that the government refuse to concretely enter into negotiations on the proposed reform of the structure and nature of Nepal's political system and form of government.
- Maoists attacked police posts and local administrative offices, such as offices of the Chief District Officers (CDOs) and District Development Committees (DDCs). There were further attacks on police stations, banks, offices of Village Development Committees (VDCs), local landowners, and politicians of the NC and other mainstream parties.
- By mid-2001, the Maoist had stepped up their activities in all but the most remote districts of the country, including the capital, Kathmandu

AI, 4 April 2002, pp. 12-13

"The origins of the CPN (Maoist) lie in the *Samyukta Jana Morcha* (SJM), United People's Front (Bhattarai), the political wing of the CPN (Unity Centre). In May 1991 the SJM gained nine seats in parliamentary elections, but performed poorly in 1992 local government elections. In 1994 the SJM split on the issue of participation in parliamentary elections. One of the leaders opting to remain outside mainstream politics was Pushpa Kamal Dahal, alias Prachanda. He is said to have founded the CPN (Maoist) in March 1995. Ideologically, the CPN (Maoist) is close to the Communist Party of Peru (Shining Path). Both are members of the Revolutionary International Movement, an umbrella organization of Maoist movements around the world.

The "people's war", declared by the CPN (Maoist) on 13 February 1996, aims to establish a "New Democracy" and constitutes an "historical revolt against feudalism, imperialism and so-called reformists". The immediate reason given by the Maoists for declaring the "people's war" was the failure of the government to respond to a memorandum presented by its representatives to Prime Minister Sher Bahadur Deuba on 4 February 1996.

The memorandum listed 40 demands related to "nationalism, democracy and livelihood". These included the abolition of royal privileges and the promulgation of a new constitution, and the

abrogation of the Mahakali treaty with India on the distribution of water and electricity and the delineation of the border between the two countries.

On 13 February 1996, the day the "people's war" was declared, there were eight incidents reported from five districts, including attacks on police posts and local administrative offices, such as offices of the Chief District Officers (CDOs) and District Development Committees (DDCs) constituting the government at district level. In the following weeks, the violence escalated, particularly in Rolpa and Rukum districts in the Mid-Western Region, one of the more deprived areas of Nepal and the stronghold of the Maoist movement. There were further attacks on police stations, banks, offices of Village Development Committees (VDCs), local landowners, and politicians of the NC and other mainstream parties. There were also attacks on a number of local offices of international NGOs.

The Maoists gradually spread their activities to other districts. As of mid-2001, they were present and active in all but the most remote districts of the country. By February 2002, according to government statistics, they had killed 538 policemen.

In areas where they were strongest, the Maoists set up parallel political systems to the state's, including "people's courts". In Rolpa district, for instance, it was reported that no new cases were filed in the district court during 2000 as all cases were being "adjudicated" by the Maoists.

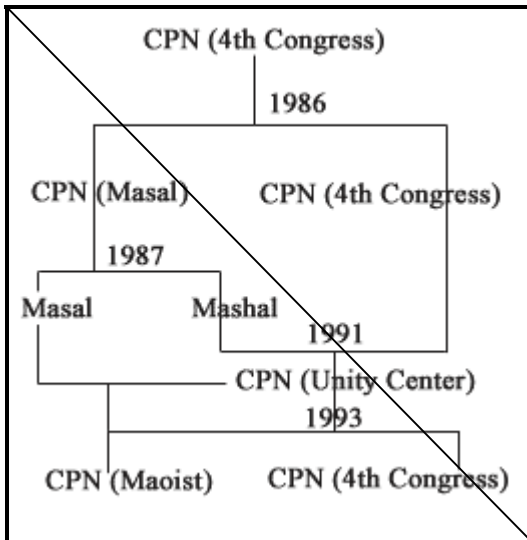
After the killing of the King, Queen and eight other members of the royal family in June 2001, Prachanda – the leader of the CPN (Maoist) – claimed that the killings were a conspiracy against Nepal by "national and international forces, who also want to suppress the Maoist movement". The Maoists also rejected the report of an official commission of inquiry appointed by the new King into the massacre. According to the statements from witnesses contained in the report, Crown Prince Dipendra was responsible for the killings and subsequently killed himself. On 11 June Prachanda appealed for the establishment of an interim government which would "... play the historic role of institutionalizing the republican system." The Maoists also stepped up their activities in and around Kathmandu. In late June and early July 2001, a number of bombs exploded in the centre of Kathmandu, the first such attacks since the declaration of the "people's war". Near the bombs, banners were put up calling for the King and Prime Minister to be brought down. Although no one was injured by these bombs, they spread fear among the population."

Who are the Maoists ?

World Press Review, 8 February 2003

"The Maoist rebels are the political "kin" of a key actor in mainstream Nepalese politics, the Communist Party of Nepal (Unified Marxist-Leninist), which was founded in 1949.

By 1986, the Communist Party of Nepal (CPN), was finding its stride. There was growing agitation for the return of multi-party politics. As the country's political debate became more heated, the CPN splintered into two groups: The CPN-Fourth Congress and the CPN-Masal (See diagram). The CPN-Masal, the forerunners of the Maoists, favored using violence to restore democracy, while the Fourth Congress favored peaceful acts of civil disobedience. A series of splits and rapprochements followed over the next few years as party members debated the use of force to accomplish political ends.



In 1993, the CPN-Unity Center, which included members of a breakaway faction of the CPN-Masal and the majority CPN-4th Congress, again split over the question whether violence was an acceptable means. The group that eventually became known as the CPN-Maoist said it was. The group that rejected violence re-adopted the old name, CPN-4th Congress, and eventually withered. As the peaceful CPN-4th Congress became irrelevant, the Maoists took to the forests and began training.

As the Maoists were plotting a revolution in the countryside, Baburam Bhattarai was leading a political party into decline. The United People's Front (UPF), which had been the third-largest Nepalese political party in 1991, suffered from a series of splits during the 1990s rivaled only by CPN. Bhattarai wound up leading the minority faction of the UPF to inglorious defeat in the 1995 elections, failing to win a single seat.

Undaunted, he submitted a series of 40 demands to the prime minister, imperiously giving the prime minister two weeks to respond. The prime minister's office initially agreed to 39 of the demands, but rejected a demand to abolish the monarchy to create a republic. Bhattarai didn't wait out the rest of the two weeks, and instead joined Prachanda's already-underground Maoist party. Not long after, Prachanda and Bhattarai jointly declared the "People's War" on Feb. 16, 1996.

The Maoists' promises to rectify poverty and injustice initially found a sympathetic ear among the uneducated rural population. It had no alternative—the government in Kathmandu had virtually no presence in the countryside beyond tax-collection.

Today, the Maoists say they follow the communist doctrines propounded by late Chinese Communist Party leader Mao Zedong. Asked to explain the political philosophy of the Maoist rebels, Gautam dutifully repeats: 'Maoism is the third phase of the Marxism and it has extensively described communism.'

Sadly for the Maoists, the current Chinese leadership has stood fast alongside the monarchy, saying "the Nepalese Maoists are misusing Maoism.'

Deuba's government, seeking desperately needed military and financial aid from the West, had cast the civil war in the rhetoric of the war against terrorism, a rhetoric other Nepalese politicians adopted with alacrity. But Padma Ratna Tuladhar, a noted human-rights activist and mediator of last year's government-Maoist peace talks, scoffs at such characterizations. 'They are not terrorists. They have been fighting for a cause. But the government has virtually failed to address

their problems in a right way.' Gautam agrees: 'Given Nepal's history, if the Maoists hadn't emerged, somebody else would have.' [...]"

Intensification of the conflict since November 2001 (2001-2004)

- After the break-up of the talks, the resumption of the conflict and the declaration of the State of Emergency in Nov. 2001, the intensity and scale of the conflict increased significantly.
- Observers estimated in March-April 2002 that up to 4,000 people had died in the conflict up to that point, about half of them since November 2001.
- By May 2002, the Maoists were officially considered to be in effective control of about 25 per cent of the country.
- In June 2002, the king extended the State of Emergency for a further three months period, to August 2002.
- In July 2002, the period of office of elected representatives in local government, at VDC and DDC level, came to an end. The DDCs and VDCs were formally dissolved, with the responsibility for local government being taken over by the Chief District Officer (CDO) and Local Development Officer (LDO), with support from the line agencies.
- In October 2002, the king sacked Prime Minister Deuba and took over all executive powers. A few days later an interim government was formed, under the leadership of former Prime Minister Chand.
- In early 2003, a ceasefire was reached between the government and the Maoists leading to preliminary discussions. A negotiating team named by the Maoist but none by the government. By April the country remained in a political limbo.
- ICG observes that since the breakdown of the ceasefire in August 2003 the nature of fighting has changed with new tactics on both sides and an upgraded arsenal leading to more casualties. An estimated 500 people have reportedly died in 2 months.
- New Maoist tactics have included increased activities in the Terai and in the east of the country, more hit and run attacks organised by small cells of two or three, maintaining a medium intensity conflict and targeted killings in urban areas aiming for a magnified psychological impact in Kathmandu.
- Local commanders have reportedly been given a greater authority to decide who should be targeted for violence and extortion, which has resulted in more reports of NGOs being harassed in the field.

EC & RRN April 2003, pp. 43-46

"After November 2001 the conflict moved into a new phase (which we might term phase three). Until this point, the conflict had been, largely, a low intensity conflict; but after the break-up of the talks, the resumption of the conflict and the declaration of the State of Emergency, the intensity and the scale of the conflict increased significantly. Increasingly, furthermore, external agencies were to become involved, with the governments of some states (notably the USA, UK and India) taking a much more active and interventionist line than previously and development agencies actively seeking to respond to the conflict, in a variety of ways.

(...)

In November 2001, after the breakdown of a series of talks between the rebels and the government and the ending of an agreed cease-fire, the government declared a state of emergency. The involvement of the Royal Army was increased, civil rights and press freedoms were curtailed, and confrontations between the army, the police and the rebels became both more numerous and more substantial.

(...)

A major focus of concern at this time, however, was that of 'human rights abuses', an important dimension of lives and livelihoods in situations of conflict. It was estimated by Prabin Manadhar in October 2001 that around 1,800 people had been killed, while hundreds had been reported missing, and thousands had been displaced (Manandhar 2001). In retrospect, this was to appear a relatively low level of 'direct and collateral damage' after five and a half years of conflict. Things were now to change, however. The Maoists claimed that, in the first three months of the Emergency alone, they had killed some 600 Royal Nepalese Army personnel. Now it was impossible to ignore the insurgency and the conflict that surrounded it as the scale and intensity of the conflict increased dramatically.

(...)

According to the Maoist leadership, in March, Nepal was now experiencing an intensification in the People's War representing the move from a defensive struggle towards a more balanced one. Increased military activity was accompanied by a dramatic increase in deaths in larger-scale clashes between the guerrillas and the police and the Army.

(...)

Observers estimated in March-April 2002 that up to 4,000 people had died in the conflict up to that point, about half of them since November 2001.

During April, the conflict intensified and, in response, state security was tightened still further. Amnesty International reported that month that, according to official sources, more than 3,300 people had been arrested since 26 November. Many had been held in army camps without access to a lawyer or a doctor, or their families, and few of those arrested have been brought to court (Amnesty International, 2002).

(...)

The summer months, as always saw a temporary reduction in clashes between the Maoists and the state security forces. But the political situation became increasingly precarious. In July, the period of office of elected representatives in local government, at VDC and DDC level, came to an end. The possibility of their extending their period of office was ruled out, and they were obliged to leave their posts. The DDCs and VDCs were formally dissolved, with the responsibility for local government being taken over by the Chief District Officer (CDO) and Local Development Officer (LDO), with support from the line agencies. There was now no elected government in Nepal, at any level - national, district or village.

The Maoists continued to gain ground, although fighting was reduced during the monsoon months of July and August. Even so, in the first nine months after the declaration of the State of Emergency, some 2,480 'Maoists' were reported killed by security forces, with 425 security personnel (army and police) killed by the Maoists, and nearly 300 civilians killed. After August, the war continued to intensify, with a major attack by the Maoists at the end of the first week in September 2002 resulting in the deaths of around 50 police, with a further 20 or so injured during an assault on two government security posts. Towards the end of September, the Army retaliated with one of its largest offensives against the rebels in recent months. A Defence Ministry spokesman said that the latest operations had targeted rebel bases, where those killed included training instructors; the total number of those killed, it was claimed, was 115.

Insecurity for ordinary people in the rural areas increased during 2002 and lives and livelihoods were increasingly affected. The Maoists began to increase their attacks on infrastructure as part of their struggle against the state, concentrating their attentions more on strategic targets than on the smaller-scale infrastructure. These attacks, while directed at power, transport and communications infrastructure in particular, affected the economy as a whole, and had a significant, if double-edged, propaganda effect, in so far as the government, and indeed many of the development agencies, were visibly shocked by this strategy.

In October, the king intervened, sacking Prime Minister Deuba and taking over all executive powers 'until alternative arrangements can be made'. A few days later, he announced the

formation of an interim government, under the leadership of former RPP Prime Minister Chand. Nepal entered the festival season of Dasain and Tihar more uncertain than ever of the future. The impact of the conflict, at all levels, was clearly growing. Towards the end of the year, human rights organisations estimated that some 8,000 people had been killed during the conflict to date.

In January 2003, dramatically, the Maoists indicated that they were prepared to enter into negotiations with the king and other parties. They considered that a position of 'balance' or stalemate had been reached in the conflict, and were prepared to consider a period of discussion. A ceasefire was rapidly agreed. For the next few months, the ceasefire broadly held, and preliminary discussions were held by a wide range of parties. The Maoists had identified a 'negotiating team' with Dr Baburam Bhattarai as its leader; the interim government nominated one of its ministers, but was slow to name a team. No clear agenda was agreed, however, even by the middle of April and the country remained in political limbo.

At the local level, the ceasefire brought a halt to the conflict for the time being and enabled many people who had left their homes to return. At one level, the sense of insecurity persisted as the political agenda and way forward remained undefined, but at another, it seems, people were optimistic that lives and livelihoods, for so long affected by the conflict, could now resume, if not as before, then at least with a greater degree of security. It is a good moment at which to assess the effect of the conflict on lives and livelihoods, and on food security, in the rural areas."

ICG, 22 October 2003, pp. 6-7

"As fighting has resumed, it has become clear that its nature has significantly changed. The Maoists are attacking on more fronts, in a more diffuse fashion, and looking to keep the RNA and police off-balance and on the defensive. The RNA hopes to use improved training, an upgraded arsenal and a revamped approach to intelligence to inflict heavy casualties. That more than 500 have died since the ceasefire ended, including a relative lull during the Dashain holiday, would seem to indicate that the lethality of the conflict escalates the longer it lasts.

(...)

The Maoists have chosen targets more selectively, while largely avoiding large mobilisations. In an effort to limit their own casualties, they have moved to more hit and run attacks organised by small cells of two or three.

(...)

In addition, the Maoists conducted a three-day general strike (bandh), 18-20 September, which was widely observed and largely peaceful. The Maoists have also launched a wave of bank robberies and destroyed the houses of a number of government and political officials.

(...)

The Maoists have also sharply increased attacks in the Terai and eastern Nepal, having successfully expanded recruitment in these areas during the ceasefire. **[See map below]** There appears to have been a particular effort to reach out to the Mahadesi in the Terai, a group that has long operated on the margins of society and suffers widespread discrimination. Increased activity in these areas also opens up new sources of extortion for the Maoists. Their efforts to secure financial support in parts of the desperately poor western and mid-western regions – where many banks have been repeatedly robbed – must encounter something of a law of diminishing returns.

Frequency of Clashes Between the Security Forces and the Maoists Rebels (Jan-June 2004)

Source: UN Country Team, 15 July 2004

The Maoists still do not appear to believe that an all-out military victory is possible, particularly with international actors such as India, the U.S., China and the UK willing to prevent such an outcome. Instead, a medium intensity conflict would seem to fulfil a number of their needs: it convinces the cadres that their leadership has not “gone soft”, and it keeps pressure on the military and the political establishment to accede to their demands without burning all bridges.

However, the strategy of urban assassination carries significant risks, since many in the international arena are more likely to view such actions as terrorism, even if they are directed against military targets. Maoists continue to feel that violence has helped them achieve greater international recognition and a more say in discussions of Nepal’s future. However, they may have dangerously misread the relative impunity they enjoyed after the January 2003 assassination of the chief of the armed police. There will likely be a point of no return for the Maoists if they are widely perceived internationally as a terrorist organisation.

The Maoists are clearly aiming for a magnified psychological impact in Kathmandu, and in some regards this is working. The assassinations have sent a chill of concern into the capital’s elite: generals are increasingly sleeping on their bases, and politicians have taken measures to improve their security. The Maoists may reason that by amplifying pressure in Kathmandu, the public and elites will be more eager to accept a constituent assembly. There is a palpable sense of tension among many Nepalese whose lives had largely been untouched by the earlier fighting. An NGO official argued that the new strategy is “clearly alienating the middle class in the cities”, but that this is not a group the Maoists have considered crucial to their agenda.

There seem to be two views of the targeted killings in urban areas: it could make the political and economic elites more eager to compromise and give in on the constituent assembly (a position to which they were drifting even before the ceasefire broke down); or it could cause them to dig in their heels and support a more sweeping military approach against Maoist forces.

Already in control of significant parts of the countryside, the Maoists hope to keep the military tied down in the cities and limit its mobility. They may also be seeking to dominate a number of more rural districts in order to develop a rump government more fully. According to knowledgeable security officials, some 400 police have already been withdrawn into the Kathmandu valley, where more than 50 per cent of the security services are now stationed. This leaves the army spread quite thin for waging a traditional counter insurgency campaign.

The emerging Maoist strategy also has given local commanders greater authority to decide who should be targeted for violence and extortion. This is a worrying trend, in that less central discipline over such decisions often leads to greater violence driven by local vendettas. Indeed, there are already increasing reports of greater violence used not for political reasons, but simply because individuals refused to comply with extortion requests. This may well be a problem of a guerrilla organisation growing in size, where “more killings [are] not based on politics but just because of donations”, as one NGO official explained. There are also more reports of NGOs being harassed in the field, even those which have had an established relationship with the Maoists."

King steps down and Parliament reinstated following massive nationwide protests (October 2006)

- In October 2006, during a second round of talks, both side agreed to hold elections to a constituent assembly by June 2007.
- 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.
- Hundreds of politicians, human rights defenders, journalists and others were arrested in the wake of the King's coup; there has been an increase in clashes between rebels and state security forces;
- On 1 February 2005, the king dismissed the government, seized absolute power and imposed a state of emergency.

IRIN, 10 October 2006

"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."

OCHA, 18 July 2006, p. 1-2

"Since October 2005, Nepal has seen major political changes. On 24 April a people's movement involving massive nationwide protests and strikes resulted in the announcement by King Gyanendra of the return of power to the people and the reinstatement of parliament.

The protests followed a 12-Point understanding reached between the Seven Party Alliance (SPA) of agitating political parties and the Communist Party of Nepal – Maoist (CPN-Maoist) in November 2005. An earlier unilateral ceasefire was ended by the CPN-Maoist in January to destabilise the 8 February municipal elections, called by the King. The SPA also opposed these elections and actively boycotted them.

Since the April movement both sides have announced ceasefires and engaged in peace talks. In a less positive vein, the new Finance Minister has announced that the Government is effectively bankrupt.

Whilst the political changes have brought obvious improvements in the overall security situation across the country, the CPN-Maoist continues to maintain effective control over the majority of the countryside, refusing access to many service providers from the Government.

Reports of abductions, extortion and recruitment by the CPN-Maoist have increased and attempts to interfere in the humanitarian and development programmes have continued. Due to security concerns, for the time being most persons displaced by the conflict have been reluctant to return.

(...)

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."

ICG, 15 June 2005, pp. 7-8

"On 1 February 2005 King Gyanendra used a royal proclamation to dismiss the Deuba government, impose a state of emergency and seize absolute power.

(...)

The coup was a dramatic -- and, at least initially, effective -- demonstration of royal will but it did little more than formalise the earlier assumption of de facto power and give more teeth to the state's repression of the political mainstream. A prescient Nepali writer had observed almost two months earlier, "By now everyone has heard rumours that King Gyanendra is going to take over. (Actually, the word on the streets is that he took over on 4 October 2002, and will soon quit pretending otherwise)".

(...)

In most respects, the 1990 Constitution now exists more as a rhetorical point of reference than as a functional template for governance. No elected or judicial official provides any check on executive excesses. Chief Justice Hari Prasad Sharma has argued that as the judiciary is incapable of judging the threat to national security, "it should have respectful deference to executive wisdom". If the king's recent interview with Time magazine is an indication, current "executive wisdom" does not appear to have much respect for legal niceties: "No law abiding citizen in Nepal should feel any pain. Yet those who do not abide by the law, who do not accept the majority's choice, they will feel pain".

The constitutionally mandated Commission for the Investigation of Abuse of Authority (CIAA) has been sidelined by a newly established Royal Commission on Corruption Control, which is being used to discredit political leaders. Its legal authority and constitutional legitimacy is dubious. But the Supreme Court refused to consider a writ challenging the Commission's legality, its registrar explaining that "no court has the authority to question any decision made by the King under Article 31 of the Constitution". The chairman of the Nepal Bar Association has concluded that, given the Commission's patent unconstitutionality, a legal challenge is futile: "It is completely a political battle, not a legal one". The balanced governance structures of the 1990 Constitution are effectively defunct."

ICG, 24 March 2005, p. 1

"Nepal is suffering a worsening human rights crisis as the nine-year-old Maoist (Communist Party of Nepal/Maoist, CPN/M) insurgency intensifies. The royal coup of 1 February 2005, which imposed a state of emergency, has exacerbated an already dire situation.¹ The weeks since 1 February have seen the arrest of hundreds of politicians, human rights defenders, journalists and others; an increase in clashes between rebels and state security forces; blockades by the Maoists and the continuation of their practices of abductions and extortion; severe press censorship and restrictions on monitoring efforts by the National Human Rights Commission (NHRC); and worrying signs of state-sponsored vigilante action resulting in lynchings, the burning of villages and brutal Maoist retribution. An 18 March 2005 statement by bilateral donors and the UN in Nepal has warned that "insecurity, armed activity and CPN/M blockades are pushing Nepal toward the abyss of a humanitarian crisis".

As Crisis Group reporting has warned, the king's actions have made any resolution of the conflict much less likely. This analysis is shared by most of Nepal's powerful international friends. The increasing cycle of rights violations has undermined both sides' efforts to win popular support, and systemic abuses have sabotaged the Royal Nepalese Army's attempts at a "hearts and minds" campaign. Global concern at the deteriorating situation is virtually unanimous. Governments, multilateral bodies and international non-governmental organisations (NGOs) have amplified the grave worries articulated by Nepali civil society groups and activists. Past failures to address the human rights crisis have not only allowed a culture of impunity for state security

forces but also deprived the international community of potentially the most effective means of exerting serious pressure on the Maoists."

See also:

Nepal's Royal Coup: Making a Bad Situation Worse, ICG, 9 February 2005

[\[Internet\]](#)

"Nepal: Break the Suspended Animation", ACHR, 10 February 2005 [\[Internet\]](#)

The Case for Intervention in Nepal, ACHR, 14 March 2005 [\[Internet\]](#)

One Hundred Days after Royal Takeover and Human Rights Crisis Deepens, February 1-May 11, 2005, FORUM-ASIA, 12 May 2005 [\[Internet\]](#)

Nepal: the rule of the law abandoned, ICJ, 17 March 2005 [\[Internet\]](#)

Absence and limitations of state's reach created a security vacuum throughout Nepal (May 2008)

- 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

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 Terai districts, has exacerbated a widespread sense of insecurity. While the state crackdown on demonstrations, particularly during the early 2007 Terai 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."

OHCHR, December 2007, pp. 4-5

"However, in the course of 2007, the limitations of state institutions, including the law enforcement agencies, to protect the lives and security of the population has become increasingly apparent, especially in the Terai. Together with impunity and the failure to adequately address marginalisation, poverty and discrimination (see below) this poses one of the biggest threats to sustainable peace. These issues require comprehensive solutions based fully on human rights standards.

During the later years of the conflict, security had been in the hands of the Unified Command, including the NA, APF and NP whilst in many especially rural areas, police posts had been abandoned. Following the April 2006 ceasefire and the dismantling of the Unified Command, the NP began to re-establish the abandoned posts although with many obstacles, including CPN-M opposition. The pace of re-establishment quickened after the adoption of the Interim Constitution and directives given by the CPN-M Chairman that his cadres should not disrupt the process. Nevertheless the re-establishment of some posts has been delayed or reversed by the actions of armed groups in certain places and by threats and attacks by CPN-M entities in others. In some remote areas, especially in the Far Western Region, due to the absence of the State, the presence of police posts is effectively at the CPN-M's discretion.

As of the end of October, according to official police statistics, 153 old and 94 new posts were yet to be established. Many posts that have been re-established continue to suffer from a lack of infrastructure and equipment. Police and local authorities have regularly conveyed to OHCHR that they are demoralized, including from what they perceive as the lack of support and directives from the national authorities. The lack of directives has been frequently cited by police and CDOs as a reason for not taking action which could protect human rights, improve law and order and reduce impunity and criminality. At the same time, the deployment of APF personnel throughout the Terai - to patrol the border, combat armed groups as well as provide security for the elections - has not always impacted positively in terms of human rights.

The limited impact or absence of police interventions to stop violence (whether by armed groups or in the context of protests or other actions), 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."

OCHA, 13 May 2008, p.2

"The security situation in some parts of Nepal, in particular the Central and Eastern Terai districts, remains a concern due to activities of armed criminal groups operating in the area with a large degree of impunity. On 10 May, media reported that the incidents of murder, kidnapping, looting and other criminal activity have seen a resurgence in the eastern and central Terai

after a brief hiatus during the elections, when the government had mobilized a special taskforce and security agencies in Nepal and India worked hand in hand to curb violence and Criminal activity along the border areas.

Following relaxation in security after the election, at least 14 persons have reportedly been killed, more than 30 abducted and many others were injured. At least fifteen incidents of IED explosions were reported in the period. In the eastern region alone, and mainly in Siraha and Saptari, nine people were killed, 18 abducted and a bank robbed after April 10.

The withdrawal of the election-related security taskforce from some hill districts was met by occasional protests by the local population. The government has decided to continue with some of the reinforced security presence in the Terai to maintain security, saying that 15 Terai districts will continue to remain as sensitive areas and Armed Police Force will remain deployed in the districts until July. Despite the presence of security forces, however, explosions, abductions and killings were frequently reported.

(...)

Media reported that about 800 VDCs across the country do not have secretaries after the temporary secretaries appointed for election purpose have already returned to their previous jobs."

OCHA, 28 May 2008, .p1

"The security situation has deteriorated, and has been affected by increased incidents and blockades, in particular in the Terai. A series of abductions, extortion threats, robberies were reported.

The Maoist insurgency

Involvement of civilians in the armed conflict is the main cause of displacement (August 2007)

- Most people have not fled directly because of the armed confrontation 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 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 seek 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."

Vigilante groups cause major displacement movements in 2005 and remain a potential displacement threat in 2006 (October 2006)

- Security threats persisted during September 2006 with Maoists reported to expand their support base in the Eastern region and pro-government vigilante groups in the Western region still armed.
- In August 2006, localized conflicts and potential revenge actions were considered by the UN as possible triggers for new displacement.
- In February 2005, 'anti-Maoist' militias killed some 30 suspected Maoists in Kapilvastu district. This was followed a few days later by retaliation actions by the Maoist. An estimated 30,000 villagers fled the violence.
- The government is reportedly setting up armed civilian militias, known as Rural Volunteer Security Groups and Peace Committees.
- ICG warns that such a scheme is likely to increase the level of violence and have long-term consequences, forcing many to take sides and leading to more abuses against civilians.
- Amnesty warns that 'The introduction of such groups affects the sense or interpretation of the Geneva Conventions of 1949, in relation to the state's responsibility at all times to clearly separate civilians from combatants'

OCHA, 5 October 2006, p.1

"The reporting period also saw CPN-Maoist expanding its support base in the Eastern region, encouraging military and PLA recruitments. Reports from Sunsari, Bhojpur, Solukhumbu and Morang districts in the Eastern region indicated that CPN-Maoist was recruiting new militia. The CPN-Maoist leadership in Morang confirmed the recruitment, adding the militias would be deployed to maintain law and order, and possibly transfer to PLA. CPN-Maoist cadres in Sankhuwasabha district were reportedly involved in issuing party membership to the school students.

(...)

Another security threat during the reporting period came from the armed vigilante groups in the Western Terai districts of Kapilvastu, Nawalparasi and Rupandehi. In Nawalparasi, eight parties (including the CPN-Maoist) and human rights workers asked the local administration to confiscate arms from the 'vigilantes' who were armed by the security forces during the royal rule. The Chief District Officer said his office has no records of the arms distribution."

OCHA, 6 September 2006, pp.2-3

"In the current context of political instability and localized conflicts a number of triggers for new displacement should also be considered. Revenge attacks—both by local CPN-Maoist and by vigilante groups against CPN-Maoist—are likely to continue forcing more people into displacement. In the Western region (Kapilvastu and Nawalparasi districts, for example) and in the Central region (Makwanpur, Dhading and Dhanusa), vigilante groups have been traditionally very active and may further scale up their anti-CPN-Maoist activities. Most recently, the murder of

a displaced Nepali Congress cadre who had returned to Bardiya district has raised fears and questions among those who were thinking to return.

In the Eastern region, an escalation of the conflict between the CPN-Maoist and its breakaway, the Terai Janatantrik Mukti Morcha, is also of concern and may lead to new displacements. Similarly, mounting criminal activity throughout the country as well as continued extortion and fresh recruitment by CPN Maoist for their People's Militia could force more people to flee their homes."

CHR, 7 January 2006, p. 14

"41. The Representative was troubled about the emerging phenomenon of vigilantism as described above. In the past some of these self-defence groups have received the tacit or explicit support or acquiescence of politicians, ministers and other State actors, who visibly did not take into consideration the danger to which they were exposing the people. Experiences in other contexts have shown that such behaviour can spiral the conflict and turn it into a full-fledged civil war. The Representative welcomes the fact that no new incidents have been reported during recent months and urges the Government and the RNA to continue their stated efforts to condemn acts of vigilantism and to refrain from encouraging them.

42. Although the necessary legal framework exists, the Representative did not receive information that those responsible for transgressions of the law were being held accountable or that they were being sanctioned, and that some form of reparation was being offered to the victims. It would therefore seem that a climate of impunity still prevails in Nepal."

25,000 people displaced by vigilante groups' violence

CSM, 5 July 2005

"In the countryside, Maoists have enraged some villagers with violent intimidation and fines. Some of that anger boiled over into the street mobs.

"They [Maoists] harassed us to an unbearable extent. They killed our dear ones.... They looted our property while the government looked on," said a stick-wielding man last month in Ganeshpur. "Once we trace them, we will start beating them up with sticks until death."

The mob violence in the rural Kapilvastu district began Feb. 16, when two Maoist rebels abducted Indra Bahadur Bhujel, a retired police officer. Mr. Bhujel was taken from his house in Ganeshpur, which has now become a military base. The next day, when the angry villagers found Bhujel gagged, they freed him and lynched his captors. The mob went on to catch and beat to death nine other suspected Maoists.

People from 21 nearby villages started to rise up as well, leaving 31 people dead so far - many of them lynched, while some were burned alive. Vigilantes have also burned down about 600 houses. At its height, the mob numbered around 25,000 according to Kapilvastu's district officer, Modraj Dotel.

In response, Maoists have killed at least 17 villagers - beheading six or more of them - and have said they will kill about 100 others who are on their list.

Those watching events in Kapilvastu say the violence was not spontaneous, barring the incidents on the first day.

On Feb. 21, three ministers of the cabinet, chaired by King Gyanendra, flew down to Ganeshpur to congratulate the vigilantes. Even before this official sanction, Army and police personnel had been shown escorting anti-Maoist mobs on state-run Nepal Television."

Government's plan to set up civil defense groups is likely to increase violence

ICG, 17 February 2004, p. 1

"The Government of Nepal is creating local civilian militias – known as Rural Volunteer Security Groups and Peace Committees – in what risks becoming an alarming escalation of its conflict with Maoist rebels. Civilian militias are likely to become an untrained, unaccountable and undisciplined armed force that worsens a conflict that has already taken almost 9,000 lives. The scheme is controversial, and the government has publicly denied that it has already started distributing weapons despite evidence that it is indeed going ahead.

If implemented, village militias are likely to have serious and long-term consequences:

Their creation would force many villagers to take sides in the conflict – something most wish to avoid since it makes them targets for violence from both sides and tears the already worn social fabric, leaving lasting damage.

Militias are likely to receive only minimal training, have little oversight and few controls, thus leading to a worsening of human rights problems. Massacres, abductions and illegal imprisonments are already rife in Nepal, and these problems will get worse.

Arming untrained villagers when regular police forces are often under-armed and under-trained is counter-productive.

Disarming and demobilising militias after conflicts is extremely difficult. Eight years after such forces were demobilised in Guatemala, many are still active as criminal groups.

Militias tend to mutate. A number of terrorist networks have their origins in government-linked militias or underground groups including al-Qaeda, Jemaah Islamiyah in Indonesia and Turkish Hizbollah. Given Nepal's complex ethnic and social landscape, creating new armed movements is particularly ill-advised.

On 4 February 2004 one of the villages where local people had been armed, Sudama, was attacked by a large number of Maoists. ICG visited the village while researching this briefing, and a detailed description of its situation is given below. Although the attack was repelled without any reported injuries to civilians, it appears that the village was targeted because of its reputation as a pilot location for the militia program. This emphasises concerns that arming civilians is likely to lead to increased violence."

AI, 11 November 2003

"Plans to set up 'Rural Volunteer Security Groups and Peace Committees' can place the civilian population in grave danger by seriously compromising their neutrality, said Amnesty International in a letter written to prime Minister Surya Bahadur Thapa.

'Without appropriate supervision, training and clearly defined mechanisms for accountability, there is a clear risk that the creation of these groups could lead to an increase in human rights violations carried out with impunity. Those refusing to join are likely to be seen as tacitly supporting the armed opposition,' the organization continued.

Plans to introduce 'Rural Volunteer Security Groups and Peace Committees' were made public on 4 November. The Committees are being set up as a way 'to promote the role of the general citizens in maintaining peace and security' in the context of the ongoing conflict between the security forces and the Communist Party of Nepal (CPN) (Maoist).

'The introduction of such groups affects the sense or interpretation of the Geneva Conventions of 1949, in relation to the state's responsibility at all times to clearly separate civilians from combatants,' Amnesty International said today.

'We have already seen the effects of civil defence groups in countries like Guatemala, where in the 1980s, the Patrullas de Autodefensa Civil (Civil Defence Patrols) were responsible for atrocious human rights abuses.'

'The creation of such groups could also have a negative effect on reconciliation efforts when the two sides lay down their arms and peace negotiations resume, since they have the effect of setting neighbours and communities against each other', Amnesty International added."

Difficult socio-economic living conditions in conflict-affected areas force people to leave their homes (2006)

- 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 moved 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.
- The main direct causes for leaving are physical torture (23%) and homicide threats (29%)

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 3

Future displacement

"People of opposing ideological views are at risk of forced displacement in the future, as well as former Maoists who may flee district headquarters as the CPN/M is given access to these areas. Since the ceasefire, there has been an increase in crime and criminal groups taking advantage while the army and the police await new instructions. Rising crime, rival factions within the warring parties and the movement of CPN/M into headquarters could lead to more displacement. If disarmed, CPN/M members who no longer have weapons to defend their position are likely to become targets for revenge."

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.

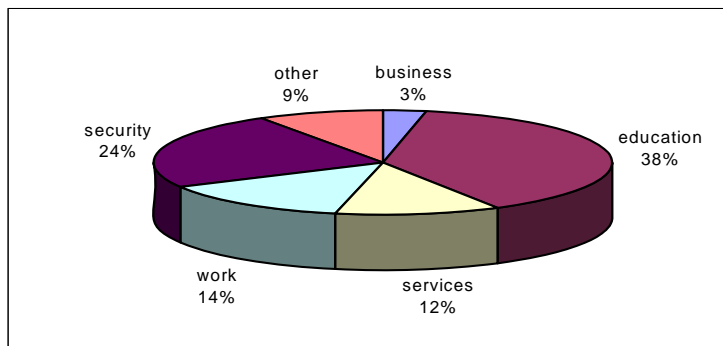
Different incidents of extortion to the tourists and others have had an adverse impact in the tourism business and people in the rural areas who rely on tourists related businesses had to quit their job and search some new ways to earn living. Hoteliers began to shut their business on their inability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

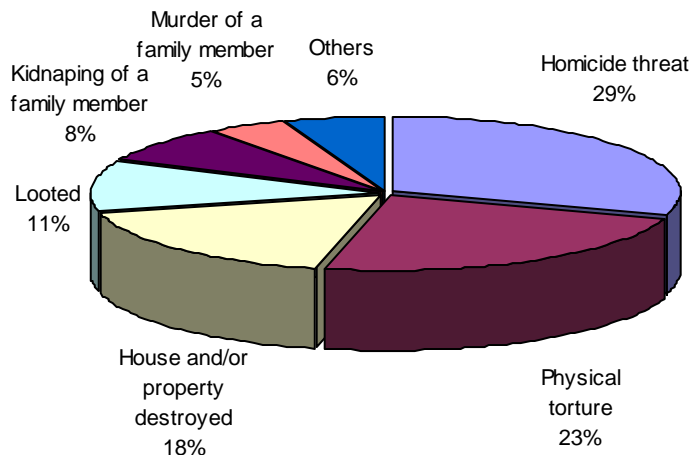
Fig 5: Reasons for movement in RUPP municipalities



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."

Study suggests economic motives, not protection concerns are behind a significant number of children urban migrations (June 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.

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."

Significant decrease in forced recruitment of children by Maoists during 2007, but concerns remain (December 2007)

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."

HRW, February 2007, pp. 3-7

"A major cause for concern is that despite the ongoing peace process, Maoist forces have failed to release the children in their ranks. On the contrary, Maoist forces have been steadily recruiting children, even after the King was stripped of power and serious peace negotiations began, and

despite pressure from Nepali and international human rights groups that led the parties to include the explicit prohibition of recruitment of child soldiers in the comprehensive peace agreement of November 21. Because of the break in fighting, no children have been involved in combat since the people's movement of April 2006, but Nepali and international monitors observed ongoing recruitment and training of children by the Maoists' People's Liberation Army and local militias up to the eve of signing the comprehensive peace agreement and, at a somewhat slower pace, even afterward.

Although the practice seems to have decreased in frequency, at the time this report was going to press (January 2007) there were still frequent reports of Maoist cadres recruiting children from school, often under the guise of attending involuntary educational sessions. Several recent reports indicate that some of the newly recruited children are immediately given weapons training. The Maoists have enticed some children to join their ranks during the peace negotiation period because the children believe that they will receive compensation and job training when Maoist forces are integrated into the national army or decommissioned. Nepali human rights groups have accused the Maoists of recruiting children to swell the number of troops they place under cantonment pursuant to the peace agreement, thus bolstering their negotiating position and protecting their professional core cadres in case of a future outbreak of violence.

The Maoists' failure to initiate any systematic efforts to release the children already in their ranks, and their ongoing recruitment, means that Nepali child soldiers have so far not benefited as they should have from the peace agreement. The children's problems are compounded by the fact that the Nepali government still lacks the capacity to provide assistance for any released child soldiers to be reintegrated into civilian life. Therefore should the peace talks break down, Nepali groups fear, the CPN (M) will have thousands of children in its ranks, many of them recruited and trained after the peace process began.

(...)

The Maoists have used a variety of techniques for recruiting children: kidnapping of individual children; abduction of large groups of children, often from schools; and use of propaganda campaigns to attract children as "volunteers." There are still frequent reports of children being forcibly abducted from school or on their way to or from school in order to attend involuntary educational sessions during mass rallies. This practice has provoked tremendous anger from Nepali parents as well as human rights groups, which have condemned the interruption of the children's schooling and the violation of their right to an education. But the chief objection to this practice reflects the fact that the Maoists' frequently use these involuntary educational sessions to recruit children as soldiers, sometimes simply by prohibiting the children from returning home.

(...)

The problems of Nepali children recruited by the Maoists were compounded by the government of Nepal's failure to provide any assistance whatsoever to children who escaped the Maoists. Nepal's security forces established a terrible record for human rights violations and abuse through the course of the conflict as they engaged in routine and systematic arbitrary arrest, unlawful detention, "disappearances," extrajudicial executions, and torture and mistreatment of detainees. Because Nepal essentially lacks a juvenile justice system, Nepal's children were treated as poorly as detained adults and nearly always kept in the same detention facilities. As a result, any children considering escaping the Maoists were effectively discouraged by fear that they would be detained and abused by the government security forces. The government did not have a plan for encouraging children to leave the Maoists or for helping them if they did."

Unrest and displacement in the Terai

Unrest in East and Central Terai displace thousands of people (March 2008)

For a detailed account of the violence and displacement in Kapilvastu, Rupandehi and Dang districts from 16-21 September 2007, see ["Investigation by the Office of the High Commissioner for Human Rights in Nepal into the violent incidents in Kapilvastu, Rupandehi and Dang districts of 16-21 September 2007"](#), OHCHR, 18 June 2008

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 œ 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.

Starting shelter program

Due to the substantial need for assistance, NRC is starting up a new shelter program in Terai and two other provinces in the country. Starting in June, the program will provide IDPs and returnees in Terai, Kathmandu Valley and Mid-West Hills with NFI-kits, temporary shelter and help to rehabilitate their existing homes.

"Our new shelter program will focus on improving existing homes as well as creating new temporary housing for IDPs and returnees. This will improve living conditions both for IDPs who want to integrate in their host communities and for IDPs returning to their homes," Clerc 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 Chandrauta 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."

IHT, 25 September 2007

"Thousands of people have fled their homes and are living in temporary shelters after days of violent clashes killed at least 22 people in a southern Nepal district this month, a prominent human rights group said Tuesday.

At least 5,000 people have been displaced from Kapilbastu district, about 300 kilometers (180 miles) southwest of Katmandu, since violence erupted Sept. 16, said Kujan Aryal of the Katmandu-based human rights group INSEC-Nepal. The fighting lasted for several days but appears to have ended, Aryal said.

Many residents either fled to temporary shelters in neighboring districts or crossed Nepal's southern border into India to escape the violence, Aryal said.

"Security has been tightened by the authorities and violence has ceased for now, but once security is relaxed there is a good chance violence will once again erupt," he said. "The authorities need to make arrangements to ensure there will be no such clashes in the future."

Aryal was part of a team of human rights workers who visited the area to assess the situation over the weekend.

The clashes erupted after gunmen killed a local politician, leaving at least 22 people dead and hundreds injured. Rioting ended after authorities imposed a curfew and brought in thousands of police officers."

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."

AFP, 21 March 2007

"At least 25 people have been killed and dozens injured in clashes in southeast Nepal between Maoists and activists from an ethnic minority group, officials said Wednesday.

"Twenty-five people including five women have died in clashes between supporters of the Mahadhesi Janadhikar Forum (Mahadhesi People's Rights Forum) and the Maoist Mahadhesi wing at two different places in Rautahat district," local police Superintendent Ram Kumar Khanal told AFP.

Police initially confirmed 13 deaths but late Wednesday evening 12 more bodies were recovered in the neighbouring village of Hajbaniya.

The clashes were some of the worst violence seen between the former rebels and the Mahadhesi community."

OCHA, 19 February 2007, p.4

"During the reporting period, as a result of the unrest by MPRF and other groups which led to increased tensions between Pahadi (People of hill origin) and Madhesi, a number of persons were reportedly displaced, primarily as a result of destruction of business and residential premises as well as looting in Eastern and Central Terai districts. On 2 February, 84 persons were reportedly displaced from Dhumariya village west of Gaur in Rautahat district and some of the houses left behind by these IDPs were reportedly looted and destroyed. Nepal Red Cross Society (NRCs) provided some limited humanitarian assistance to this group. Similarly, 50 families were reportedly displaced in Katari VDC of Morang district on 6 and 7 February. The CDO of Morang informed OCHA that he was in touch with the affected families and would seek guidance from the government on how to assist the families in and around Biratnagar municipality. OCHA and OHCHR are closely monitoring the situation and would call for appropriate response of identified needs. Media reports of large scale movement of people to India and other major towns as a result of unrest in Eastern and Central Terai could not be verified."

CSM, 6 February 2007

"The Madheshis, a group of indigenous ethnic groups who live in Nepal's lowlands, have spent the past three weeks agitating for greater autonomy and more representation in the new parliament.

The protests gathered momentum after police arrested 28 Madheshi activists in Kathmandu on Jan. 16 for burning copies of the interim constitution, and later turned violent after a Maoist cadre killed a Madheshi protester in clashes in eastern Nepal on Jan. 19 for blocking the highway.

The protests have left 19 people dead so far, including one policeman, according to Informal Sector Service Center, a human rights NGO in Kathmandu. With curfews in place for weeks in violence-torn industrial cities and towns bordering India, Kathmandu is running short of essentials, including fuel and cooking gas.

Central to the protests is an identity crisis between the larger Nepalese majority and the Madheshis, who make up 26 percent of the country's population.

(...)

Despite the geographic vastness of the Madheshi region, the group continues to play a subordinate role in the state's political and economic machinery. Almost all of the chief administrators in Nepal's 75 districts are from the hills. Nepal's hill-dwellers have been known view Madheshis as "less Nepali," identifying them instead with neighboring India.

Hard to get citizenship papers

In fact, until the government passed a liberal citizenship bill late last year, Madheshis often had a difficult time securing citizenship certificates, which Nepalis need to vote, get a driver's licenses, own property, and carry passports. The lack of opportunity has disenfranchised a vast segment of the Madheshi population."

Reuters, 26 January 2007

"It is curfew time in the southern plains of Nepal, a country that only a month ago seemed close to shaking off a decade of civil war and political unrest.

Nepal, which was hoping for permanent peace after a landmark deal between the government and Maoist rebels last November, is suddenly faced with a storm of violent protests in its Terai plains, a fertile region bordering India.

Many Madhesi here are more linked in language and culture to India than with Nepal's highlanders, and say "hill-dominated" elites have denied them a fair share of power.

The Madhesi protests have left five people dead and dozens wounded over the past week and shocked a country trying to recover from a civil war that killed 13,000 people.

Five towns are under curfew in the Terai, which accounts for 23 percent of the landlocked nation's area but nearly half the population.

Many were injured in clashes on Thursday in Birgunj between police and supporters of the Madhesi People's Rights Forum, which has spearheaded the protests."

Violent protests by Madhesi activists create tension and unrest in the Terai (March 2008)

OHCHR, 27 March 2008

"On 8 February 2008, a new alliance of three Madhesi political parties, the "United Democratic Madhesi Front" (UDMF)¹ announced that it would call a Terai-wide bandh² from 13 February to support their demands to the Government³. Bandhs were called at the same time by the Federal Democratic National Forum (FDNF)⁴, a coalition of indigenous groups and the Federal Republican National Front (FRNF)⁵. The UDMF bandh was called off on 28 February following agreement with the Government and the others were terminated a few days later following similar agreements.

The imposition of the bandhs paralysed daily life in most of the Terai and led to violent confrontations between bandh supporters and both the Nepal Police and Armed Police Force (APF). All Eastern, Central and Western Region Terai districts except Chitwan were affected, as well as the Mid-Western Region district of Banke and, to a lesser degree, Bardiya and Dang districts. In the Far-Western region, a bandh called by the United Tharu National Front (UTNF) was partially respected. The restrictions on daily life were also compounded by the imposition of curfews, for example, in Biratnagar, Birgunj, Nawalparasi and Nepalgunj. The incidents illustrate the turbulent nature of Nepal's transition and the challenges faced by the Government, in particular the agencies responsible for maintaining law and order who function under difficult conditions often with insufficient training, resources or operating procedures.

According to OHCHR's findings, six civilians died during the protests as a result of confrontations with police, five as a result of bullet wounds, and hundreds were injured. An APF officer was also killed and numerous other police officers were injured in connection with a demonstrations, mostly by stones and rocks thrown by protestors."

OCHA, 15 August 2007, p. 2

"During the reporting period, killings abductions and demands for ransom, notably by factions of TJMM as well as other groups continued to be observed. Most of the abductions were reportedly

done by the TJMM (Jwala Singh) in Saptari and Siraha districts in the Eastern Region, Dhanusa and Bara in Central Region. Most of these abductions were related to demand for ransom or aimed at Pahades present in the Terai districts where TJMM has influence. On 15 July, the TJMM (Jwala Singh) abducted and subsequently killed a VDC Secretary of Taregana Govindapur, Siraha District. On 19 July, TJMM (Jwala Singh) are reported to have abducted a VDC secretary of Murtiya VDC, Sarlahi District. On 26 July, TJMM (Bisfot Singh) reportedly issued death threats to the VDC Secretary of Bhaudaha VDC, Morang District.

Bandhs (strikes) and blockades called by different groups for a variety of reasons continued to be observed in various parts of the country. On 17 July, YCL cadres who were demonstrating demanding a declaration of alcohol-free 'dry zone' in the DHQ of Baitadi District, Far Western Region, vandalized the office of Rastriya Prajatantra Party (RPP). On 19 July, freed bonded labourers (Kamaiyas) started an indefinite transportation bandh in Kailali, Dang, Banke and Bardiya districts to express discontent at the arrest and use of force by the police against the protest by Kamaiyas in Kathmandu. On 8 August, some Chure Bhawar Ekata Samaj (CBES) members protested in Kathmandu against the lack of security for people of Pahade origin in the Terai. They brought with them the bodies of two CBES members who were reportedly shot dead on 5 August in Saptari and 6 August in Bara districts respectively. The protestors were dispersed by the police, prompting the calling of an indefinite strike by CBES. CBES demands include a call that the Government ban the Madhesi groups that are 'killing pahades' in the Terai and ensure their security; and that the murdered CBES cadres be declared 'martyrs'. On 7-9 August, The Dalit Civil Society Movement (DCSM) staged protests in Kathmandu so as to pressure the Government to address Dalit issues. The DCSM activists held a sit-in each day in the restricted area of Singha Durbar, demanding among other things, the creation of a federal republic, a proportional election system and the establishment of quotas for Dalits in public service.

The reporting period was also marked by increase in reported cases of land captured by TJMM and other groups, especially in Eastern and Central Terai. On 24 July, cadres of JTMM (Jwala Singh) reportedly captured 4 acres of land in Dadarbairiya VDC of Morang district. Similarly, on the same date, Cadres of Madhesi Tigers captures 5 acres of land in Bardanga VDC of Morang. On 25 July, Cadres TJMM (Jwala Singh) captured large track of land in Bishnupur VDC of Saptari District. The same group reportedly also capture farmland in Siraha district by hoisting its flag and threatening stern action against the owners for attempting to sell the land."

UNSC, 18 July 2007, pp. 1-2

"4. The situation in Nepal's southern plains, the Terai region, remained highly restive in the aftermath of the sometimes violent protest movement from January to March 2007, in particular following the killing of 27 Maoists in Gaur by supporters of the Madhesi People's Rights Forum (MPRF) on 21 March and earlier clashes between Madhesi protestors and the police. The security situation in the Terai has remained extremely disturbed, and efforts to improve law and order in the region have been halting at best. Frequent clashes continue to occur between Maoist and Madhesi activists in the Terai as they compete for political space. Several armed secessionist groups in the Terai, including three factions of the Jantantrik Terai Mukti Morcha (JTMM), the Madhesi Tigers and the Terai Cobra, have continued to challenge both the Maoists and the State. Eight CPN(M) cadres were killed in June and early July, with one or other faction of JTMM often claiming responsibility.

Fear among Pahadis (hill-origin settlers) in the Terai has increased, and some Pahadi families have fled, or been forced to flee, their homes to safer areas in order to escape militant Madhesi groups. The possibility of more widespread communal violence remains a concern.

5. Little dialogue had taken place between the Government and MPRF during the April to May period. Madhesi legislators in the interim legislature-parliament began to disrupt parliamentary

proceedings from 18 April onward, aggrieved by the recommendations of the Election Constituency Delineation Commission (ECDC) on the drawing of boundaries for new constituencies in the Terai. This disruption, which Maoist and other legislators joined, resulted in further delay in the passage of necessary constitutional amendments and electoral legislation.

6. As a backlash against intimidation of Pahadi citizens and concessions or potential concessions to Madhesi groups, a new Pahadi group, the Chure Bhawar Ekta Samaj (CBES), has emerged in the northern areas of the central Terai, demanding a Chure federal state encompassing some of the Terai's most resource-rich areas. The group led a series of protests in late April, blocking key access routes.

7. There were also disturbances in the western Terai, an area where the indigenous Tharu community is concentrated. Many Tharus suffer from extreme poverty and are landless, a result of the practice of bonded labour (kamaiya). Although the practice was banned in 2000, many former kamaiyas remain essentially homeless and have consequently squatted on Government property. Following the Government's decision to deploy the Armed Police Force to the border areas to control cross-border crime, an attempt by the Force to evict some kamaiya families who had occupied Government property led to clashes beginning on 1 May, involving the Maoist Young Communist League (YCL) and a Tharu group. Protesters attacked local district administration offices in several western districts, assaulting Government officers and burning property."

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-Madhesi (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."

OCHA, 5 April 2007, p. 1

"During the reporting period, proliferation of different ethnic and political groups by sections of Nepalese society who felt that the Interim Constitution and government did not adequately address their varying caste and regional interests continued. OCHA office managed to track 20 such groups, many of which called bandhs and blockades to try and drive their point home. These groups include Madhesi Tigers, Tamang Autonomous Region Democratic Front, Nepal Federation of Indigenous Nationalities (NEFIN), Federal Democratic Republic Joint Struggle Committee, Tharu

Kalyankarini Sava (Tharu Welfare Assembly), Loktantrik Madheshi Morcha and Federal Republican Forum (For more information, please visit our website: www.un.org.np) Conflict and Security Clashes between CPN-Maoist, MPRF and other groups were reported in different parts of the country, with little or no intervention by the police being reported in such clashes. On 25 February, a clash between CPN-Maoist and MPRF in Gulariya VDC of Bardiya District in Mid Western region left 3 people dead and 5 other serious injured. On 27 February, a similar clash between CPN-Maoist and MPRF in Banke District of the same region led to the death of 2 MPRF activists and injury to 14 others whereas on 28 February clashes between Nepal Federation of Indigenous Nationalities (NEFIN) activists and CPN-Maoist in Dang District, 3 people were seriously injured. During the reporting period, Young Communist League (YCL), seemingly a transformed version of the group formerly known as 'CPN-Maoist militia' was increasingly getting active in pushing CPN-Maoist policy issues in different districts, including law enforcement. A joint OCHA / OHCHR mission to Rukum and Rolpa was informed that the YCL in the two districts are responsible for 'criminal investigations' at local level before referring relevant cases to the Peoples' Court. Similar involvement of YCL in law and order situation was reported by OCHA offices in Eastern Region's Itahari area in Sunsari District.

The re-establishment of police posts that had been displaced during the conflict continued across the country, but with challenges. During the reporting period, a joint OCHA/OHCHR mission to Rukum and Rolpa districts of Mid Western region was informed that the police in Rukum have re-established only 7 rural police posts out of the original 24, while 9 out of 23 posts have been opened in Rolpa. The OCHA/OHCHR mission was informed that the process of re-establishing even a very modest police presence in the rural areas has been a difficult and sometimes a humiliating experience for the police, always preceded by consultations and negotiations with the CPN-Maoist at the district headquarters level and in the VDCs. Lack of sufficient resources, including adequate equipments to enable reestablished police posts function effectively remained an issue. Use of explosives and bombs to instil fear or make political statements notably increased during the reporting period, especially in the Eastern region. On 26 March, a group calling itself the Eastern command of Nepal Defence Army (NDA) hurled a bomb at the regional office of Kantipur Publication in Biratnagar, Morang District. The same group also reportedly took responsibility for the detonation of another bomb inside the premises of a factory at Tankisinawari VDC in Morang on the same day. NDA also owned up for the detonation of another bomb in the residence of a Nepal Congress politician in Biratnagar as well as at an education training centre in Inaruwa, Sunsari district on March 27 March. No human casualties were reported during both incidents."

OCHA, 19 February 2007, p. 2

"During the reporting period, re-establishment of police posts that had been displaced during the conflict continued across the country. The restoration of police posts went on well in most Western, Mid Western and Far Western Districts. However, due to limited resources, more police posts could not be re-established in Syangja and Baglung districts of Western Region. Similarly, the re-opening of two police posts in Gorkha district could not be undertaken owing to reported objection by the CPN-Maoist. In Mid Western Region, most of the police posts had reportedly been restored and were in the process of being equipped. In Far Western Region, all the police posts had reportedly been re-established save for one in Bajhang District where the CDO informed OCHA that there were some reported problems attributed to CPN-Maoist in Bungal area police post and that he had dispatched an all party investigation team to deal with.

In the Eastern region, especially in the Terai Districts, the reestablishment of police posts suffered setback due to insecurity with reported attacks and confiscation of weapons in some of the re-established police posts by TJMM elements. This reversed the gains previously made, with reported closure of 20 police posts in Siraha, 13 in Saptari, 10 in Sunsari and 8 in Morang

districts. Claiming that they were unnecessary, CPN-Maoist also reportedly blocked the re-establishment of 3 police posts in Khotang District.

The reporting period also saw deterioration of security situation primarily in Western, Central and Eastern Terai regions due to an indefinite bandh called by MPRF. By the third week of the strike, 29 people were reported to have been killed (the organizers of the strike claimed higher casualties), the majority reportedly being killed by the police while attempting to restore law and order. Several people were also injured and were undergoing treatment in different hospitals within the regions as well as in Kathmandu. In the Western Region, tension and clashes between Madhesi activists and CPN-Maoist Cadres leading to minor injuries was reported on 31 January in Lavani of Kapilbastu District, on 7 February in Sinauli of Rupandehi District and near Parasi in Nawalparasi District, on 5 and 6 February.

Due to a high incidence of public demonstrations and road/highway closures during the reporting period by MPRF and other groups sympathetic to the Madhesi cause, the District Administration Offices (DAO) imposed day time curfews in Kalaiya municipality of Bara District, Gaur and Chandranigahapur of Rautahat district, Janakpur of Dhanusha District, Birgunj of Parsa District, Malangwa of Sarlahi District in Central Region; Lahan and Siraha of Siraha District, Inaruwa in Sunsari District as well as Biratnagar of Morang District in the Eastern Region. Substantial damage by protestors to buildings, including government offices and police stations was reported in all the areas where day time curfews were imposed. The unstable security environment prompted the UN to upgrade the security phase from 2 to 3 in six Central Terai districts of Bara, Dhanusa, Mahotari, Parsa, Rautahat and Sarlahi.

Due to the Terai unrest, the reporting period saw diminishing supplies of cooking gas, petrol and diesel across the country, with supplies in Kathmandu reaching critical levels, resulting in long queues in government owned and Security Forces operated petrol stations, marked reduction of vehicles in the roads and an increase in transportation costs. In turn the fuel shortage created a water shortage which is further exacerbated by the electricity load-shedding schedule of up to 7 hours per day.

Though food was generally available across the country during the MPRF called bandh, the closure of markets in Eastern and Central Terai made food inaccessible. This in turn created artificial shortages, with reported increase in price of fruits and vegetables by 15-20% in Eastern, Central and Western regions."

OCHA, 19 January 2007, p.2

"During the reporting period, the Home Ministry, quoting partial agreement with the CPN- Maoists, directed all its officials to support the restoration of displaced police posts across the country. The CPN-Maoist leader Prachanda publicly appealed to party cadres to support the reestablishment of the VDC Secretaries' offices and police posts displaced or damaged during the conflict; first in the Terai and later in the other places (after negotiations) for purposes of facilitating Constituent Assembly elections. Following these directives, establishment of police posts was reportedly progressing well in most districts within the Terai. By the end of the government imposed deadline for restoration of police posts of 14 January, 904 out of a total 1271 of the displaced police posts had reportedly been restored. However, challenges remained, with reports indicating that CPN-Maoists have blocked the re-establishment of police post in Kailali, Jarjakot, Bardia, Rukum and Surkhet districts of Far and Mid Western region as well as Sankwasabha and Morang districts in Eastern region of Nepal.

Though the overall security situation in the country was generally stable, the Eastern and Central Terai areas remained of concern during the reporting period. The two factions of the

TJMM (Goit) and TJMM (Singh) continued their violent demands for representation of Madhesi and Terai issues in the peace process. The demands of both factions are largely identical and include: declaration of an independent Terai state, allowing the indigenous people of the Terai to operate the police, army and administration; and revenue collected in the Terai to be utilised for development of Terai only. The Goit faction threatened that Constituent Assembly elections would not go ahead in the Terai unless these demands were met. To advance their cause, both factions called Terai bandhs that were largely observed in Eastern and central Terai, enforced through burning of vehicles that attempted to travel during the bandhs. During the reporting period, JTMM (Jwala Singh) on 22 Dec set ablaze two vehicles in Lahan of Siraha District (Eastern region) and shot at a media vehicle in Saptari District (Eastern region) for defying the December 16-30 TJMM called bandh. TJMM (Goit faction) also claimed responsibility for the shooting dead of a CPN UML cadre in Sarlahi District (Central region) on 31 Dec and called for a three day Terai bandh that was largely observed in the eastern and central region districts of the Terai from 12-14 January 2007. The latter bandh was marked by high level of observance in Siraha, Saptari, Sunsari and Bara districts. TJMM cadres reportedly detonated 6 bombs in shops in Siraha district and burned down a cardboard factory within the same district. The TJMM cadres also torched a microbus in Sunsari district and shot in the air in Rautahat district to warn would-be violators of the bandh of the possible consequences of any defiance. During the reporting period, abductions by CPN-Maoists were reported in Lamjung district in Western region, Humla in mid- west, Udaypur and Bhojpur districts in Eastern region as well as by TJMM (Goit Faction) in Saptari district. CPN-Maoists were also reported to be continuing with dispensing justice in the peoples' court in different districts across the country.

A marked reduction in incidents of extortion was reported across the country though extortion was reportedly being conducted by CPN-Maoist cadres in Lamjung district in Western region, Nuwakot district in Central region and Panchthar in Eastern region. The reporting period also saw retaliation by locals against past and current iniquities attributed to CPN-Maoist cadres. Local youths shot and killed a CPN-Maoist area commander in Makwanpur District in Central region on 31 Dec, burned down the house of a former CPN-Maoist cadre in Terathum District in Eastern region on 4 January and killed a CPN-Maoist village committee member in Mahottari District of Central region on 5 January.

A high incidence of public demonstrations and road/highway closures during the reporting period were recorded. Protestors emanated from all classes of Nepali society ranging from students protesting against the Education Bill's proposal to make temporary teachers permanent, victims of CPN-Maoist, Ex- Kamaiyas (bonded labourers) demanding land and other facilities in Kathmandu, Employees of Nepal water Supply cooperation in Kathmandu protesting against the planned privatisation of the Corporation, All Nepal Transport Union in the eastern region, Privthi highway transport entrepreneurs in Pokhara, Gas tempo drivers in Kathmandu and locals protesting against road accidents and other incidents."

Other causes of displacement

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 kiptat lands of indigenous peoples were provided through special laws like lalmohar, sanad and sawal. At present, such kiptat 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 kiptat land as landowners and kiptat land itself as under landlord (jamindari) tenurial system. 'The land of indigenous peoples kiptat' 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. Kiptat has been terminated contrary to the legal provision that the right to kiptat holding was provided for by special Acts and that kiptat 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 kiptat 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 kiptat land and thus the land kept as collateral often fell into the hands of non-indigenous peoples. The Land Act wrongfully eliminated kiptat land by converting it into raikar tenure. There was no compensation provided for the loss of kiptat 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."

Ex-Kamaiyas freed but displaced by failed rehabilitation (2000-2007)

- 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-Kamaiya families in the Kailali districts had been allocated land and received support.
- In early 2007, the Tharus joined the Madhesi 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.

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 (2004-2007)

- 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 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."

Peace process

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."

Constitutional changes at the heart of the peace process (June 2005)

- According to ICG, the mainstream parties, who have so far resisted any fundamental revision of the constitution, might be willing to consider doing so since the king's takeover.
- ICG suggest three scenarios, which could break the deadlock: an all-party government without a parliament; a government formed after new parliamentary elections; and a government formed after restoration of the parliament elected in 1999.
- Given the fact that options for democratically negotiated change are limited, ICG contends that the Maoist roadmap of an interim government, ceasefire and freely elected constitutional assembly appears the most likely outcome.

ICG, 15 June 2005

"Constitutional issues are at the crux of Nepal's military, political and social crises. The Maoists have called for radical restructuring of the state, including establishment of a republic, since the

start of their insurgency in 1996. The mainstream political parties opposed fundamental revision of the constitution until recently but are now willing to envisage greater change, although their policies are still a subject of debate.

Even before the royal coup, the 1990 Constitution had been undermined by the May 2002 dissolution of parliament and King Gyanendra's repeated dismissals of prime ministers. Subsequent governments had little chance of conducting successful negotiations with the Maoists as long as real power rested with the palace. If the king hoped that his unambiguous seizure of full executive authority would bring the Maoist to talks, he was mistaken.

The re-introduction of democratic institutions remains central to establishing a government that can negotiate with the Maoists and initiate a consensual process for constitutional change. But the palace is more concerned with consolidating royal rule, while a broader alliance of Kathmandu-centred interests has long opposed a more equitable distribution of power.

Three vehicles for breaking the political deadlock in the capital remain:

an all-party government without a parliament: the royal coup has increased the previously slim likelihood that the mainstream political parties might manage to form such a government. But if it is constituted by royal fiat, it would lack the legitimacy and authority to negotiate effectively with the Maoists;

a government formed after new parliamentary elections: the Deuba government was tasked to hold parliamentary elections but this was never realistic. The king has announced municipal elections by April 2006 but there is no clear prospect of a general election; and

a government formed after restoration of the parliament elected in 1999: the king or the Supreme Court could restore parliament, although neither seems willing. This option was seen as a partisan measure that brings no guarantees of effective governance but it has now been endorsed by a coalition of mainstream parties. A parliament restored with the limited mandate to negotiate with the Maoists on constitutional change might advance the peace process.

A government negotiating with the Maoists would have three basic options for constitutional change: parliamentary amendment via Article 116 of the 1990 Constitution; a referendum; or a constitutional assembly. In Nepal, constitutional amendment is typically understood to preclude consideration of the role of the monarchy, while a constitutional assembly is equated with republicanism. In fact, either method allows flexibility. By contrast, a referendum on constitutional issues would likely destabilise the state, rather than identify an acceptable political compromise.

Any viable tripartite process would need to allow the Maoists to argue to their cadres that republicanism was at least on the table and permit the king to feel confident the monarchy was sufficiently secure. A process in which key stakeholders have already reached critical informal agreements may be a way of delivering constitutional change peacefully, although it would have to be balanced with the need for transparency and accountability.

Allowing for easy subsequent amendment would enable future adjustments. For the time being, however, the royal roadmap -- thinly disguised by the rhetoric of "protecting the 1990 Constitution" -- appears to be one of systematically dismantling multi-party democracy while pursuing a purely military strategy against the Maoists. The options for democratically negotiated change are severely constricted. If the "constitutional forces" of monarchy and parties cannot form a common position, there may be no viable basis for negotiation with the Maoists. In this context, the Maoist roadmap of an interim government, ceasefire and freely elected constitutional assembly is likely to become the focus of increased attention. This would test Maoist sincerity but also that of the parties and the palace. Each side claims to speak for the Nepali people but none has shown much appetite for allowing the people to have a real say. Unless and until this happens, there is little chance of finding a lasting peace."

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."

Constituent Assembly abolishes the monarchy (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 set up 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

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.
- Also, 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.
- UN mission argues 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."

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. "

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."

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 6-10

"A Simplified Classification of IDPs

This section describes a simple classification of IDPs that was generated during INF's own IDP research and a subsequent planning workshop held in Dec 2002. It is not intended to be a definitive classification but rather illustrates the diversity of categories, the overlaps between them and the fact that people can move between categories over time.

Of those displaced, three preliminary categories, based on destination, were identified.

People who have moved onto unoccupied or 'sukumbhasi' land near the smaller bazaars on the Terai,

Those who have moved into the bazaars themselves

Others who have migrated directly to India.

Settlers on Sukumbhasi Land

Settlers on 'sukumbhasi' land include those who are relatively well off. There are many people who regularly settle on free land until they obtain the rights to that land. They then sell these rights and move on to another area. These people are in effect 'professional' squatters.

However many of those who have settled on 'sukumbhasi' land are low caste households from hill districts who have moved down with their families, as they have nothing left in their home areas. This phenomenon has been occurring over the last few years, and there is often a mix of settlers, some having arrived very recently, with others who have been there for some time. Often husbands of these families are away working in India. Until they receive rights to the land on which they have settled, they are very vulnerable, and have little incentive to improve their surroundings or engage in longer-term livelihood activities, such as agriculture, as they may be chased off the land at any time.

Houses are small mud huts and liable to flooding in the monsoon. Daily survival is the aim and residents undertake manual labour (e.g. breaking stones), when the opportunity arises. Others collect firewood for sale in towns, however this results in conflict with 'host' communities whose use of forest resources are controlled by community-based Forest User Groups (FUGs). Tension with host communities is common in this category. Partly due to this and because they experience similar difficulties, there is some social cohesion among the settlers. This level of cohesion is higher if they have come from the same District, although often, a number of districts will be represented in one area.

In the Mid Western Region these settlers are found mainly on the Terai in Banke, Bardiya and Dang districts. Research has so far revealed 5 or 6 of these settlements in Banke, Bardiya, ranging in size from 40 or 50 households, to approximately 500 households. Preliminary research also indicates that this type of settlement exists in Dang.

One example of this category, and the largest so far identified, is a settlement of approximately 500 households who have settled in the Man Khola area, west of Nepalgunj. Many of these settlers are from Jumla but there is representation from many other districts. These settlers have settled on land that is the subject of a dispute between the government and a sugar factory. Most of the settlers present are women and children whose husbands are in India. Male guardians are appointed to look after a group of families, and the community has its own recognised leaders.

Residents are involved in day labouring work for which they have to travel to Nepalgunj, Kohalpur or other bazaar areas.

Bazaar Settlers

Those who have moved into the bazaars can be broken down into a further three categories:

Family members of security forces personnel (police and army),
Ex-Maoists, and
Others.

The first two categories have moved into bazaars from rural areas for their own personal safety. Many security forces families are resident in bazaars in Banke and Bardiya Districts. Ex-Maoists, both girls and boys, are present in Jumla bazaar. They are unable to leave the area as they cannot walk out, and they cannot afford to fly out. They are therefore stuck in Jumla Khalanga bazaar and are vulnerable to exploitation by security forces, and retaliation by Maoists. At least one ex-Maoist has been assassinated in Jumla bazaar.

Other ex-Maoist girls have ended up in India having married policemen who were then transferred from the area. On transfer the girls found that their husbands were already married and consequently, left them. With no relevant skills or resources (they are often uneducated), they are thought to have ended up in red-light areas of India. Ex-Maoist boys are likely to be better able to look after themselves if they are able to leave the area, as they can work as labourers in India.

A further group of 'bazaar settlers' also exists. These are from non-combatant or civilian families. Many of the better-off families who have moved into urban areas, built houses and started businesses fall into this category. This has occurred in most district centres including Nepalgunj, Surkhet and Jumla. This category includes political leaders and businessmen.

Others who are less well-off have also moved into urban areas. These people have either moved in with relatives or are staying in hotels with friends, often with large numbers of people sharing one room. It is thought that a number of these people are building up debts, which they will have difficulty in repaying. Particularly vulnerable are those in Jumla who have moved into the bazaar for security reasons but cannot afford to initiate longer-term survival strategies such as starting businesses, and cannot fly out of the area.

Migrants Moving to India

Migration to India has been an increasingly common survival strategy for communities in the hill and mountain Districts of Nepal. This has increased dramatically this year. Monitors at the border estimated that between November and December 2003 (the normal period of peak migration) over 1,200 people were crossing the border per day in Nepalgunj. In previous years the numbers would have been around 200 to 300 maximum. A much higher proportion of women and children were also observed, although the majority of the migrants were still men.

Those men who have migrated to India before, often have contacts and know where they are going in India. However this regular movement has been swelled by a large number of first time migrants. This includes politicians and the well-off moving for their personal safety, and young men from rural areas moving out of Nepal to avoid recruitment by the Maoists. The most vulnerable group of these first time migrants are poor families, migrating with women and children, who do not have any resources at their disposal or any contacts in India. Often this occurs when they have failed to find land in Nepal on which to settle. The husbands of those families who have found land on the Terai, often migrate to India for employment purposes.

The increased flows of migrants have resulted in falling wages for jobs undertaken by migrants. Employment that gained IC 80 - 120 rupees per day last year, has reduced to IC 20 - 25 rupees. With the increased flow it is highly likely that there are many migrants from Nepal who have failed to find any employment at all. At present it is unknown where these people are and what they are doing to survive. Many are likely to end up in urban slum areas in India with no resources to return to Nepal."

Teachers, civil servants, political party affiliates and army/police family members particularly vulnerable to displacement (2006)

- 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.

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."

Background characteristics of 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."

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

- The study notes that while it has been previously observed that those who moved to the main cities belonged to the well-off strata of Nepalese society, a change may have happened in recent months with middle-strata displaced people starting also to appear 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."

Global figures

Between 50,000 and 70,000 people remain displaced (January 2008)

- No accurate displacement figures available since movements have not been monitored and no comprehensive registration has taken place.
- 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 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
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

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.

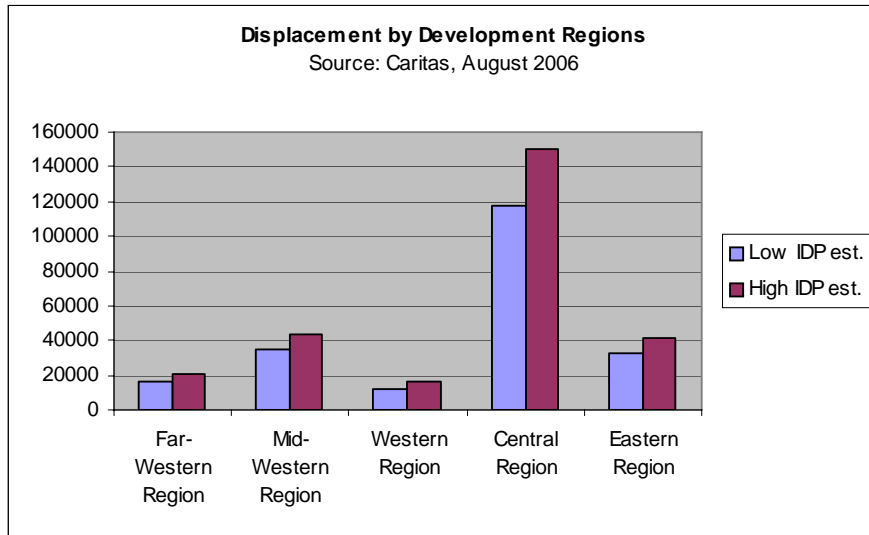
Most of them stayed at Jogbani region in Araria district of Bihar bordering Nepal, said the official with the Araria district government.

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.

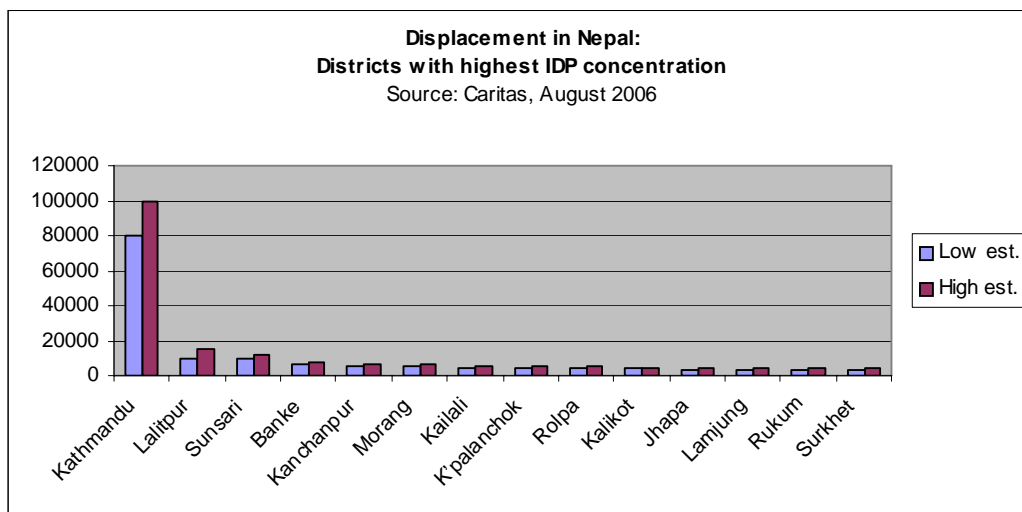
Where are the displaced located?

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.

Lack of IDP policy implementation guidelines and absence of registration (March 2008)

IRIN, 12 March 2008

"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.

IDPs say it is not so much security which is the main obstacle to their return but the government's refusal to recognise most of them as IDPs.

"The main problem now is that the government has stopped registering any displaced persons and this is a matter of serious concern," said Pushpa Pandey, IDP protection coordinator of the

Informal Sector Service Centre (INSEC), a local human rights non-governmental organisation (NGO).

"So far, only a small proportion of displaced families are able to return home as they are still waiting for government recognition and support," said IDP expert Amrita Shrestha.

According to international NGO 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 already has over 1,000 families (nearly 5,000 people) registered with them as IDPs, and every week 10-15 more are registering.

"The problem was that most of these persons had no clue that they were IDPs and many of them had no access to information," said the NRC's country director, Phillippe Clerc.

He said there was a crucial need for the government to set up a proper system to deal with the IDP issue effectively, so that IDPs are not only returned but also reintegrated properly, said Clerc."

NRC, 5 March 2008, p.1

"NRC staff are concerned that the Government Officers in VDCs do not have updated information on IDPs, an impression that was also confirmed by local NGOs.

"It was sad to know that not many concerned people knew about the IDP Policy and its implementation," says, Bhumi Bhandari, Communications Asst.

Both Government and the I/NGOs working in the district agree that the number of internally displaced persons is significant, and that many of them are not officially registered as IDPs.

In Kailali district, NRC staff covered Geta, Malakheti, Godavari Baliya, and Choumala VDCs as well as two urban areas (Tikapur and Dhangadi) for the study. Similarly in Kanchanpur district Shankarpur, Kalika, Tribhuwan basti, Raikar Bichwa, and Jhalari VDCs and one urban area (Mahendranagar) were chosen.

NRC staff also disseminated information about IDPs legal rights, the national IDP Policy and its upcoming Directives to IDPs they identified."

Problem with the government's IDP definition and registration system (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

IRIN, 12 March 2008

"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.

IDPs say it is not so much security which is the main obstacle to their return but the government's refusal to recognise most of them as IDPs.

"The main problem now is that the government has stopped registering any displaced persons and this is a matter of serious concern," said Pushpa Pandey, IDP protection coordinator of the Informal Sector Service Centre (INSEC), a local human rights non-governmental organisation (NGO).

"So far, only a small proportion of displaced families are able to return home as they are still waiting for government recognition and support," said IDP expert Amrita Shrestha.

According to international NGO 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 already has over 1,000 families (nearly 5,000 people) registered with them as IDPs, and every week 10-15 more are registering.

"The problem was that most of these persons had no clue that they were IDPs and many of them had no access to information," said the NRC's country director, Phillippe Clerc.

He said there was a crucial need for the government to set up a proper system to deal with the IDP issue effectively, so that IDPs are not only returned but also reintegrated properly, said Clerc."

NRC, 5 March 2008, p.1

"NRC staff are concerned that the Government Officers in VDCs do not have updated information on IDPs, an impression that was also confirmed by local NGOs.

"It was sad to know that not many concerned people knew about the IDP Policy and its implementation," says, Bhumi Bhandari, Communications Asst.

Both Government and the I/NGOs working in the district agree that the number of internally displaced persons is significant, and that many of them are not officially registered as IDPs.

In Kailali district, NRC staff covered Geta, Malakheti, Godavari Baliya, and Choumala VDCs as well as two urban areas (Tikapur and Dhangadi) for the study. Similarly in Kanchanpur district Shankarpur, Kalika, Tribhuvan basti, Raikar Bichwa, and Jhalari VDCs and one urban area (Mahendranagar) were chosen.

NRC staff also disseminated information about IDPs legal rights, the national IDP Policy and its upcoming Directives to IDPs they identified."

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."

Disaggregated data

Half of the displaced are women (August 2007)

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 flee rural areas for the safety of urban areas/main cities or travel 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.

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."

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, transfer 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."

Displacement to India

Large flow of displaced people moving to India illustrates the transboundary nature of the displacement crisis (June 2006)

- 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.

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 souther direction for the long trips"

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Violence against children has decreased but not ceased (April 2008)

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."

Human rights situation improves following the establishment of a new government, but serious protection concerns remain (January 2008)

- During 2006 and 2007, the general human rights situation improved significantly, although many concerns remained.
- Sharp deterioration of the general human rights situation was noted between 2004 and 2005.
- Torture is reportedly widely practised in Nepalese prisons.
- TADA 2002 was replaced in October 2004 by a even more draconian anti-terrorist legislation allowing authorities to detain a suspect up to one year without charge or trial.
- Most arrests and initial period of detentions take place outside any legal framework, especially when suspects are held in army custody.

OCHA, 10 January 2008, p. 15

"Protection concerns in Nepal arise from the transition from armed conflict via a complex peace process. At the same time, the state structures for protection are weak and there are increasing tensions among different political and ethnic groups that threaten the peace process and could lead to renewed conflict if these tensions remain unresolved.

The mass protests of April 2006 ended the armed conflict, raising hopes for increased respect for human rights. However, the conflict and the period of autocratic rule left state institutions weak and subject to political pressure. Entrenched impunity for past and present abuses, inherited from periods prior to the conflict, remains the central obstacle to reforming Government institutions. Of particular concern to the peace process is the delay in security sector reform, which led to a public security crisis that is central to the deteriorating human rights situation. In addition, the public security vacuum provided space for a proliferation of criminal gangs and armed groups in the Terai. Much of the population remains politically under-represented and excluded from access to justice and other public services as a consequence of poverty and/or through discrimination by reason of gender, ethnicity, caste or sexual orientation.

The postponement of the CA elections for the second time in November 2007 is likely to intensify these trends. While elections remain a key step towards creating a more participatory, inclusive and equal society, there are significant obstacles to overcome to enable credible elections to take place in a climate free from intimidation and fear, in particular there is a need to improve public security.

Laws that are clearly in breach of human rights treaties are still awaiting review, despite international and national appeals for their repeal or amendment. Transitional justice, including accountability for past violations, has become a key issue of debate in the context of the peace process.

(...)

During the 10 year CPN-Maoist insurgency and the current transition period, schools were targeted by acts of violence. In 2007, classes were disrupted and students coerced by political parties into participating in demonstrations, rallies, strikes and other political activities. In many cases, schools were used as an arena for political indoctrination in the name of the children's right to participation and right to information. This process is expected to continue with more political unrest in 2008.

In 2007, large numbers of children migrated to urban centres, sometimes without their parents. These children often fail to access education due to the pressure to work versus the direct and indirect costs associated with attending school. These children are also at risk of being targets of violence, particularly sexual violence and trafficking. With the peace process these children, together with CAAFAG, will reintegrate into their own communities and re-enter the education system. Special provisions outside the normal education development plans will be required to address these additional needs."

OHCHR, December 2007, pp. 1-2

"Immediately after the April 2006 ceasefire and the restoration of the House of Representatives, significant progress was made in re-establishing democratic rights and in ending serious conflict-related abuses. The Comprehensive Peace Agreement was signed on 21 November and consolidated a series of commitments to human rights made in previous agreements. The commitments include many of the Government of Nepal's obligations under international law to respect, promote and ensure human rights of all persons within Nepal without discrimination. The CPA, in its preamble, commits all signatories "to create an atmosphere where the Nepali people can enjoy their civil, political, economic, social and cultural rights and ... to ensuring that such rights are not violated under any circumstances in the future." (7.1.2). These include ending discrimination, arbitrary detention, torture, killings and disappearances. The CPA separately mandates OHCHR and the National Human Rights Commission (NHRC) to monitor the implementation of the human rights provisions within the Agreement and requires all parties to collaborate with OHCHR in providing information and implementing recommendations.

The signing of the CPA and the human rights commitments made in the Agreement raised hopes that improvements in the human rights situation made immediately after the ceasefire would be built upon. Regrettably, in the past year, the initial gains have not been strengthened or consolidated and respect for, as well as the protection of human rights, has again deteriorated. Human rights have been marginalised and subordinated to political considerations in the peace process. Although human rights defenders, journalists, political parties and other sectors of civil society have been able to carry out their activities more openly than before the April 2006 ceasefire, they have been facing increasing risks and constraints over the past year.

Protection of the right to life in particular has been increasingly eroded in 2007.¹ As of the end of October, OHCHR has received reports of more than 130 killings of civilians since the beginning of the year, almost all in the Central and Eastern regions of the Terai. These killings include some 60 individuals killed as a result of criminal acts by armed groups, mostly since May; 14 killed as a result of violence in Kapilvastu in September; five killings in which CPN-M cadres were directly implicated²; and at least 24 people³ killed during the Madheshi Andolan in January/February. Nineteen of those killed during the Madheshi Andolan and a further ten killed in other incidents died as a result of police action, some of the incidents amounting to cases of excessive use of force. At least 45 CPN-M cadres have been killed, including 10 by armed groups and 27 brutally attacked during incidents related to violence following simultaneous protests by the Madheshi People's Right Forum (MPRF) and the Young Communist League (YCL) in Gaur. Seven alleged members of armed groups were also killed by local people in incidents of "popular justice" in the absence of police action. Many other individuals have been injured in the course of the year.

The emergence of armed groups and an expansion of their violent activities, as well as growing social unrest particularly around issues related to representation and discrimination, have posed serious challenges to the Government and state institutions responsible for maintaining law and order and protecting the rights of the population. The weakness or absence of state responses to deal with these issues has had a serious impact on the human rights situation, and contributed to a situation of lawlessness in which human rights are paid little attention. On-going violations by state entities (including through omission), as well as abuses by CPN-M cadres, have also impacted on the human rights situation.

Most seriously, perpetrators of killings and other violence enjoy almost total impunity whether in the case of human rights violations committed by the State, abuses committed by CPN-M cadres or criminal acts of violence committed by armed groups, those involved in violent protests or violence stemming from discriminatory practices. Likewise, those responsible for gross violations and abuses during the conflict have yet to be prosecuted. The lack of commitment on the part of the authorities to address these issues is deeply worrying. The final chapter of this report looks at some of the obstacles to addressing impunity and the little progress which has been made in overcoming them during the past year."

UNSC, 18 July 2007, pp. 11-12

"48. The overall human rights situation continues to be worrying, with the main concerns linked to inadequate public security and law enforcement and to unresolved issues of discrimination with regard to representation and inclusion in the political process. The enforcement of repeated bandhs, especially in the Terai, by a range of groups seriously affected freedom of movement, as some protests turned violent. Police responses ranged from passivity to excessive use of force. Security forces took steps to arrest more than 30 members of armed groups in the central and eastern regions of the Terai, but courts challenged the legality of some of the detentions. Abductions and killings by these groups continued. In June, OHCHR published a report on abuses by YCL since its re-emergence in December 2006, including "law enforcement activities" that amount to human rights abuses. The report noted that YCL abductions had increased in recent weeks. A member of the Madheshi People's Rights Forum remained missing after being abducted in Kathmandu on 15 June; OHCHR has not been able to confirm who was responsible for the abduction."

OCHA, 17 July 2007, p. 11

"In spite of the centrality of human rights in the Comprehensive Peace Agreement (CPA) and in the peace process, the commitments made by the parties have yet to be fully implemented. In the Terai unrest has continued since January 2007, where a longstanding and deeply-rooted culture

of discrimination has marginalised millions of people from full participation in political processes as well as from equal access to housing, water, land and other rights. Marginalised groups have been protesting against their lack of representation in State institutions at all levels, which they identify as a main obstacle to participation in all aspects of public life. Excessive use of force, arbitrary detention and torture/ill-treatment by police continue to be reported. At the same time, abuses by the CPN-M and affiliated organisations, such as abductions and ill-treatment, threats and intimidation have continued to undermine CPN-M commitments to respect human rights, including the right to physical integrity, and freedom of opinion and assembly. Armed groups operating in the Terai have also been responsible for abductions, extortion, killings and other acts of violence that have had a serious impact on the security situation.

The weakness of the law enforcement and criminal justice systems with regard to protecting civilians, holding perpetrators of violence accountable, and maintaining law and order continues to be one of the major problems which needs to be addressed by the Government, especially with regard to creating a climate conducive to free and fair elections. The weakness of law enforcement agencies was particularly highlighted when police failed to prevent the killing of 26 CPN-M supporters and one person whose affiliation is unknown in Gaur on 21 March following violence which erupted when the CPN-M and Madhesi People's Rights Forum held simultaneous rallies (Office of the High Commissioner for Human Rights [OHCHR] released its findings on the investigation into these killings on 20 April 2007).

Ending impunity in Nepal remains one of the most difficult human rights challenges. While the Government's recent initiative to make disappearance a criminal offence under domestic law is a positive step, the bill in its current form fails to meet international human rights standards."

NHRC, 13 December 2006

"During the period, police continued physical tortures in their custodies and Nepalese Army members were found beating common civilians and police. Security forces were also found beating and intimidating the public transport staffers. Similarly, the CPN-Maoist were also found continuing with tortures under different pretexts in various districts like Kailali, Nepaljung, Bhaktapur, Dolkha, Rupendehi, Kaski, etc. Based on these observations, it can be concluded that state was unable in ensuring law and order in the country. Discriminatory acts also took place in public places but those responsible to such acts were not taken timely actions.

Similarly, the CPN-Maoist continued with their previous acts of presenting persons to their courts forcefully, collecting donation, seizure of properties, denial to return the properties that they had seized during armed conflict, collecting taxes and money even from contractual works in parallel with VDCs and DDCs. They were also found installing camps at schools and public buildings, and abducting students and common civilians. Some people were found injured and killed due to explosions of stray bombs and mines that were planted by the conflicting parties."

OCHA, 18 July 2006, pp. 4-5

"The installation of a new government and subsequent developments has resulted in some improvements in the human rights situation, particularly with regard to freedom of assembly and expression. Several hundred detainees suspected of involvement in the CPN-M and held under Terrorist and Disruptive Activities Ordinance (TADO) have been released, including juveniles, and there has been a sharp reduction of detention in army barracks. The Government has announced the repeal of several pieces of legislation, which curtailed human rights, including the Media Ordinance. The ceasefires announced by the two parties to the conflict have drastically reduced the number of International Humanitarian Law (IHL) violations by both sides.

Nevertheless, the Office of the High Commissioner for Human Rights (OHCHR) and other organisations have raised a number of continuing concerns with regard to basic human rights and international humanitarian law by both parties to the conflict. Reports of cases of abduction, extortion and also some recruitment of children by the CPN-Maoist have continued during the entire period. Of particular concern has been a spate of abductions by the CPN-Maoist since late April 2006 where the victims have subsequently been found dead.

The issue of impunity and accountability for past abuses committed by both sides remains pending, including the clarification of the whereabouts of several hundred detainees who disappeared in the years prior to 2006, although the new Government has started to take some initiatives to clarify individual cases of disappearances. More long-term concerns such as gender and caste discrimination also need to be more fully addressed."

OHCHR, 16 February 2006, pp.2-3

Although the number of reported killings of civilians by CPN (Maoist) fell during its unilateral ceasefire, OHCHR-Nepal received information about killings of civilians and members of security forces who were hors de combat, abductions, other violence and threats to civilians, including Government officials, teachers, journalists and human rights defenders. The leadership of CPN (Maoist) stated that it was no longer their policy to kill any unarmed persons or to target the families of security forces personnel, and that it had taken or would take action against those responsible for violations, but OHCHR-Nepal was unable to ascertain or verify the punishment.

OHCHR-Nepal investigations in three districts found that illegal armed groups have committed threats, extortion, assaults, and killings against suspected Maoists and that, in some cases, the State either tolerated or colluded with their actions.

(...)

Children's rights to life, physical integrity, health and education, were repeatedly violated by both sides to the conflict and there were reports of killings, beatings, arbitrary detention, recruitment or other use of children for military purposes, as well as attacks against schools and health facilities. OHCHR-Nepal investigated scores of conflict-related cases of human rights abuses against women and girls, including abuse and torture in the course of search operations by the security forces or during the presence of CPN (Maoist) in their villages. Human rights defenders, especially those working outside of the Kathmandu Valley, remained vulnerable to threats, intimidation and detention by State authorities and CPN (Maoist)."

Many displaced children pushed into the labor market and exposed to protection risks (January 2008)

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."

Mid- and Far-Western regions most affected by human casualties linked to the conflict (October 2007)

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."

Few working IDP children exposed to physical abuse or trafficking (June 2006)

- 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.

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.'"

Parallel judiciary structures run by Maoists in rural areas lack independence and fail to guarantee people's right to security and physical integrity (September 2006)

- OHCHR gathered information showing that despite the end of hostilities and commitments by the Maoist, "people's courts" continue to run outside the main urban centers.
- Although filling a gap caused by the absence or inefficiency of state law enforcement and criminal justice system, OHCHR expressed concern that the parallel judiciary system run by Maoist fail to provide minimum guarantees of due process and fair trial by an independent court.
- In 2004, Maoists were reported to run parallel courts in 25 of Nepal's 75 districts, in particular in the districts of the rebel heartland.

OHCHR, 25 September 2006

"OHCHR's investigations into allegations of human rights abuses by the CPN-M have found that many are committed in relation to the "people's courts" and "law enforcement" activities. After the ceasefire declaration, the CPN-M started to extend their parallel structures to district headquarters and villages where they had previously not been present, most notably through the setting up of "people's courts". OHCHR confirmed that "people's courts" gradually ceased to function in some urban areas after CPN-M Chairman Prachanda issued a directive, on 3 July, that "people's courts" were to cease to function in "big cities and Kathmandu". In some cases, the "people's courts" were transferred from the district headquarters to a nearby Village Development Committee (VDC) apparently to circumvent the instruction. At the village level, the "people's courts" continue to function in many areas as they did prior to the ceasefire, although the concept of a "people's court" varies from place to place.

It is recognised that some villagers in some rural areas appear to seek to use the CPN-M "people's courts" because of the absence, passivity of, or a lack of trust in the state law enforcement and criminal justice system. Local populations have, for example, reacted positively to CPN-M actions against those suspected of serious crimes such as rape and murder. OHCHR's investigations suggest that many abductions for "law enforcement" purposes occurred in VDCs where there is no Nepali Police (NP) presence. During the decade-long conflict, many police posts were destroyed or abandoned and police were killed or threatened. The NP has started to redeploy to some posts but have mostly been unable or unwilling to respond to the need for the re-establishment of former police posts, often being prevented from doing so by the CPN-M, by lack of resources or due to prevailing uncertainty regarding the outcome of the peace process. Most of the current NP posts are located in district headquarters and the three or four largest towns of any district.

Nevertheless, OHCHR believes that the abductions, related investigations and punishment related to the "people's courts", including holding people in private houses, fail to provide minimum guarantees of due process and fair trial by an independent court. They give rise to concerns regarding issues related to the right to liberty and security and, in some cases, to physical integrity (ill-treatment and torture) and to life (killing)."

IRIN, 14 September 2006

"The rebels and the government have had a series of talks and agreed to the key Maoist demand of holding elections to the constituent assembly by 2007 but the parties are concerned that the

rebels are already trying to govern most of the parts of the country outside the capital even prior to the elections.

"The Maoists are already acting as a parallel government. This is causing serious concern amongst us," said Debraj Bhar, leader of Unified Marxist Leninist (UML), the country's second largest party.

The seven parties have been voicing their concerns over the past few months since the peace process started. They say that the Maoists should stop acting like they are superior to other parties and that they have violated all the agreements reached during the last three rounds of peace talks.

"It is very unethical on the part of the Maoists, who have turned a deaf ear to both the parties and the government when requested to stop collecting taxes, or making their own policies, especially in the villages," said Krishna Man Shrestha, leader of the Nepali Congress (NC), the largest national party.

However, the Maoist leaders have told IRIN in Nepalganj that they have the right to govern as they control nearly three-quarters of the Himalayan kingdom. "We are the parallel government and will not stop acting as such," explained the rebel leader Subedi.

The Maoists are finding it easy to collect taxes from vegetable and livestock markets, forestry, transportation, hotels, schools, colleges, and individuals, and even collect customs duties near the Nepal-India border, according to observers.

(...)

Another key concern among the parties and human rights activists has been Maoist attempts to interfere into the country's judiciary system by running their own 'People's Courts,' to help to find justice for people who lost their cases in the real courts.

"As a political force, we have to be involved in every sector and so we have our own legal system, vastly different from the usual court system of this country," said Anil Chettri, who is the chief judge of the 'People's Court' in Kohalpur village, 50 km from Nepalganj. Chettri did not attend university and has no formal training in law, although he says he has enough practical experience.

But there are concerns that this judge has often ruled in favour of his own Maoist supporters despite lack of strong evidence against their opponents.

"You have to be a Maoist supporter to win the case. The innocent people who are not supporting their rebellion will be victimised," said a landowner requesting anonymity as he was leaving the Maoist court after losing his case over a land dispute with a rebel farmer. He explained that many people have lost their lands to farmers backed by the Maoists after filing cases in the rebel court."

One World South Asia, 29 July 2004

"Even as the local administration in Nepal remains virtually paralyzed, Maoist rebels are reportedly running parallel courts in rural areas, which dispense rough and ready justice, much to the satisfaction of the poor.

The contrast couldn't be starker. While the Nepalese army and police have spurned the Supreme Court's directives on human rights violations, contending that the court lacks jurisdiction, in Nepal's remote villages where Maoist writ prevails, none dare defy the rebel courts which the authorities derisively call "kangaroo courts."

Kangaroo or not, their numbers are clearly jumping. According to observers, rebel courts are in full swing in 25 of Nepal's 75 districts, and especially in districts in the rebel heartland, where state law has almost abdicated.

The government doesn't deny the existence of this parallel administration either. Devendra Satyal, an official in Nepal's Law and Justice Ministry concedes that the Maoist courts are running in the nine mountainous mid-western districts of Rukum, Rolpa, Salyan, Pyuthan, Jajarkot, Kalikot, Dolpa, Dailekh and Achham, while pockets of influence are growing elsewhere.

Shanti Rana (name changed), a lady government schoolteacher in a southern district village, says the state courts are "totally paralyzed" in the region.

"It's not just because of the fear of militants that the Maoist courts are successful. In a criminal justice system that is brazenly pro-rich, for the poor chasing justice is like chasing a mirage," voices Rana.

To be sure, the Maoist judges, though not legal experts, are local people who have grassroots appeal. "They dispense prompt and impartial justice. There's the fear of harsh reprisals so people avoid legal machinations or lies, ensuring fair play and quick justice," explains Rana.

The Maoist courts mainly deal with ordinary people, marginal farmers and laborers. "The rich landlords have abandoned villages and their lands are now in possession of the actual tillers, thanks to the Maoists. So land disputes are literally non-existent now," says an official in a southern village."

See also on the Nepalese local governance system:
["Local governance"](#), Friedrich-Ebert Stiftung, 2002

Freedom of movement

Landmines kill children disproportionately, constrain movement of people within Nepal and contribute to displacement (January 2008)

- In 2006, 57% of reported landmine casualties were children.
- 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.

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."

SUBSISTENCE NEEDS

General

Most humanitarian indicators in Nepal have been at 'emergency' levels for generations (January 2008)

- 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 2007.
- 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.
- Despite notable improvements in economic and social conditions over the past decades, Nepal remains the Asian country with the highest level of absolute poverty. According to UNDP, over 80% of the population lives with less than US\$2.0 per day.
- Poverty is much more prevalent and severe in rural areas where the poverty incidence (44%) is almost double that of urban areas (23%)

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."

OCHA, 23 February 2007, pp. 6-7

"Many key humanitarian indicators in Nepal have verged on emergency thresholds for many years. The armed conflict has further aggravated the situation, not least in limiting the ability of state service providers. For example, global acute malnutrition in children under-five has increased over the last five years from 10% to 12%; in some districts it is recorded as high as

20%. According to the United Nations Children's Fund (UNICEF), 30-40% of under-five children in these districts are at high risk unless provided with comprehensive therapeutic care.

The national Maternal Mortality Rate is extremely high, with a projected 740 deaths occurring for every 100,000 births. 62% of maternal deaths occur in the postnatal period. 10% of women of reproductive age (15-49 years) suffer from uterine prolapse.

Ongoing strikes and bandhs⁶, ethnic and regional tensions continue to hinder the population's access to basic services, including emergency medical care.

According to the World Food Programme (WFP), 39 out of 75 districts suffer from food-deficit. Three consecutive harvests have failed due to drought, and have been severely affected by floods and landslides, increasing the 'hunger gap' in these districts up to nine months. This increasing 'hunger gap' has led people to adopt destructive coping mechanisms such as reducing the intake of food (reinforcing malnutrition), and the sale of family jewellery and household assets. Emergency food operations are underway in ten most-affected districts.

There are 107,000 Bhutanese refugees in camps in Eastern Nepal for the last 16 years with complete reliance on international aid.

Civilians continue to be at risk from explosive devices⁷. In 2005 some 47 'victim-activated explosions' were recorded, leaving 142 civilians injured; in 2006 this number increased to 98 explosions, injuring 169, including 91 children (the highest global proportion of child casualties from such incidents in the world).

Since the April ceasefire many IDPs have started returning to their places of origin, either spontaneously, or as part of a facilitated return process. Groups of IDPs and returnees continue to face protection concerns, particularly the ability to return safely, and to reoccupy land and property in a safe, dignified and voluntary manner."

OCHA, 7 October 2005

"Rural Nepal has always been poor, over one-third of the population subsist below the absolute poverty line, and 86% under the US\$ 2 per day mark. As demonstrated below, many of the traditional indicators of a humanitarian crisis have been at what may have been considered 'emergency' levels for generations, though with structural origins. The conflict has exacerbated the situation, and development progress has slowed down, in some cases even been undone.

According to the most recent Health and Demographic Survey (HDS) conducted in 2001, the mortality rate among children under-five is 91/1,000, and infant mortality is estimated at 64 per 1,000 live birth. Wide disparities prevail between regions as evidenced by the under-five mortality rate and infant mortality rates in the far-western development region of 149 per 1,000 live birth and 112 per 1,000 live births respectively. Half of Nepali children under-five are stunted (short for their age) and 10% are acutely malnourished (wasted)⁹. A level of 10% wasting is usually considered the level above which emergency actions are required.

The maternal mortality rate in Nepal for 1990-96 is estimated at 539 deaths per 100,000 live births. In 2004 United Nations Children's Fund (UNICEF) produced an adjusted figure of 740 deaths per 100,000 live births, clearly an unacceptably high toll, even compared to other countries in the region. 75% of the country's pregnant women are anaemic.

Nepal as many other countries in the region is experiencing an increase in Human Immunodeficiency Virus (HIV) incidence. World Health Organization / Joint United Nations Programme on

HIV/AIDS (WHO/UNAIDS) estimate prevalence levels at 0.5% in the general population, with the highest rates amongst injecting drug users (68%) and female sex workers (20%). Migration and separation of families and the presence of armed groups in communities increases the risk of sexual exploitation and violence, the main challenge is how to respond amidst an armed conflict to stop spread of the disease into the general population.

(...)

National statistics suggest that 80% of Nepalis have access to 'improved' drinking water sources, where improved means only that some form of basic infrastructure has been established and is not indicative of water sources being safe. Recent studies suggest that many rural drinking water systems have collapsed, or are in need of major rehabilitation. Only 27% of rural households have access to a latrine.

WFP reports that 39 of Nepal's 75 districts are food-deficient with serious constraints to food access in many parts of the hills and mountains — areas that are also prone to natural hazards. Sixty percent of rural households cannot produce enough food to meet their basic needs and need a supplementary income to buy food.

ADB, September 2004, Appendix 3, p. 83

"29. Nepal has made steady improvements in economic and social conditions over the past four decades. There is a better road system and far greater access to irrigation, safe drinking water, electricity, schooling, and health care. Still, poverty is widespread and the quality of life of a substantial section of the population has remained poor.

30. The level of absolute poverty in Nepal is among the highest in Asia: about 42% of the population (more than 9 million people) are estimated to have incomes below the national poverty line, set at NRs4,400 (\$77) per capita per annum.² According to the United Nations Development Programme (UNDP), some 82.5% of the population, in 2002, had incomes below the international poverty comparator of US\$2.00 per day. Although Nepal's most recent poverty estimates are somewhat outdated, and comparability among different poverty estimates is questionable, there is evidence that the distribution of income has become more unequal since the 1980s and that progress toward attaining the Millennium Development Goals (MDGs) is slow and mixed.

31. Poverty is much more prevalent and severe in rural areas where the poverty incidence (44%) is almost double that of urban areas (23%). The incidence of poverty in the Midwestern and Farwestern regions (72%) and in the mountain districts (56%) greatly exceeds the national average. There are tremendous differences between those in Kathmandu Valley and in the rest of the country. In Kathmandu Valley, the poverty incidence is 4%—one tenth of the national average.

32. In 1976, the national poverty incidence was estimated at 33%. Although comparisons over time are inexact at best, poverty incidence in 1996 was estimated at 42%. A comparison between the 1996 indicators and the results of the 2001 Rural Household Survey indicate that poverty may have registered a decline in all regions of the country. This would be consistent with growth in per capita income of 2.5% per annum between 1996 and 2003. Confirmation of the trends in poverty incidence, however, will hinge on the findings of the 2003/2004 Nepal Living Standards Survey that has yet to be fully analyzed."

Rural areas in the Far- and Mid-Western Hills and mountains most affected by conflict (October 2007)

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)."

Conflict has severely disrupted agricultural markets in both urban and rural areas (July 2007)

FAO & WFP, 27 July 2007, p.23

"At present Nepal is facing an unprecedented crisis in its modern history. The armed rebellion started by the Communist Party of Nepal (Maoist) in February 1996 in the four Western Hill districts of Nepal later expanded all over the country. Agriculture is one of the sectors of the economy which is hard hit by the armed conflict in Nepal in terms of production, processing and marketing. The conflict has created significant problems in agricultural markets in both rural and urban areas (WFP/FAO, AMS Field Survey, 2006). Seventy-six percent of respondents reported specific problems related to the functioning of agricultural storage, transportation and marketing in their areas, due to blockades and strikes. Telecommunication and transport infrastructures (roads, bridges, civil aviation towers, suspension bridges, etc.) have been the major targets in the

past decade. Both the security forces and the rebels have obstructed food marketing within their areas of influence."

Displaced communities remain fairly well integrated, although living conditions are often difficult (July 2006)

- 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.

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."

Displaced men and women report lacking food, shelter and employment (December 2006)

- Most of the 12 women in the focus group 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.

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."

Exodus to the urban areas places pressure on the infrastructure and capacity to deliver basic services (2005)

- 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.

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 poors," 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."

Food

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, WFP 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."

Widespread food insecurity due to the armed conflict and recurring natural disasters (January 2008)

OCHA, 10 January 2008, p. 13

"Following a decade of civil conflict in Nepal and recurring natural disasters, emergency conditions affect much of the country's population. Food insecurity is pervasive and widespread and the country has some of the lowest nutrition indicators in the world.

A Central Bureau of Statistics (CBS)/WFP/World Bank report estimates that 40% of Nepal's population is undernourished. In some of the most conflict-affected hill and mountain areas of Mid- and Far-Western Nepal, the prevalence of under nourishment is generally higher and affects between 48% -75% of the local population. Up to 30% of people living in these isolated areas have a daily energy intake of less than 1,600 kilocalories.

An FAO/WFP Food Security Assessment Mission to Nepal in March/April 2007 (report published in July 2007) found that a total of 42 out of 75 districts were food deficit in 2006/07. Thirteen of the districts were estimated to have levels of per capita food production below 150kg and a further 14 districts have per capita cereal production levels between 150kg and 180kg, which is well below the national average and minimum requirements for food security.

The dire food situation, combined with prevailing poor child care and child feeding practices, has severely impacted children. The national average for acute malnutrition rate increased to 13% (from 11% in 2000), and in certain remote and conflict affected pockets, such as in some communities within the Terai region, it is as high as 17% – a rate higher than the accepted international threshold for a disaster. Acute malnutrition rates start increasing after six months of age and peak at 12 months of age at a staggering 23%. This clearly indicates late and/or inadequate introduction of complementary foods.

Almost 39% of children in Nepal under the age of five are underweight and almost every other child is stunted (49%).⁹ In the hill and mountain areas of Mid- and Far-Western Nepal, more than 65% of children are stunted and almost 50% are underweight. ¹⁰ Other nutritional surveys conducted by UNICEF and Action Contre la Faim (ACF) found equally concerning results.

Harsh terrain, geographic isolation, crippling poverty and lack of access to basic services and markets hinder the ability of these vulnerable populations to improve their livelihoods and recover from the impacts of external shocks. The majority of the population is struggling to recover from years of conflict, as well as the impact of natural disasters, such as widespread flooding and consecutive years of drought.

According to a household survey conducted by WFP in January 2007, the food security situation in many rural areas is very fragile. Almost 94% of households responded that external shocks (drought, hailstorms, floods, landslides, employment disruption/strikes, etc.) immediately result in household food shortages. In response, poor households often resort to irreversible and damaging coping strategies, such as extensive borrowing and sale of productive assets.^{11,12}

While the Government of Nepal is focused on making political progress, the needs of vulnerable, food insecure communities are unlikely to be met in the near-term. The unstable political and security environment further disrupted market structures and cut off service delivery in the Terai, which is one of the most economically and agriculturally productive areas of the country.

With malnutrition rates already at emergency levels in many areas, immediate action is needed to alleviate suffering, address acute food insecurity and provide a tangible peace dividend that will strengthen citizens' confidence in the peace process. Immediate investment is also needed to improve livelihoods and coping-mechanisms for the poorest communities in order to increase their resilience to external shocks, whether they are related to the ongoing political instability or to natural disasters. Should the daily struggles of these food-insecure communities remain unaddressed, new tensions could easily erupt posing severe threats to lives, livelihoods and the success of the peace process."

WFP & FAO, July 2007, pp. 5-7

"The Mission assessed the 2007 wheat and barley production, which were being harvested in many parts of the country in March and April. Prospects for both crops are favourable and output is forecast at above average levels due to timely and sufficient rainfall during the winter season of 2006/07 and no significant damages by hailstorms and other disasters. In aggregate, it is expected that total wheat and barley production will increase by more than 7 percent. However, local drought conditions and hailstorms have badly affected production in several areas in the Far- and Mid-Western Hills and Mountains.

In 2006, adverse climatic conditions significantly affected cereal production in Nepal, especially in the Eastern and Central Terai, which was badly affected by drought. Overall, paddy rice production, the most important crop in Nepal, is estimated to have declined by 13 percent nationally, and between 20 percent to 50 percent in some districts of the Eastern and Central regions. Total cereal production (rice, maize, millet, wheat and barley) in 2006 is estimated at 5.96 million tonnes, 4.5 percent below the previous year and 1.7 percent below the average of the previous five years. By region, 2006 aggregate cereal output is estimated to have declined by 16 percent in the Eastern Terai, 9 percent in the Central Terai, and 5.3 percent in the Western Mountains. The worst affected districts include Saptari (down by 30 percent) and Siraha (down by 28 percent) in Eastern Terai, and Mahottari (down by 21 percent), Dhanusha (down by 20 percent), Rautahat (down by 12 percent) and Sarlahi (down by 12 percent) in the Central Terai.

(...)

A total of 42 out of the 75 districts in Nepal are estimated to be food-deficit in 2006/07. Of these, there are 13 districts with per capita cereal production of less than 150 kg. By decreasing order of severity of food deficit, these districts are Kathmandu, Humla, Lalitpur, Bajura, Achham, Dolakha, Bhaktapur, Mahottari, Kalikot, Baitadi, Bajhang, Dolpa and Rautahat. There are a further 14 districts with per capita cereal production of between 150 kg to 180 kg, which is well below the national average and minimum requirement."

OCHA, 17 July 2007, p. 10

"Despite prospects for a better summer harvest in some districts, drought has affected agricultural production for the third consecutive year in many communities in Nepal. In late October 2006, WFP and Food and Agriculture Organization (FAO) joined a two-week crop assessment mission led by the Ministry of Agriculture and Cooperatives. Findings from the assessment were consistent with pre-crop estimates and revealed an overall reduction in national paddy production by 12.5 %.

As a result it was estimated that 900,000 people faced acute food shortages. The Terai, which traditionally produces 70 % of the national paddy supply, was highly affected by drought. Some 25 % of the districts in the Terai reported a 30 % reduction in paddy production³. Preliminary findings from a joint FAO/WFP crop assessment in April 2007 suggest an increase in the winter wheat production of 8.68 %.

This is insufficient, however, to offset the paddy crop losses and the overall food grain shortage is estimated at almost 190,000 Metric Tonnes (MT). Cereal production in many communities, predominantly in the hills and mountains of the Mid- and Far-West regions, remains below expectations. Many of these communities are cut off from markets because of poor roads, or because of poverty, and remain at risk. As of the writing of this report, estimates of people at risk from food insecurity are about 212,000, down from 900,000 at the end of 2006. The overall food security situation for 2007 remains precarious and much will depend on favourable monsoon rains during the months of June until August.

(...)

Child malnutrition rates remain persistently high in Nepal. Global acute malnutrition in children under five years has reached a high of 13%, as reported in the 2006 Nepal Demographic Health Survey. Further deterioration due to seasonality is expected between March and October, due to the preharvest food gap (March to June) and increased waterborne diseases (May to October). A recent feasibility assessment by UNICEF found that Community-based Therapeutic Care (CTC) as a cost effective strategy for malnutrition rehabilitation in Nepal and treatment for severe malnutrition is largely unavailable. Based on consultations with nutrition stakeholders and assessment findings, UNICEF is currently planning to pilot the CTC approach in three districts. Strong leadership from the Ministry of Health and Population coupled with partnerships with relevant implementing and technical agencies will be crucial to effectively integrate the CTC approach."

9 million food-vulnerable people in Nepal: women, children and ethnic minorities most affected (July 2007)

IRIN, 23 April 2007

"The Nepalese government must do more to address hunger in the country, an international fact-finding mission of experts on the human right to food has concluded, describing hunger and food insecurity across the country as 'pervasive'.

(...)

Samdup's comments coincided with the release of preliminary findings by the group, which assessed hunger and food insecurity, after visiting affected communities in the western districts of Makwanpur, Nawalparasi, Chitwan, Banke, Jumla, Dadeldhura, Accham, as well as the eastern district of Siraha.

The team also met government representatives, donors and members of civil society.

The findings suggest that food insecurity was pervasive in food-surplus as well as food-deficit districts. Mostly affected were women and children, Adivasi janajatis (indigenous ethnic groups), dalits (low-caste groups), Kamayas, Haliyas and Haruwas (bonded labourers) and people living with HIV/AIDS.

Obstacles to food access

Obstacles to food access they found include endemic discrimination; insufficient and insecure access to land, and evictions; and discriminatory access to resources such as forests and fishing areas.

Additionally, the mission noted that existing programmes did not fully respect, protect or fulfill the human right to food.

"International agencies active in Nepal do not apply a human rights framework nor do they emphasise the human right to food in their programmes," Samdup said. "The realisation of the human right to food is key to reconciliation and peace."

She added that genuine land reform was not being implemented. Also, agricultural policy did not address accessibility and distribution; relief measures for natural and man-made disasters were ad-hoc; and there was a greater need for transparency and effective monitoring.

"I think it is very well known that there are problems of food insecurity in Nepal and there are particularly high malnutrition levels," said Sally-Anne Way of the research unit on the right to food at the Institute of Development Studies, University of Geneva. Speaking to IRIN in food-insecure Jumla, she described Nepal's levels of child malnutrition as among the highest in the world – both in terms of wasting and stunting.

According to the UN World Food Programme, more than half of children under the age of five in Nepal are stunted and more than 45 percent are underweight."

FAO & WFP, 26 July 2007, p.7

"An FAO report (2004) on vulnerable groups in Nepal identified a total vulnerable population of more than 9 million people based on their livelihood (marginal farmers, agricultural labourers, rural service castes, porters and urban poor). Marginal farm households in the Hills and Terai represent the largest vulnerable group, followed by rural service castes, agricultural labourers in the Terai, marginal farm households in the Mountains, porters and poor urban households. Within these livelihood classes, women, children, indigenous peoples and members of the lower caste groups (Dalit and Janajatis) are among the most food insecure."

Government lacking a strategy to fight hunger (April 2007)

IRIN, 23 April 2007

"The Nepalese government must do more to address hunger in the country, an international fact-finding mission of experts on the human right to food has concluded, describing hunger and food insecurity across the country as 'pervasive'.

"The government has no comprehensive strategy to address hunger and the situation is exacerbated by a lack of coordination between the capital, regions and districts, as well as

between government ministries," Carol Samdup, mission head for the group, told IRIN on 19 April.

The group was composed of 12 international and local experts from a number of organisations, including the Montreal-based institution Rights & Democracy, the Geneva-based Research Unit on the Right to Food, the German-based Food First Information and Action Network, and the United Nations Food and Agricultural Organisation."

Displacement has exacerbated malnutrition among children (September 2005)

- Survey among IDP children in Banke district show high rates of malnutrition.
- NHDP 2004 estimated that 63% of children under 5 suffered from chronic malnutrition in Nepal.
- Nutrition experts claim that conflict and the subsequent constant migration and displacement of people has worsen the nutrition situation, in particular for the most vulnerable: children
- The mid-western region is the worst-affected by malnutrition, with 90 percent of children in Humla were suffering from chronic malnourishment.
- There are 5 doctors for every 100,000 people. Most live in Kathmandu and are reluctant to serve in rural areas where life is less comfortable. Many hospitals in the rural areas are therefore empty and understaffed.
- The conflict has seriously affected people' access to health and the supply of medicine.
- Vaccination and immunization programmes to protect children from polio, measles, diphtheria, tuberculosis, whooping cough, etc. have also been seriously affected.
- According to a UNICEF study, 47 percent of children below five age suffer from general malnutrition, weight-for-age, and nearly 63 percent of children of the age group suffer from chronic malnutrition, low-height-for-age, causing stunting.

Nutritional survey in Banke district reveal worrying rate of malnutrition among IDP children

TDH, 20 September 2005, p. 5

"Terre des hommes Nepal's urban nutrition project team undertook a survey in summer to determine the status of nutrition among displaced children population. This survey included 264 under 3 year old children from the four project locations where IDPs families are known to have been living. In addition to taking anthropometric measurements of these children the nutrition assessment team also conducted focus group discussions with mothers and compiled case studies of selected families.

The survey established that more than 59% of screened under 3 children are underweight and up to 15.9 % are wasted. The highest number of malnourished children were found in Rajhena camp (73 %) followed by Simalghari (63 %). At least 55% were suffering from common illnesses like diahhorea, fever, ARI and skin ailments. Malnutrition rate and prevalence of common illnesses (82%) in small children, especially in Rajhena IDP camp, can be considered as worrying.

The discussions and case studies with mothers revealed several key issues that has impact on the nutritional status of children. Most of the malnourished children came from female headed families. Husbands of such families are away in India to make an earning for their families thus overburdening the mothers. Some of these mothers also had the added pain of having to endure gross abuses themselves or loose their family members at the hands of the warring parties while others had to accept their husband's second wife. Not only did mothers looked highly stressed but also clearly expressed on their difficulties in looking after family matters from children rearing to

housekeeping. While mothers from Simalghari have to overcome difficulties like tending the field, look after the children and home while their husbands are away. The waiting for the mothers of Rajhena IDP camps are even more difficult as their husband's return will determine how long their hardship will continue. Mothers in Rajhena camp were very concerned as their children were compelled to go to sleep at night often without food. Many families said that previously they could feed their children on demand as they had most of what children need in their place of origin.

The knowledge among mothers on the feeding practices of small children seemed limited. Only one of the 18 mothers said she fed her child 5 times a day while others fed much less. The most widely fed food to the children is dal/bhat or just bhat and with lower frequency of feeding than necessary. Whatever little food they have access to, many mothers were not aware that these very food items can be prepared nutritiously for their children. None of the mothers prepared separate food for their children.

It is important for baby and mother to initiate breastfeeding as early as possible. Although most mothers knew that breast milk was the best food for their children many of them could not exclusively breastfeed their children. It's rate could be much lower as most women fed traditional medicine, dairy milk and water from a very early age with the assumption that they are exclusively breastfeeding their children. Some mothers also did not realize that breastmilk alone was enough for the child for the first six months while others understood that exclusive breastfeeding practice could be taken beyond the six month period.

The overall nutritional situations of displaced children in these four VDCs in Banke require immediate intervention in order to prevent further deterioration of these children's overall health and development. The earlier we can make for the 'provision of organized medical support', give 'access to complementary food' like superflour, and also put in place a 'well coordinated humanitarian assistance programme for the IDPs' as the basic requirements for these children, the commitment that 'we should not say tomorrow for children' will have carried less meaning."

IRIN, 14 June 2005

"According to the Nepal Human Development Report (NHDP) for 2004, nearly 63 percent of children under five suffered from chronic malnutrition that exacerbated curable diseases like diarrhoea, measles and acute respiratory infection (ARI) from which a large number of children die every year.

The Ministry of Health (MoH) reported that diarrhoea alone causes an estimated 30,000 child deaths every year. Another government report revealed that ARIs affected nearly a million children all over the country.

(...)

Some nutrition experts are concerned that malnutrition has been made worse by the Maoist conflict that has been dragging on for the last nine years.

"The constant migration and displacement of villagers has made the problem even worse, because especially, it is the children who have to change their food habits once they arrive in the cities," said Pradeep Silwal from World Vision International Nepal (WVIN). WVIN has been working in several food deficit districts and villages where they operate nutrition projects.

Silwal maintained that many parents could not afford fresh vegetables or enough rice, leaving the children to satisfy their hunger with low-protein, dry and non-nutritious foods.

"Once the children are displaced in the capital or other major cities with their parents, there is negligible childcare as parents are often away from home working in the factories and other low paid jobs where they hardly get a break to eat themselves," explained Paneru.

A report by the NHDP said that even in the capital, Kathmandu, there were chronic malnourishment rates of over 50 percent in children under five.

The malnutrition situation is particularly serious in many parts of the mid-western region, which are badly affected by the Maoist insurgency, with Humla district having the highest rate of malnourishment, according to a recent study by WVIN.

"Lack of scarce food due to constant road blockades is already causing a genuine crisis, especially in areas where there is a lack of arable land," Indra Baral, a nutrition worker from WVIN, explained.

According to the NHDP report, nearly 90 percent of children in Humla were suffering from chronic malnourishment and the illiteracy rate was over 80 percent." (IRIN, 14 June 2005)

NHRC September 2003, pp. 53-54

"Nepal's infant mortality rate is 66 per 1,000 live births, mostly because 90 percent of all the births take place at home in the absence of trained medical personnel. Additionally, 20 percent of the children suffer from severe malnutrition and 48 percent suffer from moderate malnutrition, and stunted growth is one of the consequences.

There are only 5 doctors for every 100,000 people. Most of the hospitals in the rural areas are understaffed and very few doctors are available. Hospitals without doctors are common, as most of the doctors do not want to leave urban area, especially Kathmandu, where opportunities are in abundance and life is comfortable. On the other hand, doctors who have completed their studies on government scholarships flagrantly breach with impunity their contract requiring them to serve rural areas. The government has not been able to enforce the contractual requirements. It is not surprising that whilst rural and district hospitals have acute shortage of doctors, the capital city Kathmandu is abound with them.

(...)

Impact of Conflict on Public Health

Right to health of the people living in the area hard hit by conflict is seriously affected. The health posts are without any medical staff and essential medicines, which were already in short supply, are no longer available either because security personnel have blocked their supply or Maoists have looted the stock. The incidents have occurred in which security forces closing down or destroying pharmacies on the suspicion that the medicines are being supplied to the Maoists. Due to the security related problem, vaccination and immunization programmes to protect children from polio, measles, diphtheria, tuberculosis, whooping cough, etc. have been seriously affected. The blockade of medicine supply includes essential medicines like antibiotics, ointments for cuts and injuries, and bandages.

(...)

A 2001 survey conducted during a two-week period preceding the interview day found one-fifth of the children below five years afflicted by diarrhoea. The incidence of diarrhoea is higher in areas of endemic poverty and among children of illiterate or less educated mothers.

Malnutrition is a major problem contributing to high rates of disease and death as well as slow physical and mental development of children. The presences of diseases, especially diarrhoeal and parasitic episodes, are other factors that affect the well being of the child.

According to a UNICEF study on the status of children and women in Nepal, 47 percent of children below five age suffer from general malnutrition, weight-for-age, and nearly 63 percent of

children of the age group suffer from chronic malnutrition, low-height-for-age, causing stunting. The problem of wasting, weight-for-height, due to acute malnutrition, is not so acute as only 5.5 percent of children are reported to fall under this category. The prevalence of malnutrition among children varies from region to region; for example, children in the Mid-Western region are the worst sufferers of chronic malnutrition whereas general malnutrition is more prevalent in the Mountains and the Terai than in the Hills. Also, urban and rural variation is quite significant in that urban area have low rates of general, acute, and chronic malnutrition. "

Health

Health condition of the IDP evicted from the wildlife reserve has stabilised (April 2008)

OCHA, 29 April 2008, p. 3

"From 23-24 April, OCHA conducted a second rapid assessment of the vulnerable community in the wildlife reserve at Dhaka (Kanchanpur), which indicated that the conditions of the Community stabilised due to warmer weather conditions and there were no further reports of excess mortality. Health services are reportedly being provided to the community, including medicine distribution, immunisation campaigns for Vitamin A and de-worming. The longer term conditions of the community depend on the authorities' fulfilment of its commitment to resolve their outstanding compensation and land issues."

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."

Psycho-social needs of IDPs remain unaddressed (January 2008)

- 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.

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.' "

Health assessment in Dang and Kapilvastu shows large number of eye infections among IDPs (September 2007)

IRC, 28 September 2007, pp.1-5

"Other than government staff, IRC was the first health team providing medical care, visiting a total of five sites, two in Dang and three in Kapilvastu. At the final site, Tulsipur in Dang, there were very few IDPs remaining, and none were sick. The numbers of patients treated at the other four sites are shown in the table below:

People in Manpur had received no previous health care (other than those who on their own had gone to a hospital). Government health staff had visited the other sites and provided some care, but were limited in most cases by insufficient drugs. That was especially true at Lamahi in Dang, where medicine for eye infections ran out and IRC's help was especially needed.

Eye infections were in fact the major diagnosis made by the IRC doctors, with over a third of all patients suffering from conjunctivitis. The rest of the diagnoses were conditions such as gastritis,

respiratory infections, skin infections, headaches and body aches, and diarrhea. The team observed patients suffering from mental trauma resulting from the violence, especially in Manpur and to a lesser extent in Chandrauta.

(...)

As predicted by earlier assessments, the major health problem in the camps was eye infections. Though diarrhea was a problem, it was not as significant as might be expected given the generally poor camp conditions. Table 3 shows all the diagnoses made. The total is greater than the number of patients, since some people had multiple diagnoses.

Kantipur Online, 26 September 2007

"The District Administration Office Wednesday relaxed curfew for a day in Kapilvastu giving some respite to locals who were hit hard by the violence that has embraced the region for the last 11 days.

However, Chandrauta, the most-affected area, will be under curfew from 2pm today.

But, continuous rainfall since Monday night has poured insult to the injury of the locals. Though some social service organisations and clubs have provided shelters, most of them are living under open sky fearing starvation and an outbreak of diseases.

Most of them are suffering from fever, cold, diarrhoea and conjunctivitis."

Alarming malnutrition rates in Nepal, in particular in the Far- and Mid-Western regions (July 2007)

- Considerable geographic variation in the incidence of malnutrition can be observed.
- 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.

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."

"During the reporting period, Action Contre La Faim (ACF) released a report of its nutritional survey that was conducted in Bhajhang District of Far Western Region in December 2006. According to the findings of the survey, which was done in 8 most vulnerable VDCs of the District, Global Malnutrition rate of 11% and Severe Malnutrition rate of .2% was observed. The survey noted that high rates of Chronic Malnutrition (59.2% and 28% for global and severe malnutrition respectively) are a pointer to the fact that nutritional situation in the District is not normal and that children do not have all the necessary elements for a good growth. The survey report indicates that the causes of malnutrition in the District are multiple and include in addition to low access to food inadequate care for children and diseases."

Displacement crisis likely to have contributed to the spread of HIV/AIDS (June 2007)

- 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.

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."

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."

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

Influx of IDPs in Birendranagar (Surkhet) increases demand for drinking water supply and sanitation (March 2005)

- The current capacity of Birendanagar to supply drinking water is reportedly inadequate. The influx of IDPs has increased demand for both water supply and sanitation facilities.

"In the discussions with Municipal authorities in Birendanagar, we understood that the town has had an influx of IDPs not only from within Surkhet district but also from adjoining and nearby districts. There are about 200 families living in the municipal areas. Most of them having fled from home due to political reasons, many of whom have left other members of the family behind. Some have taken over a small piece of land to live off. They are living in different areas of the municipality but not at specific location as such.

There is a demand for drinking water supply in the municipal area as the current capacity cannot serve the additional numbers of people. Since there are no permanent settlements or any plans for such, the IDPs are using the public toilets and bathrooms located in the bus park. Complaints have come in from the local communities regarding the deteriorated conditions of these public facilities. Electricity supply is not yet a problem but problems of providing adequate drinking water and sanitation facilities have increased." (SAFHR, March 2005, p. 18)

Shelter and non-food items

Study shows that in big cities, most IDPs do not own their house/apartment (August 2007)

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."

Only the most vulnerable remained living under tents in Dailekh 6 months after being initially displaced (January 2006)

- UN Representative on the Human Rights of IDPs noted during his mission that only the most vulnerable were still staying in makeshift camps in Nepalgunj and Dailekh and that the length of displacement warranted better housing conditions.

CHR, 7 January 2006, p. 14

"47. Situations requiring emergency aid do sporadically occur, especially in the context of mass flights of villages referred to above. The makeshift camps the Representative visited in Nepalgunj and in Dailekh were according to the IDPs themselves not usual and many IDPs did not sleep in them. However, for the few that did use the camps to sleep in, there was no protection of the camps' perimeter in the suburban areas. Furthermore, sleeping in the camps seemed to be the only solution for those who did not have the means to rent accommodation in safer places or stay with relatives. Most of the permanent camp dwellers were single-parent households, mainly headed by women, as well as elderly people without family support, living in makeshift shelters. While this is understandable in the first weeks of an emergency and with an unexpected influx of people, the Representative is of the opinion that half a year later, even if very few people still live there, it is not acceptable for them to continue to live in open-sided tents with a mere tarpaulin top as a roof."

Infrastructure

High level of infrastructure damage in Far- and Mid-Western regions (October 2007)

WFP and OCHA, 4 October 2007, p. 14

"Information on the destruction of critical infrastructure such as bridges, roads, telecommunication, service centres, health posts and schools provides an indirect indication of the conflict intensity and its impact on the population. Based on information collected from various sources at the district and community level, the location and condition of damaged infrastructure was collected and mapped. Damaged and destroyed infrastructure includes agriculture service centres, airport towers, banks or cooperatives, bridges, drinking water facilities, health posts, industrial buildings, government offices other than VDC buildings, police and army posts, post offices, roads, schools, telephone facilities and temples. The spatial distribution of the damage on infrastructure is shown in Map 4. In total 1,143 cases of infrastructural damage were reported in 37 districts. The level of destruction is higher in the Far- and Mid-Western Regions. The majority of reported infrastructure damage was to police or army posts (368), government offices (246) and post offices (217) (Figure 7).

Infrastructure damage caused by the CPN-M tended to follow a strategy targeting communications and key state infrastructure. Buffer zones (or contested areas) experienced high rates of damage to key communication structures such as post offices, telephone facilities, bridges, airport towers and government infrastructure. Areas that were traditionally CPN-M strong holds, such as Rukum and Rolpa districts, apparently have relatively low incidence rates of infrastructure damage except for damage to army and police posts. As shown in Map 4 many districts in Far- and Mid-Western Nepal were highly affected by damages to communication structures and government buildings. Districts such as Dolpa, Mugu and Humla appear to be less impacted by the conflict in terms of damage to critical infrastructure. However, these districts were and are among the least developed, and therefore have relatively little infrastructure to target.

Agricultural Services

Agricultural service centres provide important services to rural farmers such as provision of technical advice and agricultural inputs. Many agricultural service centres were physically damaged. Others were not functioning as government staff had difficulty working in conflict-affected areas. In districts covered by the assessment, a total of 57 agricultural service centres were reportedly damaged during the conflict. This may have had an adverse affect on agricultural productivity in these areas.

Schools

During the conflict, schools were temporarily used by both the CPN-M and the Royal Nepal Army resulting in higher levels of building damage as well as the presence of improvised explosive devices (IEDs) around some of the schools. In the area covered by the assessment, a total of 40 schools were reportedly damaged during the conflict.

Health Posts

Rural health posts have been structurally damaged due to the conflict. In the area covered by the assessment a total of 44 health posts were damaged. However, the inability of the government to operate health centres during the conflict was largely due to the following factors:

- CPN-M reportedly seized medical supplies (reportedly up to approximately 25% of drugs) from health centres;
- Consequently, the Royal Nepal Army restricted the supply of medical consumables (including medicines) into some areas under CPN/N 'effective control';
- Health workers frequently left their posts because of security concerns.

Prior to the conflict the rural health system was already struggling due to limited supply of medicine and qualified health workers. The rural health system was further challenged during the conflict due to the factors listed above and the imposed mobility restrictions by CPN-M on rural people. In many areas, patients needed to seek permission first before traveling for treatment at district headquarters. The ability of outreach staff to visit health posts and sub-health posts outside the district HQ was compromised by the conflict, leading to increased risk of illness and reduced access to health services, particularly for women, children and vulnerable groups in remote areas. The rehabilitation, restocking and re-staffing of rural health posts and sub-health posts in districts highly affected by the conflict will be a key first step to conflict recovery and improving the overall health care system in Nepal."

Assistance to rebuild infrastructures is the main priority in rural areas and district headquarters (October 2007)

WFP and OCHA, October 2007, p. 17

"Consultations at the district and community level were conducted in order to identify priority activities for assistance to support recovery of livelihoods. One consultation was done in each district headquarters, with various stakeholders. At the community level, consultations were based on focus group discussions conducted in three to five communities within each district. Community locations were chosen based upon level of perceived conflict impact and type of geographical area (see Map in Annex I).

The responses have been categorized a-posteriori into different sectors under which the activities fall. These sectors are as follows:

- Infrastructure
- Food security and livelihood
- Education
- Refugees and IDPs
- Peace support and transition
- Health and nutrition
- Water and sanitation
- Disaster risk management
- Environment and natural resources
- Human rights/protection

Figure 10 shows the summary of priority of assistance by different sectors based upon the responses from the district consultations. The index shows the number of times each category was prioritized within all district consultations completed divided by the total number of responses.

Figure 11 shows similar results based on the responses from the community focus group discussions.

Regarding the sector of intervention, infrastructure is a priority for district headquarters as well as rural communities. The infrastructure category includes rural road construction, irrigation, river training, rebuilding of government offices other than VDC buildings and rehabilitation of schools. However, the demand for infrastructure is significantly higher at the district level compared to the community level. This can be attributed to the fact that while those at the district headquarters are more concerned about building and upgrading the infrastructure which is vital for district development, the people at the community level have a high priority for meeting their immediate needs related to food security and livelihood. Based on consultation with various stakeholders at the district level, feedback from the focus group discussions at the community level and considering various factors such as IDPs, damage of infrastructure, the food security situation within the district and interaction with different organizations, the field monitors also identified the level of priority for different VDCs within the district and the corresponding type of assistance. Map 5 shows the priority for assistance for conflict recovery with classification of VDCs in each district into four levels of priority: least priority, moderate priority, high priority and

very high priority. It also shows the types of priority assistance recommended for the different areas."

Vulnerable groups

Most Kamaiya children forced to work under exploitative conditions (December 2007)

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."

Mixed situation with regards to IDP children in urban areas (July 2007)

- Association of Maoist Victims estimates that up to 1,000 displaced children are living in Kathmandu and 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, 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."

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."

Elderly face lack of food, shelter and access to health (December 2006)

- Bad health, lack of food & shelter and unemployment reported as the main problems faced by elderly IDPs

MCRG, December 2006, p. 52

"The major problems faced by elderly IDPs were lack of food, adequate shelter, clothing and deteriorating health conditions. They could not find jobs because of their physical weakness, lack of skills required for the job compounded by prevailing illiteracy among them. In addition to these problems, poor eyesight, loss of hearing, other physical weaknesses, adjustment problems in the urban areas due to the differences in the life pattern they used to, were also the problems in the camps. Discrimination in the current settlement area by local habitants was also straining them. Some of them were suffering from depression problems as well. Many of them had stories to tell about how they spent days and nights only with "lukewarm water and a pinch of salt" as food. The elderly IDPs have not yet received any specific support to address their problems. From the government side, only a few relief materials were airdropped from their respective district headquarters to Nepalgunj by army helicopters. They could not go to the concerned authorities for the fulfillment of their demands related to basic needs because of the lack of money and physical weaknesses. Some NGOs had provided tarpaulin, utensils and foodstuff in the beginning; however, these supports were totally stopped from June 2005. The shelters of Rajana Camp (where most of the elderly IDPs have been residing), which are mostly made of local materials like straw, mud and bamboo, were not strong enough to protect them from rain and cold. The IDPs have been leading their life with no future prospects in the camp. They said that they were hard hit by food scarcity, lack of sufficient place to live in and lack of amenities for a basic living. The employment opportunities were almost non-existent. The IDPs expressed their concerns that most of them were illiterate and already old, therefore, it was beyond their capacity to earn their living. One of the most shocking aspects, as they opined, was lack of educational opportunities to their children due to their poor economic condition. The IDPs were undergoing frequent psychological problems as well. They reported that they often felt unwell and even fell sick due to psychological problems. Amidst difficulties, the FGD participants, however, were satisfied with the security situation in the camp. They pointed out security as one of the

comparative advantages of being in the camp. They never experienced any threat from the parties involved in the conflict here."

Maoists surrendering to the state often become displaced within district headquarters and face abuses (July 2006)

- Maoists who have surrendered to the state have often ended up as IDPs in district headquarters, with limited freedom of movements and in constant fear of retribution from the Maoists.
- This made them more vulnerable to abuses of all kind

UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 8

"The mission found that former Maoists who have gone through formal surrender procedures often found themselves displaced to district headquarters. Many had to report regularly to the district police and were unable to leave the district headquarters. The CPN/M does not permit people to leave its ranks and re-recruitment is a constant threat, rendering their physical security situation extremely precarious.⁴ The mission was told of sexual and gender-based abuse of both female and male surrenders in the district headquarters. For example, female surrenders had been threatened with jail if they did not provide sexual services to the security officers and prostitution and domestic service were often only forms of income available to them. Others reportedly had been forced to dance naked or otherwise entertain security force members.

Those displaced by the State are less visible: many of them stay hidden in the rural areas, hide in the forest temporarily, or go abroad, crossing the border into Sikkim and traveling on from there. The mission met with several persons who had been repeatedly threatened by the army and joined the Maoists for protection. There are also many reported cases of those fleeing the state being arrested in India (Sikkim) and handed over to Nepalese police. However, there were a few unexpected cases of individuals who had been displaced by the army and who had been given protection in district headquarters."

Displaced women vulnerable to trafficking when ending up in urban areas of Nepal or in India (February 2006)

- Many women leaving their villages to end up in urban centers or to India are reported to fall prey to traffickers.
- Survey conducted by Rahat reveal that many displaced girls hired as waitresses end up as sex workers in unregistered restaurants
- Lack of employment opportunities reportedly forces many displaced women to join the sex business
- Girls displaced from rural areas have flocked to Kathmandu where they end up working in underpaid jobs in cabin restaurants, hotels and discotheques.
- An NGO estimates half of the girls working in such places are IDP girls who are emotionally, physically and financially exploited by the owners.

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."

Kathmandu Post, 20 May 2004

"With the escalation of violence in the country more rural women are being drawn into prostitution. Women from the rural areas, displaced by insurgency and various incidents of violence, have been entering Hetauda in search of work. However, the lack of employment opportunities forces many of these fugitive women joining the thriving sex business around the markets and the along the highways.

According to a survey conducted by General Welfare Pratisthan (GWP), the flesh trade around the market region of Hetauda and along the highway has soared recently. GWP which has been providing counseling for the past five years in safe sex, maintains that the reason for this proliferation of the sex business; together with an increase in the number of female sex workers is the result of limited work opportunities.

Stretching along the highway from Lothar Bazaar between Chitwan and Makwanpur district, to Amalekhgunj in Bara, there are 228 female sex workers, between the ages of 16 to 45.

The GWP data also shows that about 60 percent of these sex workers have been employing safety measures. Though 98 percent of these sex workers are aware of the use of condoms to prevent HIV/AIDS and spread of Sexually Transmitted Diseases (STDs), not more than 60 percent have been making use of condoms. According to a survey conducted by New Era in 2003, 70 percent of the clients were found carrying condoms for use in the brothels around the region."

The Kathmandu Post, 8 June 2003

"Hard pressed young girls from the Maoist-hit villages are knocking at the doors of cabin restaurants, hotels and discotheques that have mushroomed at every nook and corner of the capital.

Displaced by the Maoist conflict, a large number of these girls end up in these places for jobs that are barely enough for them to eke out a living.

According to a study by 'Meet Nepal' an NGO, 51 percent of girls in such places are found to have been displaced by the Maoist conflict. Virtually every one of them has a tale of woe to tell.

(...)

There are about 3 thousand dance restaurants, cabin restaurants and discotheques in the valley. About 150,000 girls are working in all kinds of hotels including five star hotels, according to Karna Dawi, general secretary of 'Meet Nepal', as waitresses, dancers and other aspects of 'hospitality' services.

Despite having jobs, these girls are not happy. Instead, they are exploited emotionally, physically and financially by the owners, who pressurise them constantly, for more output and sometimes into situations that the girls do not want to be a part of. On an average, they get a salary of about Rs 2,000."

ACCESS TO EDUCATION

General

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."

Conflict and displacement has deprived many children of education (December 2005)

- 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

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."

Obstacles to education

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

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.
- Livelihood impact is 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."

Majority of IDPs is unemployed and likely to end up as urban poor (December 2006)

- 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%)

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:

"

Majority of IDP working children earn barely enough to support themselves (June 2006)

- Study shows that despite the children's own overall tolerance over their working conditions, these were severely and unequivocally exploitative with long working hours, sometimes even without pay.
- Most IDP working children earned barely enough to support themselves and only one half of the girls and one fourth of the boys managed to send monetary support to their family.
- The main problems reported by the children were attributed to the employer and not the working conditions and included the lack of a decent place to sleep, beating and scolding

TDH, CREHPA, SCA, June 2006, pp. 22-23

"Although the study found most of the children's workplace situations to be poor, the children themselves proved remarkably tolerant. The majority of both boys and girls described their work situation as good or average. It is not clear whether this indicates an improvement over their situation in the village, a reluctance to complain or a high tolerance for discomfort. At the same time, when asked what they liked about their work situation, the children were unable to provide

many answers. On the other hand, when asked about things they didn't like, their answers were abundant. Notably, scolding and corporal punishment were most frequently mentioned as a reason for disliking the work situation. As well, many children reported that their employers expected them to work without pay.

Investigation of the working hours and remuneration of child labourers indicates severe and unequivocal exploitation. With few exceptions, the children worked long hours, girls on average of 11 hours per day and boys on average of nine hours per day. The most exploitative labour situations in terms of working hours were carpet factory labour and tea stall labour, with the majority of these children working more than 13 hours per day. Many children received no payment for their work, particularly domestic workers and mechanic helpers. Nearly one third of the boys and girls earned 'no fixed amount', meaning that they earned according to either production or number of clients served.

Thus children were forced to work long hours in order to earn sufficient income for their needs. At the same time, one half of the girls and one fourth of the boys worked to provide monetary support to their families. Surprisingly, one fourth of rag pickers reported that they sent money home to their families. Regarding health problems in the workplace, it was found that about one half of the children's work situations indicated no significant health concerns. On the other hand, transport workers, carpet factory labourers and stone breakers conducted work in situations that would not be tolerable for either children or adults.

When asked about the types of problems encountered in the workplace, children most often attributed their problems directly to their employer, rather than to the physical situation, the work itself or their co-workers. Most frequently, children said that employers did not provide them decent places to sleep, and next frequently children said that employers often beat and scolded them. Forced labour and poor wages were also frequently reported by the children. Although direct questions about sexual abuse were not asked children for reasons of protection, a number of girls in carpet factories and domestic labour voluntarily reported attempted sexual abuse in their workplace."

Public participation

An estimated 50,000 IDPs were disenfranchised during the 10 April 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 is 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 dept 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

Displacement of VDC secretaries in areas under Maoist control has severely limited availability of government services (May 2008)

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 Kheshraiya 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 problem's 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

Majority of working IDP children not provided with a safety net by family members (June 2006)

- Study found that only 1/3 of the girls and 1/4 of the boys lived with their parents or relatives. The majority lived with their employers.
- According to the study, the presence of family members or persons of the same village in the workplace does generally does not provide a safety net for the children.
- Similarly, the presence of relatives or persons of the same village in the same city proved not to be a reliable source of protection for the working children

TDH, CREHPA, SCA, June 2006, p. 24

"In this study, it was assumed that the presence and potential support of family members or concerned adults in the living situation comprises a 'safety net' for children. This assumption is limited however, as extended family members may not adequately protect children, and employers can either protect or abuse children, depending on the individual employer. The study found that only one third of the girls and one fourth of the boys lived with their parents, spouses or other close family members. More than one half of the girls lived with their employers. While some employers might provide a child with security, others could abuse or exploit a child in the relative isolation of the workplace, particularly domestic servants. Domestic servants, girl tea stall workers and boy rag pickers had the most inadequate safety nets in terms of accompaniment in their living situation, whereas a high percentage of girl carpet factory workers and boy and girl stone breakers lived with their family members.

Accompaniment in the workplace of family members and known persons from the same village was also assumed to provide a safety net for children. Here, quite inadequate safety nets were found. One half of the girls and two thirds of the boys had no relatives or fellow villagers in their workplace. While a high percentage of carpet factory workers worked with family members or persons from their village, studies and field observers have reported a high incidence of sexual abuse and trafficking of girls in carpet factories. The assumption that the presence of known persons in the workplace ensures protection for the child is inadequate and data need to be interpreted with care.

In the study design, it was also assumed that the presence of relatives or fellow villagers in the same city would provide a source of support for working children. This assumption proved to be incorrect. While the majority of children had relatives or acquaintances in the same city, these persons provided little contact and support.

Employers appeared to be those who, while economically exploiting the children, provided them with the most physical support, including food, shelter, clothing, health care and education. Two thirds of the boys and three quarters of the girls received varying amounts of support from their employers. The kinds of support least provided by employers were access to education and appropriate medical care."

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

Displaced women unable to exercise property rights (May 2008)

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."

Maoists officially committed to return land and property to displaced people (January 2008)

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. Prachanda 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."

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

"

Land and property restitution still problematic in many areas of Nepal (July 2007)

- 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

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."

PATTERNS OF RETURN AND RESETTLEMENT

Return prospects

Many IDPs have returned in the wake of the peace agreement, while others prefer to integrate locally (April 2008)

- 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.

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, lack of assistance and ineffective IDP registration are the main obstacles to return (March 2008)

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."

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."

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 CPN-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."

Absence of return plan and continued extortion by Maoists hamper return of IDPs (December 2007)

- Absence of comprehensive plan for assistance and protection has not encouraged return movements.
- In September, Maoists were reported to continue resist the re-establishment of police posts while also continuing their practice of abductions, extortions and recruitment.
- Failure by Maoists to guarantee IDPs' safety is preventing their return.
- No return plan has been devised so far by the government or the Maoists.

- IDPs suggested setting up neutral committees on VDC level to help them make an informed decision.
- Need for comprehensive reparation policy was also noted.

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."

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."

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.

(...)

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.

(...)

"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."

IRIN, 3 May 2007

"Local people in Nepal's rural areas still continue to suffer from intimidation and extortion at the hands of former Maoist rebels, villagers in the remote hill districts of northwest Nepal told IRIN on Thursday.

"We still have to pay monthly donations [to the Maoists] or face severe penalties at their hands," said Sunita Chettri from Gorkha district, 500 km northwest of the capital. "Where is the peace that we were promised?" she asked.

In November 2006, the Communist Party of Nepal-Maoists (CPNM) and the Nepalese government signed a peace treaty to end the decade-long armed conflict, which claimed over 14,000 lives and displaced over 200,000 people, according to local human rights groups.

But the rights activists added that the former Maoist rebels continue to extort poor villagers, create obstacles to aid work and obstruct the government's work.

Maoists blamed for "anarchy"

"The anarchy in the nation today is mostly contributed to by the Maoists and they are making the peace process difficult to develop," analyst Subodh Pyakhurel told IRIN. He added that it is again the civilians who continue to suffer and this is making their livelihoods difficult and further impoverishing poor households.

Activists are especially concerned with the activities of the newly formed Maoist youth group, Young Communist League (YCL), whose members are now involved in all sorts of violations and even clashing violently with the police.

Curfew

On Thursday, the local government administration imposed an indefinite curfew in Bardiya district, 700 km west of the capital, after YCL members attacked the police post demanding the police withdraw from nearby Sanoshree village, said local government authorities. The local newspapers reported that about 16 people, including police, were injured in the attack.

According to local rights group, Informal Sector Service Centre (INSEC), the Maoists also continue to attack civilians and their houses. On Tuesday, INSEC said that a group of local Maoist cadres demolished the house in Sankuwasabha, 300 km east of the capital.

On the same day, they also abducted a 20-year-old civilian and brutally beat him up, said INSEC, and added that two other young local civilians were also attacked for protesting against Maoist brutalities. On Wednesday, the Maoists also vandalised a local journalist's house in Bardiya, according to INSEC."

Nepalbiz, 30 April 2007

"Office of the United Nation's High Commissioner for Human Rights (OHCHR) Nepal has said that the cadres of the Communist Party of Nepal-Maoist (CPN-M) are not complying with the party's formal commitments to allow internally displaced persons (IDPs) to return in safety and to give back all their property and land.

OHCHR also urged the CPN-M to support the return of IDPs.

OHCHR's regular monitoring activities in rural areas in recent months indicate a failure to implement central-level commitments, due to the attitude and activities of village-level CPN-M cadres as well as the failure of district level CPN-M leaders to hold cadres accountable for not allowing or facilitating safe and sustainable return of IDPs, a press statement issued by OHCHR said.

Under international and national norms, large numbers of Nepalis who were forced to flee or decided to leave their homes to avoid the negative effects of the past conflict are considered internally displaced persons (IDPs).

Since OHCHR was established in Nepal in May 2005, the Office has advocated with the government and the CPN-M to respect IDPs' rights to voluntarily and safely return or to fully reintegrate where they are currently living. Both parties have repeatedly made that commitment, statement added.

On recent field missions to hill districts, OHCHR has noted that many IDPs have not returned home due to fear of CPN-M local cadres. The Office has also received reports of persons trying to return but being chased away, and in some cases, beaten up by local CPN-M cadres, statement said.

OHCHR is also concerned that some local CPN-M cadres expect returning IDPs to "account for past wrong-doing" once back in their village, for example by appearing before "people's courts". Such conditions are not part of the November 2006 Comprehensive Peace Agreement and constitute an obvious deterrent to return.

In conversations with CPN-M leaders at different levels, OHCHR has noted a common CPN-M claim that displaced persons are "feudals" and "criminals". When exploring such claims further, OHCHR has often found that such individuals are land owners or political leaders from other parties. However, if there are any individuals who are believed to have committed crimes, they should be dealt with by the justice system. Regardless, such persons fall under the internationally recognized definition of an IDP, and as such have a right to safe, dignified and sustainable return."

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

INSEC assist IDPs return home (October 2008)

INSEC, 8 October 2008, 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"

Thousands of IDPs have returned in the wake of the ceasefire (March 2008)

- 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.

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 way 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."

Hundreds of IDPs displaced in the Terai by ethnic unrest in September 2007 feel too unsafe 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."

HUMANITARIAN ACCESS

General

Maoists and other armed groups interfere with the work of humanitarian organisations (May 2008)

OCHA, 28 May 2008, p.2

"On 14 May, two youths on a bicycle reportedly exploded what appeared to have been an IED near the main entrance of the UNFPA compound in Rajbiraj, Saptari district, without causing Any damage or injury. No one has claimed responsibility for the explosion so far.

On 21 May, an unidentified group threw stones at an IOM vehicle near Mangalbare, Morang, (between Damak and Sanischare Refugee Camp), breaking the main screen of the vehicle. The movement of UN vehicles to the refugee camps is restricted to essential movements only."

OCHA, 13 May 2008, pp. 2-3

"Although no direct threats and violations against agencies have been reported, operational space continues to be partially limited by a degree of criminal activities by armed groups in some Terai areas, in particular Central and Eastern Terai.

(...) WFP was forced to temporarily suspend the emergency food assistance for two weeks in drought-hit parts of remote Humla district after the local groups of district headquarters Simikot obstructed the food supplies. Simikot locals are said to have prevented the movement of WFP aid, staff and implementing partners supporting the relief effort in Humla, and demanded food assistance themselves. WFP Country Representative Richard Ragan said, —These groups are blocking the delivery of International humanitarian assistance and their actions are Causing thousands of people in Humla to go hungry.“ WFP is providing emergency food relief to thousands of families in Humla that do not have enough food to eat because of severe winter crop failure in parts of the district. In addition to these activities, WFP is also supporting the rehabilitation of 25,000 conflict-affected people through food for work projects in Humla."

OCHA, 10 January 2008, p.8

"The ability of the state to deliver basic services continues to be compromised by different groups through abductions, threats and intimidation. VDC and District Development Committee (DDC) officials have received threatening letters from militant/armed groups to either pay or face 'physical action'. The killing of a DDC official in Saptari district led to the mass resignation of local government officials. The revival of CPN-Maoist parallel institutions further weakened the State presence in some districts.

The operating environment for aid workers in the Central and Eastern Terai districts was seriously challenged in 2007. In some cases, organisations were temporarily forced to cease operations. In other cases, aid workers were abducted, extorted or harassed in the name of 'transparency' and 'accountability' by various groups, including the CPN-Maoist, and some Terai-based groups, notably the two factions of the Janatantrik Terai Mukti Morcha (JTMM) and the Madhesi Tigers.

An increasing number of political groups and factions use bandh and blockades to exert pressure on the interim Government. United Nations vehicles were attacked when operating on bandh days, which was not the case during the State/CPN-Maoist conflict.

Factions along the lines of caste and ethnicity emerged, which adversely affected the identification of project implementation areas, targeting of beneficiaries and the recruitment procedures of both development and humanitarian organisations. New Nepali Non-Government Organisation "federations" along caste and ethnic lines affected the selection of NGO partners in the field.

In Nepal, principles regarding the impartiality of aid and unimpeded access were codified through Basic Operating Guidelines (BOGs), a set of measurable working principles that the United Nations, donors, and I/NGOs agreed to uphold. Both the Government of Nepal and the CPN-Maoist expressed their commitment to adhere to the BOGs. However, an increase in the number of militant/armed groups since February 2007 and rising cases of CPN-Maoist BOGs violations since September 2007 necessitated a united stance on advocating for unrestricted operational space by the international community. The UN, donors and I/NGOs launched a unified version of the BOGs in October 2007. This revised version of BOGs appeals to 'all actors concerned to comply strictly with international humanitarian principles and human rights law'."

OCHA, 31 December 2007, p.2

"During the reporting period, different groups, notably Madhesi Tigers, as well as CPN-Maoist, continued to interfere with the way development and humanitarian workers operate. Many of the reported operational space interference attributed to CPN-Maoist were linked to the political demands the party desired to be met at the national level. In November, in Central Region's Ramechhap District, CPN-Maoist forced the local people to protest against a donor project after the staff refused to give 'donation' as demanded. During the last week of November, CPN-Maoist reportedly asked a donor supported project in Chitwan District to stop its activities. In the same month, YCL came to an INGO central office in Kathmandu with charity tickets, and asked for contribution as part of their fund collection drive. On 14 December, YCL entered a UN compound in Lalitpur District and took some fuel and a copy of delivery of invoice with them. On 17 December, a UN office received second threat letter asking for resignation of one of its staff in a hill district and threatened to harm the staff and the UN programme if their condition was not met.

Threats and abductions aimed at principally NGOs operating in the Terai districts continued. An INGO staff and its partners were threatened by MMT to stop operating in the Koshi Tappu Wildlife reserve area of Eastern Region's Sunsari District. Similarly, the INGO staff operating in the area were repeatedly asked for 'donations' from JTMM (Goit) Cadres. Due to threats and uncertain security situation in southern parts of the Eastern Terai districts, a number of INGOs operating in the area were forced to change the mode of programme implementation or shift their programmes to safer areas. During the reporting period, a UN staff was relocated from Saptari District after receiving threats from a Terai based militant group. An INGO staff was also relocated from Sunsari District for similar reasons."

OCHA, 28 December 2007, p.3

"During the reporting period, different groups, notably Madhesi Tigers as well as CPN-Maoist continued to interfere with the way development and humanitarian workers operate, especially in Eastern and Central Terai districts. During the reporting period, many of the reported operational space interference attributed to CPN-Maoist were linked to the political demands the party desired to be met at the national level. During the second week of September, CPN-Maoist

reported disrupted voter education programmes in Central Region's Chitwan and Rasuwa districts, claiming that the party had not been consulted. Similar actions by Limbuwan groups were reported in

Eastern region's Jhapa District. Similarly, during the reporting period, the CPN-Maoist is reported to have continued blocking the operations of I/NGOs in Eastern region's Bhojpur and Dhankuta districts. On 23 September, the CPN-Maoist is reported to have sent a letter to a donor agency operating in Okhaldunga District asking for 10 days' salary from the staff. Similar demands by CPN-Maoist for donations from development workers were reported in Bajura and Dadeldura Districts of Far Western Region where the CPN-Maoist were reported to have demanded between 50,000-300,000 NPR from NGOs based on categorization devised by the party. CPN-Maoist also reportedly interfered with programme implementation of I/NGOs in Mid Western Region Jarjakot and Rukum districts.

Threats and abductions aimed at principally local NGOs operating in the Terai districts continued during the reporting period. During the reporting period, an NGO staff was abducted and subsequently released by JTMM (Goit) in Saptari District. In the same district, 3 NGO workers were reportedly abducted by unidentified groups during the reporting period. On 23 September, Madhesi Tigers reportedly abducted a female NGO worker in Saptari District on claims that the NGO was not maintaining 'financial transparency'. Similarly, in Sunsari District, Madhesi Tigers are reported to have complained to and threatened an I/NGO to stop spending a lot of money on seminars and workshops instead of actual development. The same group reportedly demanded donation in form of money and petrol from another I/NGO within the District. On 18 September, a private commercial vehicle contracted by WFP to carry relief food was burned down by protestors in Kapilbastu District. During the reporting period, local people who were enforcing a road blockade are also reported to have blocked UN and Red Cross vehicles from moving in Mid Western Region's Bardiya District as well as in Kanchanpur District, Far Western Region.

On 15 October, the United Nations, donors and other aid agencies re-launched the Basic Operating Guideline (BOGs). The BOGs, which were published for the second time in four years, are based on the International Humanitarian Principles and Human rights laws make clear the operating principles of signatories concerning aid delivery, including the freedom to operate without hindrance. During the launching ceremony, the UN Resident Coordinator as well as donor and I/NGO representatives called upon all actors in the country to allow full and unimpeded access by development and humanitarian workers to the most vulnerable people in Nepal. Signatories to the guidelines include United Nations, European Commission, Danish International Development Assistance (DANIDA), Swiss Agency for Development and Cooperation (SDC), Canadian International Development Agency, Norwegian Embassy, and Department for International Development (DFID) of United Kingdom, Australian Agency for International Development (Aus AID), Japan International Cooperation Agency (JICA), German Technical Cooperation (GTZ), Embassy of Finland, Netherlands Development Organization (SNV) and Association of International Non Government Organizations (AIN)."

OCHA, 12 September 2007, p. 3

"During the reporting period, different groups, notably Madhesi Tigers as well as CPN-Maoist continued to interfere with the way development and humanitarian workers operate, especially in Eastern and Central Terai districts. On 31 August, CPN-Maoist cadres approached an INGO office in Biratnagar, Morang District and demanded 200,000 Nepali Rupees as 'donation'. The INGO workers explained to the CPN-Maoist cadres the Basic operating Guidelines (BOG) and the CPN-Maoist subsequently left without insisting on payments.

In Sunsari District, two INGOs received telephone calls from Madhesi Tigers directing the INGOs to cease activities in the district on claims that many INGOs in the district were not transparent. On 4 September, three local partners of an INGO in Sunsari District also received letters from

Madhesi Tigers directing the local partners to cease operating in the district. At a subsequent meeting between these groups and Madhesi Tigers, an agreement was reached not to interfere with the work of I/NGOs.

On 5 September, a UN vehicle was denied access at Pipara, Mahottari District by activists of Nepal Dalit Janajati Party (NDJP). NDJP activists who were enforcing an indefinite transportation strike called by the group to pressurize for representation of the Dalit and Janajati in the CA election also threatened to burn the UN vehicle if it defied their bandh in future. On 27 August, activists of the same group had stoned and denied access to another UN vehicle in Saptari District.

During the reporting period, the World Food Programme (WFP) issued two statements requesting all parties to give free access to humanitarian workers to enable fast delivery of humanitarian assistance to people affected by floods. This followed incidents where WFP trucks carrying humanitarian food assistance for flood victims in Kailali, Banke and Bardiya were obstructed by protesting groups particularly in Dang and Kailali districts in Mid and Far Western Regions."

OCHA, 15 August 2007, p. 2

"During the reporting period, different groups, notably TJMM (Jwala Singh) as well as CPN-Maoist continued to interfere with the way development and humanitarian workers operate, especially in Eastern and Central Terai districts. On 21 July, CPN-Maoist affiliated YCL reportedly obstructed a UN vehicle from moving into Maina Sahastrabahu village to continue with its project in Eastern Region's Saptari District. In Central Region's Dhanusha District, an NGO reportedly received several telephone calls from CPN-Maoist, with threats of physical violence demanding for 'donations'. During the same period, YCL reportedly extorted 40,000 NPR from VDC budget in Khotang district on claims that the money would be used to treat CPN- Maoist cadres killed during the conflict.

On 16 July, an NGO president was stopped from work in Central Region's Mahottari District by TJMM (Jwala Singh) on claims that the NGO work violated their bandh. During the reporting period, a manager of an NGO in Dhanusa District was forced to leave the area after receiving threats from TJMM (Jwala Singh). Similarly, cadres of TJMM (Jwala Singh) asked an INGO to employ its cadres in Sunsari District. TJMM (Jwala Singh) activists are also reported to have telephoned the residence of a UN staff member in Parsa District demanding for donations.

During the reporting period, the United Nations Resident and Humanitarian Coordinator issued two statements requesting all parties to give free access to humanitarian workers to enable fast delivery of humanitarian assistance to people affected by floods. The International Committee of the Red Cross (ICRC) also issued a similar statement."

Reach of the State remains limited (May 2008)

- Displacement of VDC secretaries in areas under Maoist control have severely limited availability of government services

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 Kheshraiya 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."

OCHA, 29 April 2008, p.2

"The situation regarding the presence of VDC secretaries and other government officials in many rural areas across the country remains unchanged. While most health facilities and schools have reopened as planned, development activities continue to be hampered by the physical absence from VDCs or the lack of agreements in the continued absence of elected local and district bodies. The informal seven-party arrangements on local level are likely to be affected by the political developments at national level in the coming weeks."

OCHA, 31 March 2008, p. 2

"Central state officials have been unable or unwilling to take up their posts in a number of villages south of the Terai's East West highway. Civil servants apart from schoolteachers and health workers are working from outside their assigned locations in many of the Terai districts, often citing security concerns. VDC secretaries are either working from the district headquarters or visiting their VDCs only occasionally. A VDC Secretary in Dhanusha was reportedly abducted from his house by an unidentified group. The secretaries of some 30 VDCs in Kapilvastu district have reportedly not been able to return to their VDCs because of threats by various armed Terai groups.

Police have faced challenges in providing law and order in a Several areas, particularly where central state organs have been Absent or weak for a number of years. For instance, on 20 March, Maoists reportedly encircled several police posts in Baitadi to pressure the local authority for the immediate release of Maoists cadre following their arrest on the charge of attacking a candidate."

OCHA, 10 January 2008, p.8

"The ability of the state to deliver basic services continues to be compromised by different groups through abductions, threats and intimidation. VDC and District Development Committee (DDC) officials have received threatening letters from militant/armed groups to either pay or face 'physical action'. The killing of a DDC official in Saptari district led to the mass resignation of local government officials. The revival of CPN-Maoist parallel institutions further weakened the State presence in some districts."

OCHA, 31 December 2007, p.3

"The ability of the state to deliver basic services continued to be compromised by different groups owing to abductions, threats and intimidation. On 9 December, all Village Development Committees (VDC) remained closed across the country due to a strike called by VDC Secretaries to protest against the Government for failing to provide security from armed and unarmed groups

extorting, threatening and kidnapping VDC secretaries. The VDC secretaries' move came after they decided to shut VDC offices every Sunday for a month from 9 December and also close offices for two days every week. Citing security reasons, a number of VDC Secretaries had resigned from their positions previously. In the Eastern Terai districts alone, 489 VDC Secretaries have reportedly resigned and a number are currently working from District and regional headquarters. On 12 December, a country wide strike called by Nepal Medical Association (NMA) to protest against the government's failure to provide security to medical practitioners and institutions disrupted the delivery of normal medical services in both private and government health institutions throughout the country.

During the reporting period, CPN-Maoist is reported to have intensified the reviving of parallel governance structures in different regions of the country as well as stepping up activities that further compromised the ability of the state to deliver basic services."

OCHA, 28 December 2007, p. 3

"The ability of the state to deliver basic services continued to be compromised by different groups owing to abductions, threats and intimidation. As previously reported the closure of Nepal Electricity Authority (NEA) revenue collection counters in Central Region's Chautara of Sindhupalchowk District following directive of CPN-Maoist continued. During the reporting period, the working environment for civil servants especially in the Terai districts continued to deteriorate. On 30 October, following the killing of a DDC official in Saptari District on 29 October, the DDC and VDC officials went on strike, demanding security guarantees and a safer working environment from the government. On 7 November, after 10 days of strike, 415 government employees serving in various offices within the District reportedly tendered resignation, citing apathy by the government towards their plight and security concerns. On 2 November 98 VDC Secretaries from Bara District had reportedly resigned, citing government failure to provide them with a secure working environment and putting forward 22 points that they desired the government to fulfil before they could resume their duties.

The working environment for VDC Secretaries continued to be precarious due to threats, intimidation and demand for huge donations by different groups. In Eastern Region's Morang District, cadres of JTMM (Jwala Singh), JTMM (Goit) as well as Madhesi Tigers are reported to have threatened VDC Secretaries leading to displacement of 33 VDC Secretaries who currently operate from the District Headquarters. During the reporting period, the Chairman of the VDC Secretary Rights Protection in Central Region's Sarlahi District equally threatened that if extortion and threats by different groups continued and the government did not provide security to VDC Secretaries, then all the VDC Secretaries in the District would collectively resign on 18 November. He stated that different armed groups involved in threats and violence in the Terai districts have demanded about 6 million NPR from the VDC officials in the District.

After pulling out from the interim government, CPN-Maoists reported to have intensified the reviving of parallel governance structures in different regions of the country as well as stepping up extortion activities. During the reporting period, CPN-Maoist reinstated District People's Revolutionary Councils in Rolpa, Dang and Kanchanpur districts, including the revival of CPN-Maoist pre-school learning programmes in Kanchanpur District. Similarly, in the Eastern Region's Ilam District, the CPN-Maoist was reportedly involved in re-establishing 'people's judicial structures', including active involvement in settlement of land and other disputes. On 14 October, CPN-Maoist are reported to have demanded at least a day's salary from all the police officers posted to the area police posts in Central Region's Ramechhap District and threatened to expel the police officers out of the villages unless they paid the CPN-Maoist. Similarly, in Western

Region's Myagdi District, CPN-Maoist is reportedly collecting 'Tourism Tax' from all foreigners who are visiting the area."

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."

OCHA, 12 September 2007, p. 4

"The ability of the state to deliver basic services continued to be compromised by different groups owing to abductions, threats and intimidation. On 16 August, The Nepal Electricity Authority (NEA) is reported to have closed all its revenue collection counters in Central Region's Chautara of Sindhupalchowk District after CPN-Maoist asked NEA officials not to accept payments from consumers. On 21 August, CPN-Maoist cadres reportedly stopped policemen from patrolling certain villages in Western Region's Parbat District. On 25 August, the YCL reportedly started imposing levy on Nepal-Tibet cross border businessmen and local people after taking over the Rasuwagadhi Custom Office in Central Region's Rasuwa District under their control. Carpets, chocolates, biscuits and clothes are reportedly among the goods that YCL cadres deployed at the

customs office are taking levy on. The YCL are also reportedly been registering names and addresses of the people passing through the customs point at Timure VDC, which government officials reportedly vacated during the conflict.

On 2 September the Sunsari District Committee of the JTMM (Goit) reportedly warned of 'physical action' against the main District Departmental Heads of various government offices based in Inaruwa for refusing to give 'donation'. Those who were threatened included the Public Health Officer, Department of Survey, Chief Municipality engineer and the District Education Officer. The

JTMM (Goit) also issued a press statement on the same day outlining a phase-wise threat for future implementation of 'physical action' against NGOs, leaders of various political parties and businessmen.

On 4 September, CPN-Maoist reportedly took a decision to re-start a 'parallel justice system' similar to the one that the CPN-Maoist disbanded last year. A meeting of the Revolutionary People's Council (RPC), one of the decision making organs of the party reportedly took the decision on claims that the common people have failed to receive justice from the current state mechanism and that action against the corrupt and criminals was required in the country.

On 4 September, the JTMM (Goit) reportedly sent out letters to VDC secretaries in Central Region's Kapilbastu District demanding 50, 000 Nepali Rupees from each VDC Secretary and threatened consequences if the money is not paid to his faction by 6 September. On 28 August, cadres of JTMM (Jwala Singh) are reported to have abducted the VDC Secretary of Pokharbinta VDC in Eastern Region's Siraha District. Similarly cadres of the same groups are also reported to have abducted the Secretary of Birchi Pastoka VDC in Central Region's Rautahat District on 1 September on claims that the VDC Secretary had not paid taxes to the JTMM (Jwala Singh) declared "Terai Government". On 27 August, the VDC Secretaries who had been on nationwide strike demanding security guarantees from the government suspended their strike in order to work on the CA election, even though during the reporting period, a number of them were still outside their designated working areas."

OCHA, 15 August 2007, p. 2

"During the reporting period, both factions of TJMM as well as other new groups continued to abduct and intimidate government officials, especially in Central and Eastern Terai, seriously disrupting delivery of services. On 12 July, TJMM (Jwala Singh) stated that they will not allow the Siraha District Development Committee (DDC) to execute its plans or recognize any contracts awarded by the DDC unless it pays tax to "the Terai government" under the leadership of TJMM (Jwala Singh). TJMM (Jwala Singh) threatened to take 'physical action' against officials of the DDC, Municipality or individual contractors who go against the TJMM (Jwala Singh) decision. On 5 August the JTMM (Jwala Singh) Dhanusha District Committee issued a press release proclaiming itself to be "the Terai government" and making three demands; that all government officials pay one day's salary to "the Terai government" of TJMM (Jwala Singh) every month; prohibiting production and consumption of alcohol; and restricting assembly to groups no higher than four-five people, except in markets. The statement reportedly said that TJMM (Jwala Singh) would monitor adherence to these demands and threatened 'physical action' against those failing to comply.

On 17 July, the Minister for Local Development stated that owing to threats and intimidation in the Terai, most VDC Secretaries have requested the Ministry to transfer them to a safer location due to ongoing crisis in Terai. The minister also said that a number of VDC secretaries are also operating from the District headquarters. The minister further said that vacant positions will be filled by recruiting temporary VDC Secretaries on contract basis and that people of Madhesi origin will be given priority to fill the vacant VDC Secretary positions in Terai VDCs. On 22 July, many

civil servants in Saptari District started an indefinite go slow, demanding the government to address the problems they were facing of lack of a secure office working environment in the face of threats, abductions and killings from different groups. On 26 July, agitating VDC Secretaries stated that they would continue with their strike until the government ensures adequate security for them so they can work in a fearless environment. The Chairman of the VDC Secretary Rights Protection Centre informed the media that VDC Secretaries across the country were not returning to work because the government had continued to turn a deaf ear to their demands. On 18 July, the VDC Secretaries had started a nationwide strike demanding that the government provide security to all VDC Secretaries working in Terai districts, life insurance worth 1 million Nepali Rupees and 'martyr status' to VDC Secretaries killed by rebel groups.

During the reporting period, reports from government sources indicated that of the 141 either displaced or merged police posts in the Terai districts the government had restored only 59, causing security gaps caused by absence of 82 police posts in the Terai districts. The police were forced to merge police posts in the Terai early this year after armed groups linked to both factions of TJMM began storming various poorly-manned police posts in Morang, Saptari and Siraha districts and seizing weapons. During the reporting period a number of Armed Police Force (APF) deployment to some Terai districts continued. According to Nepal Police Headquarters, 88 police posts are left to be restored the in hilly and mountain districts across the country. During the reporting period, the government further announced that it would employ retired policemen to beef up security ahead of the CA election."

NATIONAL AND INTERNATIONAL RESPONSES

National response

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](#)). 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 (June 2008)

In the early phase of the conflict, most UN agencies and international NGOs present in Nepal focused almost exclusively on providing development-oriented assistance and none provided humanitarian relief or targeted their assistance at IDPs. Instead, most agencies preferred to assist conflict-affected areas mainly through already existing development programmes.

In April 2005, the UN's Internal Displacement Division (IDD) noted a change in the UN agencies attitude and greater willingness to address the humanitarian and protection needs of the displaced. In addition to the updating of contingency plans, taking into account the new situation, UN agencies established a Crisis Management Group to improve inter-agency coordination (IDD, 2 June 2005, p.3). To strengthen the capacity of the UN to respond to the needs of the displaced, a Humanitarian Affairs Officer as well as an IDP Advisor were put in place to assist the UN Resident/Humanitarian Coordinator, responsible at the field level for the strategic coordination of protection and assistance to IDPs.

In April 2005, in conjunction with OCHA's IDD, the Representative of the Secretary-General on the human rights of IDPs, Walter Kälin, conducted a 9-day mission to assess the IDP situation and make recommendations to the government and other relevant actors, including the international aid community of Nepal. Walter Kälin [described](#) the needs of the people displaced by the decade-long conflict between the monarchy and rebel Maoists in Nepal as having been "largely overlooked and neglected". Kälin called on the government to better address the protection needs of its displaced population, inter alia through the adoption of a comprehensive national IDP policy and appropriate legislation.

The government accepted in April 2005 the setting up of a human rights monitoring operation by the UN Office of the High Commissioner for Human Rights. The mission's mandate would be to monitor and report on human rights abuses as well as provide advisory services to the government (OHCHR, 11 April 2005).

Common Humanitarian Action Plan (CHAP) /Consolidated Appeal Process (CAP) (2005-2008)

In mid-2005, representatives of the international assistance community collectively developed a Common Humanitarian Action Plan (CHAP). The Plan, which would form the basis of the Consolidated Appeal Process (CAP), covered the period October 2005-December 2006 and asked for US\$ 65 million to finance projects presented by 25 different organisations.

One of the main objective of the CHAP was to help agencies establish a common understanding of the humanitarian priorities and, with regards to the displacement problem, to lead the way to an improved assistance to IDPs.

The UN agencies developed a common IDP contingency plan identifying a total of 65,000 vulnerable IDPs. Of this number, 15,000 would be located in district headquarters in 15 hill districts; 20,000 in major regional municipalities; 20,000 scattered across the Terai and 10,000 in Kathmandu Valley. The Plan also identified 1.4 million people in need of essential medicines and 50,000 households in need of humanitarian-type assistance, including food, shelter, education and water & sanitation.

In January 2008, the the Inter-Agency Standing Committee (IASC) launched an appeal for the third consecutive year, requesting US\$ 104.5 million for 61 projects, to address urgent needs in Emergency Food Security and Nutrition, Protection, Children Affected by Armed Conflict, Mine

Action, Emergency Health, IDPs, Multi-Sector (refugees), Natural Disaster Preparedness and Response, and Coordination.

The overall response provided by donors to the UN CAP (Nepal Common Appeal for Transition Support 2007) launched in 2007 was positive with 71.8 per cent covered by the end of the year. Sectors important for IDP return and rehabilitation such as mine action or agriculture remained however, critically underfunded at 4 % and 14% respectively. In addition, \$13 million was contributed outside the appeal, bringing the total humanitarian funding to to \$86 million in 2007.

The United States USAID) was the largest donor, with over \$27 million (or 31%) committed to humanitarian projects in Nepal. The European Commission (ECHO) ranks second with \$12 million (or 14%) followed by the UN (8.7 %), Japan (8.2%), the Netherlands (6.7%), Germany (6%) and Canada (3.8%).

UNMIN

In support of the peace process and in particular the conduct of the Constituent Assembly elections, the UN established in August 1996, the United Nations Mission in Nepal (UNMIN).

UNMIN's main tasks are:

monitor the management of arms and armed personnel of the Nepal Army and the Maoist army
assist the parties through a Joint Monitoring Coordinating Committee in implementing the agreement on the management of arms and armed personnel of both the Nepal Army and the Maoist army
provide technical assistance to the Election Commission in the planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere
assist in the monitoring of ceasefire arrangements.

The Special Representative of the United Nations Secretary-General has the mandate to coordinate United Nations efforts in Nepal in support of the peace process, in close consultation with relevant parties within Nepal and in close cooperation with other international actors. The Humanitarian Coordinator, supported by OCHA, coordinates IASC member programmes to ensure effective and principled humanitarian action, one of the tools includes the common appeal processes.

The UN Resident Coordinator, supported by the UN Development Group Office (UNDGO) and the UN Country Team (UNCT), develop longer term development planning framework, with the goal to support Nepal's efforts toward achieving the Millennium Development Goals". (OCHA, 10 January 2008, p.13)

UN's strategic objectives with IDPs

As stated in the CAP, these are the UN strategic objectives vis-à-vis IDPs for 2008:

Ensure effective monitoring and response to protection concerns of IDPs and returnees;
Assist Government authorities to implement Nepal's IDP Policy through the dissemination of the "Directives" and support training programmes for government officials and civil society, at the village, district or regional levels, including specific training on the gender aspects of the Directives;
Ensure the recommendations in the IDP Directives which pertain to property and other rights, protection and needs of female IDPs, especially widows and single women, are implemented;

Assist the Government to improve its capacity to monitor its relief programmes for IDPs and the impact of its policies by developing better tools (including databases with sex disaggregated statistics) and methods for gathering, managing and analysing information;
Continued advocacy for and promotion of durable solutions for IDPs, including support for those who wish to integrate in areas of displacement, as well as those wishing to return;
Ensure that IDPs receive humanitarian assistance, protection and legal assistance where necessary and are able to access their entitlements. (OCHA, 10 January 2008, p. 20)

UNHCR, OCHA and OHCHR coordinate the inter-agency response to IDPs

Within a collaborative approach framework, UNHCR and OHCHR are leading the UN response on IDP protection and co-chair the IDP Protection Sub-Group of the Human Rights and Protection Working Group (UNHCR, 8 June 2006, p.8). The group consists of UN agencies, NGOs, INGOs, and donor agencies. IDP Working Groups have also been set up in Nepalgunj and Biratnagar (OCHA, 23 February 2007, p.20). The main mechanism for inter-agency coordination of humanitarian assistance is a local Inter-Agency Standing Committee (IASC), which meets twice a month to share information and address the main humanitarian issues (UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, p. 5). OHCHR, UNHCR and OCHA have all deployed IDP protection experts and have established field presences in areas of displacement.

Several inter-agency IDP missions have been conducted since the end of 2005 with the aim of enhancing the understanding of IDP issues among humanitarian actors and promoting sustainable solutions for the return of the displaced. The missions as well as an increased field presence during 2006 and 2007 have also been opportunities to better monitor return conditions and ensure that the Maoists fulfil their commitments to guarantee the return of the displaced in safety and dignity. Following the endorsement of the National IDP Policy by the government on 18 February 2007 and its request for technical support from the international community to help the newly mandated Ministry of Peace and Reconstruction draft implementation guidelines, OCHA requested for a Protection Capacity (ProCap) secondment of a senior protection officer to assist the government for three months (from July to October 2007).

OHCHR monitors protection obstacles to IDP return through its network of field offices as well as through periodic inter-agency assessment reports. The UN Human Rights agency also actively advocates for a better protection of IDPs' rights, in particular for the full implementation by both parties of the IDP provisions of the CPA (OCHA, 18 July 2007, p. 3).

In addition to the legal and physical protection it provides to refugees and asylum seekers in Nepal, UNHCR decided in 2005 to also extend its assistance to IDPs. During 2007, UNHCR's conducted mainly protection-related activities both at the local and central level, namely by assisting the government adopt a policy on IDPs in line with the UN Guiding Principles on Internal Displacement. By maintaining a presence in key areas of the country, efforts have also been made to ensure that IDPs wishing to return can make an informed decision, in particular with regards to possible protection threats. During 2007, UNHCR also facilitated a series of IDP workshops in 15 districts of the Eastern and Mid-Western regions. The workshops were aimed at promoting reconciliation and facilitation of dialogue amongst district level stakeholders on IDP issue (OCHA, 18 July 2007, p.3).

Since the end of 2007, however, the UN has seemed to no longer consider the IDP issue a priority, as illustrated by the non-renewal of IDP protection experts' positions within OHCHR and UNHCR. As of the end of March 2008, OCHA has taken over from UNHCR as IDP lead and has so far kept the UN involved in IDP issues.

In July 2007, WFP launched a US\$49 million recovery programme ([EMOP 10687.0](#)) to assist over 1.2 million conflict-affected people in 28 districts across Nepal in support of the country's peace process. The assistance is to focus on three main areas: critical infrastructure, return and reintegration and non-formal education (WFP, 10 July 2007). As of end of January 2008, halfway through the programme, only one third of the nearly US\$49 million required to assist the conflict-affected people had been received (WFP, 28 January 2008). In June 2006, the UN food agency had started its first ever emergency food distribution in Nepal (EMOP 10523.0), aimed at feeding beneficiaries in the Mid- and Far Western districts, most affected by 2 successive poor harvests. The monsoon and poor donor support reportedly hampered the operation, which was extended through December 2007, targeting a total of 375,000 people.

International NGOs working with the displaced

A number of international NGOs have increased their assistance towards IDPs in the past year, mainly to fill the assistance gap left by the government and to ensure the sustainability of IDP returns.

In March 2007, the **Norwegian Refugee Council (NRC)** launched an "Information, Counselling and legal Assistance (ICLA) project in Nepal by opening offices in Nepalgunj, Biratnagar and Kathmandu. The project provides IDPs with legal aid, information and return assistance. NRC is also collecting data on numbers, conditions and locations of IDPs and shares it with the rest of the humanitarian community. NRC is also involved in assisting the government in drafting the IDP policy implementation guidelines. In the first 3 months, NRC provided individual legal advice and counselling to over 600 IDPs and information on IDP rights to over 1,700 persons through village level, outreach meetings (OCHA, 18 July 2007, p.3). During August-September 2007, NRC opened two additional ICLA offices in Surkhet and Rukum district. So far, most of requests from IDPs for assistance were related to the lack of IDP's access to essential civil documents (including birth and citizenship certificates) and the inability of IDPs to access Government entitlements such as pensions and widow allowances and the seizure of IDPs' land (OCHA, 12 September 2007, p. 5). By the end of April 2008, NRC had provided ICLA to 15,000 IDPs and returnees and provided information to 12,000 people through community outreach meetings (NRC, May 2008).

The **International Rescue Committee (IRC)** is working in six districts in the Mid-western region providing integrated assistance to strengthen protection services and improve the lives of IDPs, returnees and other vulnerable people. IDP return guidelines have also been drafted. Up to 24 Quick Impact Projects will be conducted in areas of high IDP return in order to help improving relationships between returnees and host communities. Following unrest in the Terai (Banke, Dang) in September 2007 and the subsequent displacement of more than 50,000 people, IRC has been providing emergency medical care to the displaced (IRC, 12 October 2007).

Action Aid (AAN) [\[Internet\]](#) has carried out a IDP survey together with INSEC and has also supported the latter in facilitation of return in the Mid-west region during 2006.

Caritas [\[Internet\]](#) provides educational assistance to IDPs in addition to the support it provides to conflict-affected people. In February 2006, Caritas launched a \$ 1 million Appeal to assist some 100,000 IDPs. Return and reintegration assistance is also planned.

International Nepal Fellowship (INF) [\[Internet\]](#) launched a "Displaced People Initiative" Programme in 2003 in districts of the mid-western region such as Jumla, Dang, Bardiya and Banke. Instead of providing the displaced with relief aid, the programme seeks to facilitate the absorption of the displaced into host communities.

International Committee of the Red Cross (ICRC) and Nepal Red Cross Society (NRCS) have since January 2007 supported the return of 125 vulnerable IDP families by providing non-food items in 16 districts.

Terre des Hommes (TDH) [[Internet](#)] has in May 2005 started a project to assist displaced children in Nepalgunj. The beneficiaries will also include other conflict-affected children. Support will be provided in the field of education, psychosocial assistance and nutrition. [[Internet](#)]

Médecins Sans Frontières (MSF) [[Internet](#)] has been in Nepal since 2002 providing health care support . It maintains a presence in Rukum district in mid-western Nepal where it runs the hospital. In January 2004, it was forced to close its mission Jumla district. [[Internet](#)]

Save the Children (US) has provided support to up to 5,600 IDPs since 2003 in partnership with NRCS and BASE. In the future, SCS plans to provide support to an estimated 2,500 IDP households in 24 districts of the Far-western and Mid-Western region.

Other organisations having displaced people as beneficiaries include: [ActionAid](#), [Action contre la Faim](#) (ACF), the [Lutheran World Federation](#) (LWF) -working essentially with ex-Kamayyas, [Oxfam](#), [Plan International](#), [Save the Children](#) and [World Vision](#).

See here an [updated list of organisations](#) assisting the displaced in Nepal. See also the following [Who's doing What, Where \(WWW\) on Internal displacement in Nepal](#) (updated as of 18 September 2006).

LIST OF SOURCES USED

(alphabetical order)

Action by Churches Together (ACT), 11 September 2000, "Appeal - Nepal, Emergency Relief for Freed Bonded Labourers - ASNP01"

Internet : <http://www.cidi.org/humanitarian/hsr/00b/0013.html> , accessed 7 April 2003

Action contre la Faim (ACF), March 2006, ACF Report: Nutritional exploratory mission – Humla and Mugu Districts

Internet : <http://www.un.org.np/uploads/reports//ACF/2006/2006-5-17-ACF-Nutritional-Survey-06.pdf> , accessed 29 May 2006

Agence France-Presse (AFP), 10 December 2005, "Bucking global trend, landmine victim numbers rise in Nepal"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EK0I-6JZ5L2?OpenDocument&rc=3&cc=npl> , accessed 23 December 2005

Agence France-Presse (AFP), 26 May 2005, "Nepal police arrest scores of people displaced by Maoist revolt"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6CS7PV?OpenDocument&rc=3&cc=npl> , accessed 3 June 2005

Agence France-Presse (AFP), 21 March 2007, "Twenty-five killed in Nepal ethnic clashes"

Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SNAO-6ZHQML?OpenDocument> , accessed 22 March 2007

Agence France-Presse (AFP), 21 November 2006, "Nepal premier, Maoist leader sign peace pact"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6VRKH6?OpenDocument> , accessed 21 November 2006

Agence France-Presse (AFP), 9 September 2004, "Residents of eastern Nepal head home after Maoists lift attack threat"

Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/151298c563ae9dcd49256f0b00087c71?OpenDocument> , accessed 14 September 2004

Agence France-Presse (AFP), 17 October 2003, "Suffering of Nepal's children unnoticed on international stage: UNICEF"

Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/1b8690efba5dd908c1256dc20048d852?OpenDocument> , accessed 13 February 2004

Agence France-Presse (AFP), 8 September 2004, "Thousands flee eastern Nepal following Maoist threats: officials"

Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/efcd709703d9f899c1256f09004464f2?OpenDocument> , accessed 14 September 2004

Amnesty International (AI), 26 July 2005, Nepal: Children caught in the conflict

Internet : <http://web.amnesty.org/library/index/engasa310542005> , accessed 26 July 2005

Amnesty International (AI), 11 November 2003, "Nepal: Civilians sucked into ongoing conflict"

Internet : <http://web.amnesty.org/library/Index/ENGASA310722003> , accessed 12 November 2003

Amnesty International (AI), 15 June 2005, Nepal: Military assistance contributing to grave human rights violations

Internet : [http://web.amnesty.org/library/pdf/ASA310472005ENGLISH/\\$File/ASA3104705.pdf](http://web.amnesty.org/library/pdf/ASA310472005ENGLISH/$File/ASA3104705.pdf) , accessed 27 June 2005

Amnesty International (AI), 16 October 2003, Nepal: Widespread "disappearances" in the context of armed conflict

Internet : <http://web.amnesty.org/library/print/ENGASA310452003> , accessed 16 October 2003

Amnesty International (AI), 26 July 2005, "Children victims of violence in ongoing civil conflict"

Internet : http://www.amnesty.ca/resource_centre/news/view.php?load=arcview&article=2641&c=Resource+Centre+News , accessed 12 October 2006

Amnesty International (AI), 19 December 2002, Nepal: A deepening human rights crisis

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/49801B1C9BEC9513802570B700599A/A8/\\$file/AI_deepening_HR_crisis_dec02.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/49801B1C9BEC9513802570B700599A/A8/$file/AI_deepening_HR_crisis_dec02.pdf) ,

Amnesty International (AI), 4 April 2002, Nepal: A spiralling human rights crisis

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A3B6973035BE60E4802570B700599A/A9/\\$file/AI_spiralling_HR_crisis_april02.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A3B6973035BE60E4802570B700599A/A9/$file/AI_spiralling_HR_crisis_april02.pdf) ,

Asia-Pacific Human Rights Network (APHRN), 20 August 2001, Discrimination in Nepal

Internet : <http://www.hrdc.net/sahrdc/hrfeatures/HRF43.htm> , accessed 3 April 2003

Asia-Pacific Human Rights Network (APHRN), 14 January 2002, Nepal: War against Maoists extends to media

Internet : <http://www.hrdc.net/sahrdc/hrfeatures/HRF50.htm> , accessed 3 April 2003

Asia-Pacific Human Rights Network (APHRN), 31 March 2003, Winds of change: Will they bring peace?

Internet : <http://www.hrdc.net/sahrdc/hrfeatures/HRF74.htm> , accessed 3 April 2003

Asian Centre for Human Rights (ACHR), December 2003, "Nepal urged to disband counter insurgency Village Defence Forces"

Internet : <http://www.achrweb.org/press/2003/December2003/NEP011203.htm> , accessed 10 August 2004

Asian Centre for Human Rights (ACHR), 20 May 2005, Nepal: The Maoists' conflict and its impact on the rights of the child

Internet : <http://www.achrweb.org/reports/Nepal/Nepal-CRC-0305.pdf> , accessed 8 June 2005

Asian Centre for Human Rights (ACHR), 14 March 2005, The Case for Intervention in Nepal. A report to the 61st session of the United Nations Commission on Human Rights

Internet : <http://www.achrweb.org/reports/Nepal/Nepal0105.pdf> , accessed 28 April 2005

Asian Development Bank (ADB), September 2004, Nepal: Country Strategy and Program 2005-2009, Appendix

Internet : <http://www.adb.org/Documents/CSPs/NEP/2004/Appendix.pdf> , accessed 1 July 2005

Asian Development Bank (ADB), September 2004, Nepal: Country Strategy and Program 2005-2009

Internet : <http://www.adb.org/Documents/CSPs/NEP/2004/NEP-csp-2005-2009.pdf> , accessed 1 July 2005

BBC News, 3 December 2003, "Landmine use rising in Nepal"

Internet : http://news.bbc.co.uk/2/hi/south_asia/3287529.stm , accessed 19 December 2003

BBC News, 17 December 2003, "Nepalese army admits 'excesses' "

Internet : http://news.bbc.co.uk/2/hi/south_asia/3327439.stm , accessed 23 December 2003

BBC News, 3 August 2004, "Maoist victims restart campaign"

Internet : http://news.bbc.co.uk/2/hi/south_asia/3530330.stm , accessed 4 August 2004

BBC News, 14 March 2005, "Nepal's rising vigilante violence"

Internet : http://news.bbc.co.uk/2/hi/south_asia/4346597.stm , accessed 15 March 2005

BBC News, 18 March 2005, "Nepal 'near humanitarian abyss' "

Internet : http://news.bbc.co.uk/2/hi/south_asia/4360019.stm , accessed 12 July 2005

BBC News, 11 April 2005, "Nepal to allow UN rights monitors"

Internet : http://news.bbc.co.uk/2/hi/south_asia/4433691.stm , accessed 12 April 2005

Bell, Thomas, 12 March 2005, "An account of my knowledge of events in Kapilvastu during February 2005"

Caritas, 20 February 2006, "Caritas seeks \$1 million to help civilians caught in crossfire of Nepalese war"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6M7K8F?OpenDocument> , accessed 29 June 2006

Caritas, 17 August 2006, Caravan of Conflict, A study of the dynamics of conflict-induced displacement in Nepal, section 4

Internet : <http://www.un.org.np/reports/CARITAS-NEPAL/2006/Section-4.pdf> , accessed 12 October 2006

Christian Science Monitor (CSM), 5 July 2005, "Village mobs rise in war-wracked Nepal"

Internet : <http://www.csmonitor.com/2005/0405/p06s02-wosc.htm> , accessed 7 July 2005

Christian Science Monitor (CSM), 28 June 2005, "Nepal's children forced to fight"

Internet : <http://www.csmonitor.com/2005/0628/p06s03-wosc.html> , accessed 29 June 2005

Christian Science Monitor (CSM), 5 February 2007, Protests rock Nepal peace process

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EK0I-6Y67G2?OpenDocument&rc=3&emid=EVIU-6AKEJJ> , accessed 6 February 2007

Community Study and Welfare Centre (CSWC), February 2004, Plight of Internally Displaced Persons (IDPs) in Nepal, A Call for an Urgent Intervention by the HMG/Nepal, United Nations, and International Community

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/17A65899CD5DE444802570B700599B80/\\$file/CSWC_Feb04_IDP_paper.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/17A65899CD5DE444802570B700599B80/$file/CSWC_Feb04_IDP_paper.pdf) ,

Dawn, 12 June 2005, "Conflict pushes more kids to work in Nepal"

Internet : <http://www.dawn.com/2005/06/12/fea.htm#1> , accessed 30 June 2005

European Commission (EC) & Rural Reconstruction Nepal (RRN), April 2003, Conflict & Food Security in Nepal, A preliminary Analysis
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/13C80D92223B06B5802570B700599A54/\\$file/eu-conflict.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/13C80D92223B06B5802570B700599A54/$file/eu-conflict.pdf) ,

FAO/WFP, 26 July 2007, FAO/WFP Food security assessment mission to Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/C71E07532B38C8D2C125735C002C08A7/\\$file/2007-07-26-FAO-CFSAM-final-report-July-2007.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/C71E07532B38C8D2C125735C002C08A7/$file/2007-07-26-FAO-CFSAM-final-report-July-2007.pdf) ,

Friedrich-Ebert-Stiftung (FES), 2002, Local governance
Internet : http://web.archive.org/web/20030626092312/www.nepaldemocracy.org/local_governance.html ,
accessed 11 April 2003

Ghimire, Anita, July 2007, Enfranchising IDPs in Nepal
Internet : <http://www.fmreview.org/FMRpdfs/FMR28/26.pdf> , accessed 18 July 2007

Government of Nepal, 22 November 2006, Full text of the Comprehensive Peace Agreement held between Government of Nepal and Communist Party of Nepal (Maoist)
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-6VSHK8?OpenDocument> ,
accessed 20 September 2007

Government of Nepal, 13 August 2004, Relief Program for Internally Displaced People Due to Conflict for FY 2004/2005
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/7BD32EF8783738C9802570B700599E01/\\$file/IDP+task+force+report_1.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/7BD32EF8783738C9802570B700599E01/$file/IDP+task+force+report_1.pdf) ,

Government of Nepal, 7 August 2006, Report of the Government of Nepal to the UN Economic and Social Council on the implementation of the International Covenant on Economic, Social and Cultural Rights. Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant. E/C.12/NPL/2
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FD9E53DC502A951FC12572AA0044B5A8/\\$file/CESCR+nepal+report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FD9E53DC502A951FC12572AA0044B5A8/$file/CESCR+nepal+report.pdf) ,

Government of Nepal and the Communist Party of Nepal (Maoist), 26 March 2007, Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist)
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/1A8D9CAD5C40A927C12572AA0038FBA7/\\$file/2006-11-29-peace_accord-MOFA.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/1A8D9CAD5C40A927C12572AA0038FBA7/$file/2006-11-29-peace_accord-MOFA.pdf) ,

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, Nepal IDP Research Initiative Findings
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/91220FE6702D89F8802570B700599AD1/\\$file/Final+IDP+Report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/91220FE6702D89F8802570B700599AD1/$file/Final+IDP+Report.pdf) ,

Himal Khabarpatrika, 18 April 2003, "Off farms", in Nepali Times, No. 140, 11-17 April 2003
Internet : <http://www.nepalnews.com.np/ntimes/issue140/fromthenepalpress.htm> , accessed 2 October 2003

HimRights, Population Watch & Plan Nepal, 26 October 2005, Rapid Assessment Report: IDPs Dynamics in Kathmandu Valley. Auditing of conflict-induced Internal Displacement
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/91D59D0F46737BDBC12570C90030251C/\\$file/2005jun-RAPs-IDPs-Final-Report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/91D59D0F46737BDBC12570C90030251C/$file/2005jun-RAPs-IDPs-Final-Report.pdf) ,

Human Rights Watch (HRW), March 2005, Clear culpability, "Disappearances" by Security Forces in Nepal
Internet : <http://www.reliefweb.int/library/documents/2005/hrw-npl-feb.pdf> , accessed 1 March 2005

Human Rights Watch (HRW), February 2007, Children in the ranks: The Maoists' use of child soldiers in Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/DFA817C6AECEC53CC12572D6002F6411/\\$file/HRW+Nepal+feb07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/DFA817C6AECEC53CC12572D6002F6411/$file/HRW+Nepal+feb07.pdf) ,

Informal Sector Service Center (INSEC), April 2005, Human Rights YearBook 2005
Internet : http://inseconline.org/hrybook_details.php , accessed 10 June 2005

Informal Sector Service Center (INSEC), 10 September 2006, "Maoists and govt accused of rights abuses in Nepal"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/KHII-6TJ8Q8?OpenDocument> , accessed 12 September 2006

Informal Sector Service Center (INSEC), 8 October 2007, The IDPs and INSEC
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/2763DBFF13567FFDC12573DE0037B7F0/\\$file/IDPs+and+INSEC+8oct07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/2763DBFF13567FFDC12573DE0037B7F0/$file/IDPs+and+INSEC+8oct07.pdf) ,

Informal Sector Service Center (INSEC), 2006, Informal, Special Issue on IDPs, Vol. 19, No.2 & 3, Sep. & Dec. 2005
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/C463DA2DCBB8BBD8C125711800330891/\\$file/informal_IDP+issue+INSEC+dec05.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/C463DA2DCBB8BBD8C125711800330891/$file/informal_IDP+issue+INSEC+dec05.pdf) ,

Informal Sector Service Center (INSEC), April 2004, Armed Conflict and Internal Displacement, in Nepal Human Rights Yearbook 2004, chapter 5
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/F8B86B7C9BFF8E0A802570B700599C70/\\$file/Armed+Conflict+and+Internal+Displacement.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/F8B86B7C9BFF8E0A802570B700599C70/$file/Armed+Conflict+and+Internal+Displacement.pdf) ,

Informal Sector Service Center (INSEC), 30 April 2005, Human Rights Violation Data
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FC951069F6A13E44802570B700599DEA/\\$file/Killings_Data.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FC951069F6A13E44802570B700599DEA/$file/Killings_Data.pdf) ,

Integrated Regional Information Networks (IRIN), 21 January 2007, "Unexploded ordnance threatens new freedom"
Internet : <http://www.irinnews.org/Report.aspx?ReportId=64524> , accessed 23 January 2007

Integrated Regional Information Networks (IRIN), 23 April 2007, "NGOs call on government to prioritise food security"
Internet : <http://www.irinnews.org/Report.aspx?ReportId=71749> , accessed 23 April 2007

Integrated Regional Information Networks (IRIN), 26 April 2007, "IDPs unable to return home despite end of armed conflict"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=71818> , accessed 30 April 2007

Integrated Regional Information Networks (IRIN), 2 May 2007, "Gov't, media ignoring plight of displaced women"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=71904> , accessed 2 May 2007

Integrated Regional Information Networks (IRIN), 3 May 2007, "Villagers suffering intimidation, extortion at hands of Maoists"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=71939> , accessed 7 May 2007

Integrated Regional Information Networks (IRIN), 5 June 2007, "Frustration over government inability to stem "atrocities""

Internet : <http://www.irinnews.org/Report.aspx?ReportId=72540> , accessed 6 June 2007

Integrated Regional Information Networks (IRIN), 11 July 2007, "Plight of internally displaced children not improving"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=73190> , accessed 16 July 2007

Integrated Regional Information Networks (IRIN), 24 September 2007, "Over 5,000 people displaced after ethnic violence in south"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=74457> , accessed 24 September 2007

Integrated Regional Information Networks (IRIN), 26 September 2007, "Children severely affected by ethnic violence in south"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=74497> , accessed 26 September 2007

Integrated Regional Information Networks (IRIN), 29 November 2007, "Rising communal tensions fuelling displacement - rights activists"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=75573> , accessed 11 December 2007

Integrated Regional Information Networks (IRIN), 28 December 2007, "Children of former bonded labourers face hardship"

Internet : <http://www.irinnews.org/Report.aspx?ReportId=76457> , accessed 31 January 2008

Integrated Regional Information Networks (IRIN), 12 March 2008, "IDPs being neglected by government, say aid workers"

Internet : <http://www.irinnews.org/report.aspx?ReportID=77249> , accessed 7 April 2008

Integrated Regional Information Networks (IRIN), 7 June 2005, "Maoist victims feel neglected by the government"

Internet : <http://www.irinnews.org/report.asp?ReportID=47510&SelectRegion=Asia&SelectCountry=NEPAL> , accessed 8 June 2005

Integrated Regional Information Networks (IRIN), 7 June 2005, "Nepal: Displacement crisis worsens in wake of royal coup"

Internet : <http://www.irinnews.org/report.asp?ReportID=47510&SelectRegion=Asia&SelectCountry=NEPAL> , accessed 13 July 2005

Integrated Regional Information Networks (IRIN), 14 June 2005, "NEPAL: Focus on malnutrition"

Internet : <http://www.irinnews.org/report.asp?ReportID=47631&SelectRegion=Asia> , , , accessed 5 July 2005

Integrated Regional Information Networks (IRIN), 28 June 2005, "NEPAL: Concern about torture cases ahead of UN visit"

Internet : <http://www.irinnews.org/report.asp?ReportID=47852&SelectRegion=Asia> , accessed 7 July 2005

Integrated Regional Information Networks (IRIN), 4 July 2005, "Displacement contributing to child labour problem"

Internet : <http://www.irinnews.org/report.asp?ReportID=47943&SelectRegion=Asia&SelectCountry=NEPAL> accessed 5 July 2005

Integrated Regional Information Networks (IRIN), 17 February 2006, "NEPAL: Escaping rural violence and hardship – the reality of displacement"

Internet : <http://www.irinnews.org/report.asp?ReportID=50554&SelectRegion=Asia> , , accessed 17 February 2006

Integrated Regional Information Networks (IRIN), 25 April 2006, "NEPAL: King ends direct rule, reinstates parliament"

Internet : <http://www.irinnews.org/report.asp?ReportID=52964&SelectRegion=Asia> , accessed 26 April 2006

Integrated Regional Information Networks (IRIN), 8 May 2006, "Food crisis in the west growing - NGOs"

Internet : <http://www.irinnews.org/report.asp?ReportID=53205&SelectRegion=Asia> , accessed 12 May 2006

Integrated Regional Information Networks (IRIN), 14 September 2006, "Rebels accused of running parallel government"

Internet : <http://www.irinnews.org/report.asp?ReportID=55564&SelectRegion=Asia&SelectCountry=NEPAL> accessed 18 September 2006

Integrated Regional Information Networks (IRIN), 10 October 2006, "Nepal: Rebels and government agree to hold elections"

Internet : <http://www.irinnews.org/report.asp?ReportID=55898&SelectRegion=Asia&SelectCountry=NEPAL> accessed 12 October 2006

Integrated Regional Information Networks (IRIN), 4 February 2007, "Journalists, aid workers and rights activists under threat"

Internet : <http://www.irinnews.org/report.asp?ReportID=57299&SelectRegion=Asia&SelectCountry=Nepal> , accessed 14 February 2007

Integrated Regional Information Networks (IRIN), December 2005, Between Two Stones - Nepal's decade of conflict

Internet : <http://www.irinnews.org/webspecials/nepal/default.asp> , , , accessed 11 October 2006

Integrated Regional Information Networks (IRIN), 25 April 2005, "UN official calls for greater assistance for IDPs"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-6BSGPF?OpenDocument&rc=3&cc=npf> , accessed 27 April 2005

Inter Agency of UNHCR, UNICEF, OHCHR, WHO, UNDP, OCHA, SNV, INSEC, 7 July 2006, Inter-Agency IDP Mission Report - Eastern Region

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/AD4BB671A3A95DAEC12571B60028EA23/\\$file/Nepal+IDP+mission+eastern+July06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/AD4BB671A3A95DAEC12571B60028EA23/$file/Nepal+IDP+mission+eastern+July06.pdf) ,

Inter Agency of UNHCR, UNICEF, UNOCHA, OHCHR and NRC, February 2006, Final Report Joint Inter Agency Mission to Mid-Western Region: Nepal

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/8008720E7FC9502BC12571B60029D770/\\$file/Inter-Agency+Mission+Report+Mid-Western+Region+Dec+05.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/8008720E7FC9502BC12571B60029D770/$file/Inter-Agency+Mission+Report+Mid-Western+Region+Dec+05.pdf) ,

Internal Displacement Division (IDD), 2 June 2005, Mission to Nepal (11-22 April 2005)

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/9C8F1D0D0925C139802570B700599C19/\\$file/IDDRepNepal05.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/9C8F1D0D0925C139802570B700599C19/$file/IDDRepNepal05.pdf) ,

International Alert (IA), September 2007, Nepal at a Crossroads: The Nexus between Human Security and Renewed Conflict in Rural Nepal

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/6931A722625045CBC12573B50034D2E8/\\$file/Nepal+at+a+crossroads+-+The+Nexus+between+Human+Security+and+Renewed+Conflict+in+Rural+Nepal.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/6931A722625045CBC12573B50034D2E8/$file/Nepal+at+a+crossroads+-+The+Nexus+between+Human+Security+and+Renewed+Conflict+in+Rural+Nepal.pdf) ,

International Campaign to Ban Landmines (ICBL), October 2004, Nepal Landmine Monitor report 2004

Internet : <http://www.icbl.org/lm/2004/nepal> , accessed 4 July 2005

International Crisis Group (ICG), 24 March 2005, Nepal: Dealing with a human rights crisis

Internet : http://www.crisisgroup.org/library/documents/asia/south_asia/094_nepal_dealing_with_a_human_rights_crisis.pdf , accessed 29 March 2005

International Crisis Group (ICG), 15 June 2005, Towards a Lasting Peace in Nepal: The Constitutional Issues

Internet : http://www.crisisgroup.org/library/documents/asia/south_asia/099_towards_a_lasting_peace_in_nepal_the_constitutional_issues.pdf , accessed 12 July 2005

International Crisis Group (ICG), 9 July 2007, Nepal's troubled Tarai region

Internet : http://www.crisisgroup.org/library/documents/asia/south_asia/136_nepal_s_troubled_tarai_region.pdf , accessed 10 July 2007

International Crisis Group (ICG), 22 October 2003, Nepal: Back to the gun

Internet : http://www.crisisweb.org/library/documents/asia/nepal_back_to_the_gun.pdf , accessed 23 October 2003

International Crisis Group (ICG), 10 April 2003, Nepal backgrounder: Ceasefire -Soft Landing or Strategic Pause ?

Internet : http://www.icg.org/library/documents/report_archive/A400943_10042003.pdf , accessed 10 April 2003

International Crisis Group (ICG), 17 February 2004, Nepal: Dangerous plans for village militias

Internet : <http://www.reliefweb.int/library/documents/2004/icg-npl-17feb.pdf> , accessed 16 March 2004

International Crisis Group (ICG), 2 April 2008, Nepal's election and beyond

Internet : [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SKAI-7DBMJU-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SKAI-7DBMJU-full_report.pdf/$File/full_report.pdf) , accessed 7 April 2008

International Crisis Group (ICG), 18 December 2007, Nepal: peace postponed
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/511D8C868E444F83C12573D700494C56/\\$file/peace+postponed.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/511D8C868E444F83C12573D700494C56/$file/peace+postponed.pdf) ,

International Federation of the Red Cross (IFRC), 11 August 2004, "Nepal: Floods Emergency Appeal No. 17/2004 Operations Update No. 2"
Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/04e705c6a0875edcc1256eed003f7cc9?OpenDocument> , accessed 17 August 2004

International Herald Tribune (IHT), 25 September 2007, "Thousands displaced by violence in southern Nepal, says rights group"
Internet : <http://www.ihf.com/articles/ap/2007/09/25/asia/AS-GEN-Nepal-Southern-Violence.php> , accessed 2 October 2007

International Nepal Fellowship (INF), June 2004, Research Report on Internally Displaced People of Western Region, Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/930BD6CEB183887F802570B700599C6F/\\$file/Wester+region+DPI+research+report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/930BD6CEB183887F802570B700599C6F/$file/Wester+region+DPI+research+report.pdf) ,

International Organization for Migration (IOM), 29 June 2006, Supporting the Democratic Transition through the Participation of Internally Displaced Persons and Migrants in Constituent Assembly Elections
Internet : http://www.geneseo.edu/~iompress/Archive/Outputs/NEPAL_IOM_AP_FINAL.pdf , accessed 3 July 2006

International Relations and Security Network (ISN), 26 February 2007, One conflict sparks another in Nepal
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YAOI-6YN4N9?OpenDocument&rc=3&cc=npl> , accessed 26 February 2007

International Rescue Committee (IRC), 12 October 2007, "IRC aids the injured and displaced following violence in Nepal"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/RMOI-77YLUG?OpenDocument> , accessed 15 October 2007

International Rescue Committee (IRC), 28 September 2007, Report on IRC health camps held in Dang and Kapilvastu 25-28 Sep 2007
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/E1D96530B1F0DC63C1257377002BE60A/\\$file/Full_Report+oct07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/E1D96530B1F0DC63C1257377002BE60A/$file/Full_Report+oct07.pdf) ,

Jagaran Media Center (JMC), 23 May 2005, Field visit report on affected Dalit and other civilians in the Siraha District battle, Nepal, 8-9 May 2005
Internet : <http://www.jagaranmedia.org.np/downloads/Dalit%20victim,%20In%20Siraha%20battle.pdf> , accessed 8 June 2005

Kantipur Online, 26 September 2007, "After riots, rain pounds Kapilvastu; displaced fear starvation, diseases"

Internet : <http://www.kantipuronline.com/kolnews.php?&nid=123741> , accessed 26 September 2007

Kantipur Online, 9 August 2004, "Task force formed on relief to internally displaced people"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=15645> , accessed 9 August 2004

Kantipur Online, 9 October 2004, "MVA doubts government relief package"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=18827> , accessed 12 July 2005

Kantipur Online, 9 June 2005, "'Influx' from Nepal worries India"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=42352> , accessed 10 June 2005

Kantipur Online, 22 November 2005, "Parties, Maoists reach 12-point agreement"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=57856> , accessed 23 August 2006

Lamade, Philip, August 2003, A Focus on Security in Nepa, 26-30 July 2003
Internet : <http://usunrome.usembassy.it/files/Nepal.htm> , accessed 14 March 2006

Lawyer's Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP), 2004, Summary of a Comparative Study of the Prevailing National Laws Concerning Indigenous Nationalities in Nepal and ILO Convention No.169 on Indigenous and Tribal Peoples.
Internet : <http://ilo.law.cornell.edu/public/english/standards/norm/egalite/itpp/activity/nepal/lahurnip.pdf> , accessed 23 January 2008

Lutheran World Federation (LWF), 2003, The Kamaiyas - Former bonded labourers of Nepal
Internet : http://www.azeecon-lwf.com/lwf/burning_issues/kamaiya.html , accessed 7 April 2003

Mahanirban Calcutta Research Group (MCRG), December 2006, Voices of the Internally Displaced in South Asia
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/90977C44F838B3C9C12572C7004002DF/\\$file/IDP+Voices+in+south+asia.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/90977C44F838B3C9C12572C7004002DF/$file/IDP+Voices+in+south+asia.pdf) ,

Martinez, Esperanza, July 2002, Conflict-Related Displacement in Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/BE789250C6C6CF5F802570B700599AC2/\\$file/IDP+REPORT.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/BE789250C6C6CF5F802570B700599AC2/$file/IDP+REPORT.pdf) ,

Mellemfolkeligt Samvirke (MS) Nepal, (MS Nepal), November 2002, "Kamaiya Emancipation: From the beginning to the present", in Ekchhin, MS Nepal Newsletter, 2002, Issue 2
Internet : <http://nepal.ms.dk/newsletter/visartikel.asp?udskriv=on&id=225> , accessed 7 April 2003

Mellemfolkeligt Samvirke (MS) Nepal, (MS Nepal), October 2001, Freed Kamaiyas Status Report
Internet : http://www.msnepal.org/reports_pubs/kamaiya_report/index.htm , accessed 7 April 2003

Mellemfolkeligt Samvirke (MS) Nepal, (MS Nepal), 11 January 2006, "New Kamaiya movement: Time to solve land problem"
Internet : <http://www.ms.dk/sw32784.asp> , accessed 13 October 2006

Mercy Corps International (MCI), October 2003, Western Nepal Conflict Assessment
Internet : http://www.mercycorps.org/pdfs/nepal_report.pdf , accessed 16 June 2004

Ministry of Finance, 16 July 2004, Public Statement on Income and Expenditure of the Fiscal Year 2004/2005
Internet : http://www.mof.gov.np/publication/budget/2004/pdf/speech_english.pdf , accessed 26 August 2004

National Coalition of Human Rights Defenders, 6 June 2005, "Protesting the State's Repression of Displaced Persons"
Internet : <http://insn.org/?p=1259> , accessed 8 June 2005

National Human Rights Commission, Nepal, September 2003, Human Rights in Nepal, A Status Report 2003
Internet : http://www.asiafoundation.org/pdf/nepal_humanrights03.pdf , accessed 31 August 2004

National Human Rights Commission, Nepal, 13 December 2006, Human Rights Situation during the 6-month Ceasefire (Baisakh 13-Kartik 13)
Internet : <http://www.nhrcnepal.org/pressreleasedetail.php?id=38> , accessed 20 September 2007

National Human Rights Commission, Nepal, June 2007, Status of Human Rights under the Comprehensive Peace Accord
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/0B493BC183966B24C125735C0050D789/\\$file/Status+of+HR+under+CPA+June+07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/0B493BC183966B24C125735C0050D789/$file/Status+of+HR+under+CPA+June+07.pdf) ,

National Human Rights Commission, Nepal, 28 July 2006, Pilot Research on Internally Displacement (IDPs) due to Armed Conflict, 4-13 May 2006, Dhanusha District
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/72906B31279C2983C125721F002CF8E7/\\$file/pilot_research_dhanusa_may06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/72906B31279C2983C125721F002CF8E7/$file/pilot_research_dhanusa_may06.pdf) ,

Nepal Human Rights News, 2008, "25,000 Displaced by Internal Strife in Nepal: Report"
Internet : <http://www.nepalhumanrightsnews.com/news.asp?id=1164> , accessed 7 January 2008

Nepal Mountains News, 5 April 2008, "NRC asks govt to allow IDPs to vote"
Internet : <http://www.nepalmountainnews.com/news.php/2008/04/05/nrc-asks-govt-to-allow-idps-to-vote.html> , accessed 7 April 2008

Nepal Red Cross Society (NRCS), 2004, Annual report 2004

NepalBizNews.com, 8 March 2007, "Prachanda assures rehabilitation of displaced and return of seized property"
Internet : <http://www.nepalbiznews.com/newsdata/print/216.html> , accessed 2 October 2007

NepalBizNews.com, 14 April 2007, "Maoists reactivate parallel local government"
Internet : <http://www.nepalbiznews.com/newsdata/print/425.html> , accessed 2 October 2007

NepalBizNews.com, 22 April 2007, "PM expresses commitment to return the property of Maoist victims "
Internet : <http://www.nepalbiznews.com/newsdata/print/472.html> , accessed 2 October 2007

NepalBizNews.com, 30 April 2007, "Maoists not allowing the safe return of IDPs: OHCHR"
Internet : <http://www.nepalbiznews.com/newsdata/print/528.html> , accessed 2 October 2007

NepalBizNews.com, 2 May 2007, "We won't return the seized properties": Maoist leader Baidya
Internet : <http://www.nepalbiznews.com/newsdata/print/540.html> , accessed 2 October 2007

Nepalnews, May 2001, "People moved by peoples' war"

Internet : http://www.mahilaweb.org.np/footer/publications/articles/peoples_war_nepalitimes.htm ,
accessed 3 April 2003

Nepalnews, 28 November 2002, "Famine by February", in Nepali Times No. 120, 22-28
November 2002

Internet : <http://www.nepalitimes.com/issue/120/Headline/3954> , accessed 2 April 2003

Nepalnews, 19 December 2002, "The exodus", in Nepali Times No 123, 13-19 December 2002

Internet : <http://www.nepalitimes.com/issue/123/Headline/4396> , accessed 2 April 2003

Nepalnews, June 2004, "Development deadlock", in Nepali Times, No 199, 4-10 June 2004

Internet : <http://www.nepalitimes.com/issue/199/Business/2513> , accessed 10 June 2004

Nepalnews, 16 December 2006, "Untold Miseries"

Internet

:
<http://www.nepalnews.com.np/contents/2006/englishweekly/spotlight/dec/dec15/national3.php> ,
accessed 19 December 2006

Nepalnews, 18 September 2003, "Pressure On Cities", in Spotlight, Vol. 23, No 12, 12 -18
September 2003

Internet

:
<http://www.nepalnews.com.np/contents/englishweekly/spotlight/2003/sep/sep12/national6.htm> ,
accessed 22 September 2003

Nepalnews, 6 May 2005, "Internally displaced persons: Learning Entrepreneur Skills"

Internet

:
<http://www.nepalnews.com.np/contents/englishweekly/spotlight/2005/may/may06/coverstory.php> ,
accessed 7 July 2005

Nepalnews, 16 June 2005, "We are not terrorists", in Nepali Times No. 251, 10-16 June 2005

Internet : <http://www.nepalnews.com.np/ntimes/issue251/nation.htm> , accessed 14 March 2006

Nepalnews, 29 September 2005, "Internally displaced women are in risky jobs: Report"

Internet : <http://www.nepalnews.com/archive/2005/sep/sep29/news14.php> , accessed 19 October
2005

Nepalnews, 20 December 2006, "44 IDP's of Mugu return home"

Internet : <http://www.nepalnews.com/archive/2006/dec/dec20/news08.php> , accessed 21
December 2006

Nepalnews, 27 January 2008, "Nepal: Maoists promise to return seized lands and properties
soon"

Internet

:
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/SIRU-7BA9YB?OpenDocument&rc=3&cc=npl> , accessed 28 January 2008

Norwegian Refugee Council (NRC), 21 December 2007, "The UN and NRC Urge Nepalese
Government to Approve IDP Directives"

Internet : <http://www.nrc.no/?did=9220885> , accessed 7 January 2008

Norwegian Refugee Council (NRC), 5 March 2008, "New displacements in East Terai"

Internet : <http://www.nrc.no/?did=9249708> , accessed 6 March 2008

Norwegian Refugee Council (NRC), 7 April 2008, "IDPs Excluded from Voting in their Place of
Displacement"

Internet : <http://www.nrc.no/?did=9262093> , accessed 8 April 2008

Norwegian Refugee Council (NRC), 15 April 2008, Nepal IDP Directives remain unapproved
Internet : <http://www.nrc.no/?did=9270179> , accessed 15 May 2008

Norwegian Refugee Council (NRC), November 2007, ICLA News
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/4426DA7CF66A4039C12573B4005937BA/\\$file/NRC+ICLA+Nepal+oct07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/4426DA7CF66A4039C12573B4005937BA/$file/NRC+ICLA+Nepal+oct07.pdf) ,

Norwegian Refugee Council (NRC), 5 March 2008, ICLA News, November 2007-January 2008
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/8AF9DE557A7CB5BEC12574240057456B/\\$file/icla+news+nov07+jan08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/8AF9DE557A7CB5BEC12574240057456B/$file/icla+news+nov07+jan08.pdf) ,

Norwegian Refugee Council (NRC), 29 May 2008, E-mail from NRC official

OCHA & OHCHR, August 2006, OCHA/OHCHR IDP Mission to Jumla and Mugu districts, 2-10 August 2006. Mission Report
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/DA7E7D289B270B89C12571F0004B761A/\\$file/IDP_Mission+report+Jumla-Mugu_OHCHR_OCHA.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/DA7E7D289B270B89C12571F0004B761A/$file/IDP_Mission+report+Jumla-Mugu_OHCHR_OCHA.pdf) ,

OCHA/IDP Unit, June 2004, Report of the OCHA/IDP Mission to Nepal, 31 May - 12 June 2004
Internet : <http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf> , accessed 14 July 2004

Office of the United Nations High Commissioner for Human Rights (OHCHR), 16 February 2006, Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office, including technical cooperation, in Nepal
Internet : [http://nepal.ohchr.org/resources/Documents/English/reports/HCR/2006_02_16_HCR_CommissionOnHumanRights_Report\(Edited\)_E.pdf](http://nepal.ohchr.org/resources/Documents/English/reports/HCR/2006_02_16_HCR_CommissionOnHumanRights_Report(Edited)_E.pdf) , accessed 14 March 2006

Office of the United Nations High Commissioner for Human Rights (OHCHR), 29 June 2004, Asian and Pacific region, Quarterly Reports of Field Offices (February-April 2004)
Internet : <http://www.ohchr.org/english/countries/field/docs/asia-apr04.doc> , accessed 18 August 2004

Office of the United Nations High Commissioner for Human Rights (OHCHR), October 2007, Statement by Richard Bennett, Representative of the United Nations High Commissioner for Human Rights in Nepal - Delivered at a media briefing at OHCHR-Nepal, Kathmandu
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-77KH8B?OpenDocument&rc=3&cc=npl> , accessed 2 October 2007

Office of the United Nations High Commissioner for Human Rights (OHCHR), 27 March 2008, Summary of human rights concerns arising from the Terai protests of 13 – 29 Feb 2008
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/1D6766EA8DAE24CBC1257424002A4396/\\$file/HR+concerns+terai+protests+march08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/1D6766EA8DAE24CBC1257424002A4396/$file/HR+concerns+terai+protests+march08.pdf) ,

Office of the United Nations High Commissioner for Human Rights (OHCHR), 30 April 2007, "CPNM failing to meet commitments to allow safe return of IDPs"
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/340A6DAC9528A39AC12572CF002E8620/\\$file/2007_04_30_HCR_CPNM_IDP_E.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/340A6DAC9528A39AC12572CF002E8620/$file/2007_04_30_HCR_CPNM_IDP_E.pdf) ,

Office of the United Nations High Commissioner for Human Rights (OHCHR), 18 June 2008, Investigation by the Office of the High Commissioner for Human Rights in Nepal into the violent incidents in Kapilvastu, Rupandehi and Dang districts of 16-21 September 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/3BDC9A0559A4AD04C125746D002B3917/\\$file/full_report+kapilvastu+incidents+18+june08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/3BDC9A0559A4AD04C125746D002B3917/$file/full_report+kapilvastu+incidents+18+june08.pdf) ,

Office of the United Nations High Commissioner for Human Rights (OHCHR), December 2007, Human Rights in Nepal one year after the Comprehensive Peace Agreement

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/97F61C677C80B4C3C12573B400504D56/\\$file/one+year+after+CPA+full+dec07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/97F61C677C80B4C3C12573B400504D56/$file/one+year+after+CPA+full+dec07.pdf) ,

Office of the United Nations High Commissioner for Human Rights (OHCHR), 25 September 2006, Human rights abuses by the CPN-M. Summary of concerns

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/E9A2D445BBEF1EE5C12571F50029DE09/\\$file/CPN-M+Summary+of+Concerns+25+Sept06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/E9A2D445BBEF1EE5C12571F50029DE09/$file/CPN-M+Summary+of+Concerns+25+Sept06.pdf) ,

One World South Asia, 29 July 2003, "Village influx threatens Nepal cities "

Internet : <http://southasia.oneworld.net/article/view/64534/1/2308?PrintableVersion=enabled> ,
accessed 15 August 2003

One World South Asia, 29 July 2004, "Kangaroo Courts Hold Sway in Nepal Hinterland"

Internet : <http://southasia.oneworld.net/article/view/90875/1/> , accessed 29 June 2005

One World South Asia, 13 August 2004, "Free From Slavery But Bonded to Hunger, 200,000 Grab Land in Nepal"

Internet : <http://southasia.oneworld.net/article/view/91792/1/?PrintableVersion=enabled> ,
accessed 17 August 2004

One World South Asia, 18 March 2004, "Nepal's Insurgency Drives Journalists From Homes"

Internet : <http://www.oneworld.net/article/view/81869/1/> , accessed 12 July 2004

One World South Asia, 14 July 2003, "Children are Nepal insurgency 's worst victims"

Organisation Mondiale contre la Torture (OMCT), 10 April 2006, Publication of the Human Rights Yearbook 2006 of INSEC

Internet : <http://www.omct.org/base.cfm?cfid=3414245&cftoken=83628276&page=article&consol=close&rows=10&num=5992&kwrd=> , accessed 22 August 2006

Refugees International (RI), 11 July 2005, "Nepal: International agencies must focus on humanitarian response"

Internet : <http://www.refintl.org/content/article/detail/6318?PHPSESSID=5f4337b7763ae51faec1d20abb07b4f2> , accessed 12 July 2005

Reuters, 23 August 2007, "From bad to worse for Nepal's displaced"

Internet : <http://www.alertnet.org/db/blogs/22870/2007/07/23-142015-1.htm> , accessed 2 October 2007

Reuters, 18 September 2007, "Nepal Maoists quit govt, vow to disrupt elections"

Internet : <http://www.alertnet.org/thenews/newsdesk/DEL250556.htm> , accessed 18 September 2007

Reuters, 11 September 2006, "Landmines kill nearly 1,300 in Nepal - group"
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6TJA5E?OpenDocument&rc=3&cc=npl> , accessed 11 September 2006

Reuters, 26 January 2007, "Curfews, ethnic protests hit Nepal's southern plains"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VBOL-6XTFLS?OpenDocument> ,
accessed 29 January 2007

Reuters, 27 April 2005, "Nepal faces major humanitarian crisis-UN"
Internet : <http://www.usaforunhcr.org/archives.cfm?ID=2887&cat=Archives> , accessed 14 March 2006

Rural Urban Partnership Programme (RUPP), August 2007, Situation of Conflict Induced Internally Displaced Persons (IDPs) of Mahendranagar, Dhangadhi Nepagunj, Pokhara Sub Metropolitan; and Biratnagar Sub Metropolitan
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D60C9613AD3C097CC125736E00342715/\\$file/IDPs+Survey+Report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D60C9613AD3C097CC125736E00342715/$file/IDPs+Survey+Report.pdf) ,

Save the Children Alliance (SCA) & Central Child Welfare Board (CCWB), July 2005, An increasing wave. Migration of nepalese children to India in the context of Nepal's armed conflict
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/9637C2674B28AF18C125720300467445/\\$file/save_the_children_alliance_2005_migration_report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/9637C2674B28AF18C125720300467445/$file/save_the_children_alliance_2005_migration_report.pdf) ,

Save the Children (UK), March 2003, Assessment of separated children in Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/3817B06DF248A70E802570B700599AA6/\\$file/Assessment+of+separated+children+in+Nepal.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/3817B06DF248A70E802570B700599AA6/$file/Assessment+of+separated+children+in+Nepal.pdf) ,

Scoop, 14 July 2006, Nepal Govt's Policies & Programs for Fiscal 2006
Internet : <http://www.scoop.co.nz/stories/HL0607/S00195.htm> , accessed 13 October 2006

Singh, Sonal & Mills, Edward & Honeyman, Steven & Suvedi, Bal Krishna & Pant, Nur Prasad, 19 July 2005, HIV in Nepal: Is the Violent Conflict Fuelling the Epidemic?
Internet : http://medicine.plosjournals.org/archive/1549-1676/2/8/pdf/10.1371_journal.pmed.0020216-L.pdf , accessed 12 October 2006

South Asia Forum for Human Rights (SAFHR), June 2003, Insurgency & Displacement
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/9009F3CEE3406182802570B700599B31/\\$file/Insurgency_displacement_SAFHR.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/9009F3CEE3406182802570B700599B31/$file/Insurgency_displacement_SAFHR.pdf) ,

South Asia Forum for Human Rights (SAFHR), March 2005, A Pilot Survey on Internally Displaced Persons in Kathmandu and Birendranagar
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/E2F3AF8D0BB0399C802570B700599DCE/\\$file/IDP+pilot+survey+SAFHR05.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/E2F3AF8D0BB0399C802570B700599DCE/$file/IDP+pilot+survey+SAFHR05.pdf) ,

Spotlight, 6 December 2002, "Dangers of changing behavior", Vol. 22, No. 20, Nov 29 - Dec 06 2002
Internet : <http://www.nepalnews.com.np/contents/englishweekly/spotlight/2002/nov/nov29/coverstory.htm> ,
accessed 2 April 2003

Terre des Hommes & Save the Children, June 2006, Asylums of exploitation. Internally Displaced Children in the Worst Forms of Child Labour due to the Armed Conflict in Nepal
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/47EDCB861E3C29B1C125719D0028C6B8/\\$file/tdh_f_sca06_asylums_of_exploitation\[1\].pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/47EDCB861E3C29B1C125719D0028C6B8/$file/tdh_f_sca06_asylums_of_exploitation[1].pdf) ,

Terre des Hommes (TdH), 20 September 2005, Nutritional Status of Children Victims of the Armed Conflict in Nepal. A survey report of IDP children in Banke district.
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/37C1777508E7FB6FC12570C90030B627/\\$file/Nutritional-status-of-Children-tdh.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/37C1777508E7FB6FC12570C90030B627/$file/Nutritional-status-of-Children-tdh.pdf) ,

The Carter Center, 16 April 2007, Pre-Election Statement: Carter Center Election Observation Mission in Nepal
Internet : http://www.cartercenter.org/news/pr/nepal_preelect_041607.html , accessed 23 April 2007

The Himalayan Times, 5 December 2006, "UN Presses for Safe Return of War-displaced People"
Internet : <http://www.thehimalayantimes.com/fullstory.asp?filename=6a8Pa9ta.9amal&folder=aHaoamW&Name=Home&dtSiteDate=20061205> , accessed 5 December 2006

The Himalayan Times, 10 March 2007, "Norwegian Project for IDPs Launched"
Internet : <http://www.thehimalayantimes.com/PrintStory.asp?filepath=aATaoanlaNaeaw2a/a2Ta0ra/Va3a/xtgaHaoZaea/aFWata0a5qxvegpa2wpolamal> , accessed 26 March 2007

The Himalayan Times, 6 May 2003, "Experts seek law on internally displaced people"

The Kathmandu Post, 20 May 2004, "Flesh trade on the rise due to increase in violence"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=11917> , accessed 29 July 2004

The Kathmandu Post, 13 July 2004, "Remote hill districts face food crisis"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=14420> , accessed 29 July 2004

The Kathmandu Post, 8 October 2004, "Relief package for Maoist victims"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=18686> , accessed 13 October 2004

The Kathmandu Post, 8 October 2004, "Families of Baglung fleeing en-masse"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=18765> , accessed 24 January 2005

The Kathmandu Post, 30 November 2004, "Displaced nursing mothers suffer most"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=23987> , accessed 24 January 2005

The Kathmandu Post, 5 December 2004, "Conflict drives children toward muglan"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=24675> , accessed 24 January 2005

The Kathmandu Post, 20 December 2004, "Scarcity stares at returning villagers"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=26372> , accessed 24 January 2005

The Kathmandu Post, 4 January 2005, "Displaced women give birth under dire conditions"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=27947> , accessed 24 January 2005

The Kathmandu Post, 13 January 2005, "Police accused of assaulting street children"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=28828> , accessed 24 January 2005

The Kathmandu Post, 19 March 2005, "Displaced families, children languish in India"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=34815> , accessed 18 May 2005

The Kathmandu Post, 9 April 2005, "HR situation deteriorating rapidly: Insec"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=36709> , accessed 18 May 2005

The Kathmandu Post, 20 April 2005, "Experts warn of rising urban poverty"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=37837> , accessed 18 May 2005

The Kathmandu Post, 28 April 2005, "And sex exploitation goes on..."
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=38532> , accessed 29 June 2005

The Kathmandu Post, 29 April 2005, "Sexual exploitation"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=38640> , accessed 18 May 2005

The Kathmandu Post, 15 May 2005, "Families of 300 RNA personel displaced"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=40119> , accessed 29 June 2005

The Kathmandu Post, 12 June 2005, "Vigilante action victims resort to begging"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=42785> , accessed 29 June 2005

The Kathmandu Post, 21 January 2004, "Migrant Nepali workers are marked in Delhi"
Internet : <http://www.kantipuronline.com/kolnews.php?&nid=6786> , accessed 23 March 2004

The Kathmandu Post, 18 December 2002, "Govt setting up camps for displaced, ex-Maoists"
Internet : <http://www.nepalnews.com.np/contents/englishdaily/ktmpost/2002/dec/dec19/index.htm>
accessed 2 April 2003

The Kathmandu Post, 13 November 2002, "Maoist violence leaves 700 schools closed"
Internet : <http://www.nepalnews.com.np/contents/englishdaily/ktmpost/2002/nov/nov14/index1.htm> , ,
accessed 2 April 2003

The Kathmandu Post, 3 February 2003, "Cease-fire respites displaced people from insurgency"
Internet : <http://www.nepalnews.com.np/contents/englishdaily/ktmpost/2003/feb/feb04/> , accessed
3 April 2003

The Kathmandu Post, 9 June 2003, "150,000 girls in cabin, dance restaurants of Kathmandu"

The Nepali Times, 11 February 2008, "Far from home"
Internet : <http://www.nepalitimes.com/issue/386/Nation/14465> , accessed 11 February 2008

The Rising Nepal, 8 October 2007, "Conflict displaced families from Jumla return home"
Internet : <http://www.gorkhapatra.org.np/content.php?nid=28292> , accessed 22 October 2007

The Rising Nepal, 6 May 2005, "Rana appeals for support"
Internet : <http://www.gorkhapatra.org.np/pageloader.php?file=2005/05/07//topstories/main4> ,
accessed 12 July 2005

Times of India, 7 February 2008, "Nepal Maoists revive 'parallel govt'"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/MMAH-7BL8MD?OpenDocument&RSS20=02-P> , accessed 7 February 2008

Times Online, 8 June 2005, "Royal vigilantes let slip dogs of war in the land of Buddha"
Internet : http://www.timesonline.co.uk/article/0,,3-1645192_1,00.html , accessed 1 July 2005

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 17 July 2007, Consolidated Appeals Process (CAP): Mid-Year Review of the Common Appeal for Transition Support 2007 for Nepal

Internet : [http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/MYR_2007_Nepal_Common_Appeal/\\$FILE/MYR_2007_Nepal_Common_Appeal_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/MYR_2007_Nepal_Common_Appeal/$FILE/MYR_2007_Nepal_Common_Appeal_SCREEN.pdf?OpenElement) , accessed 18 July 2007

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 8 September 2006, Nepal: Floods OCHA Situation Report No. 6

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6TJ2Q9?OpenDocument&rc=3&cc=npl> , accessed 11 September 2006

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 July 2006, Consolidated Appeals Process (CAP): Mid-Year Review of the Appeal 2006 for Nepal

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-6RNA43?OpenDocument&rc=3&cc=npl> , accessed 20 July 2006

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 7 October 2005, Consolidated Appeals Process (CAP): 2005-2006 Appeal for Nepal

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SKAR-6GVGZU?OpenDocument&rc=3&cc=npl> , accessed 19 October 2005

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 7 November 2006, OCHA Nepal Situation Overview, Issue No 8, October 2006

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/0EB1899230167954C125735C00492A58/\\$file/2006-11-8-OCHA-Nepal.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/0EB1899230167954C125735C00492A58/$file/2006-11-8-OCHA-Nepal.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 6 September 2006, The Internally Displaced Persons: Current Status

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/129ACDD87681E349C12571E90056956D/\\$file/2006-9-7-OCHA-Nepal-Thematic-Report-IDPs.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/129ACDD87681E349C12571E90056956D/$file/2006-9-7-OCHA-Nepal-Thematic-Report-IDPs.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 5 October 2006, OCHA Nepal Situation Overview, Issue No. 7, September 2006

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/179040B94F137128C125720400278351/\\$file/OCHA+Nepal+-+Situation+Overview+-+September+2006.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/179040B94F137128C125720400278351/$file/OCHA+Nepal+-+Situation+Overview+-+September+2006.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 12 September 2007, OCHA Nepal Situation Overview, Issue No 17, 15 Aug.-12 Sep. 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/1A0570ACB2F21BC5C125735A0050BFD8/\\$file/2007-09-14-OCHA-Situation-Overview-August.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/1A0570ACB2F21BC5C125735A0050BFD8/$file/2007-09-14-OCHA-Situation-Overview-August.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 July 2007, Inter-Agency Thematic Report: The Internally Displaced Persons - current Status

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/26A558632F25FEBBC12573230027AB87/\\$file/2007-07-18-OCHA-IDP-CurrentStatus-IAgency-ThematicReport.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/26A558632F25FEBBC12573230027AB87/$file/2007-07-18-OCHA-IDP-CurrentStatus-IAgency-ThematicReport.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 31 December 2007, OCHA Nepal Situation Overview, Issue No. 19, November-December 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/2A3C15EB644665C4C12573DA00358050/\\$file/OCHA+No19+31dec07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/2A3C15EB644665C4C12573DA00358050/$file/OCHA+No19+31dec07.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 12 June 2007, OCHA Nepal Situation Overview, Issue No 14 June 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/3BEE1DB9F7814311C12572FF00282EB5/\\$file/2007-06-15-OCHA-Situation-Overview-June2007.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/3BEE1DB9F7814311C12572FF00282EB5/$file/2007-06-15-OCHA-Situation-Overview-June2007.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 5 April 2007, OCHA Nepal Situation Overview, Issue No 11 March 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/5A7B1C9C8E940C74C12572BF002BD B29/\\$file/2007-4-10-OCHA-Situation-OverviewMarch07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/5A7B1C9C8E940C74C12572BF002BD B29/$file/2007-4-10-OCHA-Situation-OverviewMarch07.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 17 July 2007, Nepal 2007 Common Appeal for Transition Support, Mid-Year Review

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/5A8EB93272236734C1257361002C4A F6/\\$file/MYR_2007_Nepal_Common_Appeal_SCREEN.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/5A8EB93272236734C1257361002C4A F6/$file/MYR_2007_Nepal_Common_Appeal_SCREEN.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), June 2006, Key Issues to Consider to ensure Voluntary, Safe and Dignified Return in Nepal

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/74D7F330019EFF0EC12571F0004D8B B8/\\$file/Note+on+Return+Assistance+Final.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/74D7F330019EFF0EC12571F0004D8B B8/$file/Note+on+Return+Assistance+Final.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 13 May 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 26

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/8886CCA4D0D4DB58C125744A00284239/\\$file/080512+OCHA+Nepal+-+Fortnightly+Situation+Overview+-+13+May+2008.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/8886CCA4D0D4DB58C125744A00284239/$file/080512+OCHA+Nepal+-+Fortnightly+Situation+Overview+-+13+May+2008.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 23 February 2007, Nepal: 2007 Common Appeal for Transition Support

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/963E63AED5348132C125728E002D9C 1E/\\$file/2007_Nepal_Common_Appeal_SCREEN.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/963E63AED5348132C125728E002D9C 1E/$file/2007_Nepal_Common_Appeal_SCREEN.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 28 December 2007, OCHA Nepal Situation Overview, Issue No. 18, November 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/9D118F2A78D3552FC12573C900381799/\\$file/2007-11-13-OCHA-Situation-Overview-Sept-October.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/9D118F2A78D3552FC12573C900381799/$file/2007-11-13-OCHA-Situation-Overview-Sept-October.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 15 August 2007, OCHA Nepal Situation Overview, Issue No. 16, 15 July-15 August 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A0D137AE0DEA66D6C125735C004B1 CAD/\\$file/2007-08-21-OCHA-Situation-Overview-July.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A0D137AE0DEA66D6C125735C004B1 CAD/$file/2007-08-21-OCHA-Situation-Overview-July.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 28 May 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 27

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A3935EE6D486D1D1C1257458004BFD2C/\\$file/2008-05-29-OCHA-Fortnightly-report-28-May.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A3935EE6D486D1D1C1257458004BFD2C/$file/2008-05-29-OCHA-Fortnightly-report-28-May.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 31 March 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 23

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A686B76F1C2718DEC12574240053924A/\\$file/2008-04-01-OCHA-Nepal-Forthnightly-Overview-31-March.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A686B76F1C2718DEC12574240053924A/$file/2008-04-01-OCHA-Nepal-Forthnightly-Overview-31-March.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 10 January 2008, Consolidated Appeals Process (CAP): Nepal Common Appeal for Transition Support 2008

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/A82C8E5919D3FC2AC12573D100487B26/\\$file/Nepal_2008_common-appeal-4transition-support-Vol1.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/A82C8E5919D3FC2AC12573D100487B26/$file/Nepal_2008_common-appeal-4transition-support-Vol1.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 12 October 2006, Operational Space for Development and Humanitarian Work - Current Status

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/AB02B9D3990DC099C1257209004AE869/\\$file/OperationalSpace+Oct06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/AB02B9D3990DC099C1257209004AE869/$file/OperationalSpace+Oct06.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 19 January 2007, OCHA Nepal Situation Overview, Issue No. 9, January 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/AF17D9C0D8BC2A4FC125735C004AEB58/\\$file/2007-1-19-OCHA-Situation-Overview-dec.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/AF17D9C0D8BC2A4FC125735C004AEB58/$file/2007-1-19-OCHA-Situation-Overview-dec.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 15 April 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 24

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B1DF3820455C49FDC125745600461F66/\\$file/2008-04-14-OCHA-Nepal-Fortnightly-15-April-2008.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B1DF3820455C49FDC125745600461F66/$file/2008-04-14-OCHA-Nepal-Fortnightly-15-April-2008.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 3 May 2007, OCHA Nepal Situation Overview, Issue No 12 April

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B66F206172F49BE4C12572D50030C3F0/\\$file/OCHA+overview+no+12+April+07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B66F206172F49BE4C12572D50030C3F0/$file/OCHA+overview+no+12+April+07.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 29 April 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 25

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/B93829AB8BEFF140C12574560045BA50/\\$file/2008-05-01-OCHA-Nepal-Fort-nightly-report-April.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/B93829AB8BEFF140C12574560045BA50/$file/2008-05-01-OCHA-Nepal-Fort-nightly-report-April.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 3 May 2007, OCHA Nepal Situation Overview, Issue No 12 April 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/BB49A320AC5C89ABC125735C0048EC37/\\$file/2007-05-07-OCHA-Situation-OverviewApril07.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/BB49A320AC5C89ABC125735C0048EC37/$file/2007-05-07-OCHA-Situation-OverviewApril07.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 7 June 2006, OCHA Nepal Situation Overview, Issue No. 3, May

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/BE4287A7A4638FD6C1257205002E684A/\\$file/ocha+Nepal+situation+overview+issue3.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/BE4287A7A4638FD6C1257205002E684A/$file/ocha+Nepal+situation+overview+issue3.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 March 2008, OCHA Nepal - Fortnightly Situation Overview, Issue No 22

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/C590889EF6F9AF86C125742400542C04/\\$file/2008-03-19-OCHA-Nepal-Fortnightly-Situation-Overview18-March08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/C590889EF6F9AF86C125742400542C04/$file/2008-03-19-OCHA-Nepal-Fortnightly-Situation-Overview18-March08.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 19 February 2007, OCHA Nepal Situation Overview, Issue No. 10 , February 2007

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/CB1775A9C65937C1C125728A003D062F/\\$file/2007-2-22-OCHA-Situation-Overview-feb.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/CB1775A9C65937C1C125728A003D062F/$file/2007-2-22-OCHA-Situation-Overview-feb.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 11 August 2006, OCHA Nepal Situation Overview, Issue No 5, July

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D4424EC1C39DAE4FC12571D10055132A/\\$file/ocha+nepal+no5_july06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D4424EC1C39DAE4FC12571D10055132A/$file/ocha+nepal+no5_july06.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 September 2006, Internal Displacement in Nepal. Who is doing What, Where?

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/DF89CAF034F2F220C12571F5002A4CAA/\\$file/WWW+Internal+Displacement+as+of+18+Sept.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/DF89CAF034F2F220C12571F5002A4CAA/$file/WWW+Internal+Displacement+as+of+18+Sept.pdf) ,

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 25 September 2007, OCHA Nepal Situation Report, Kapilvastu and Dang - Humanitarian Needs Update

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FBDFC6D209F6DBCCC1257368002E3D39/\\$file/2007_09_25_Kapilbastu_Dang_update.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FBDFC6D209F6DBCCC1257368002E3D39/$file/2007_09_25_Kapilbastu_Dang_update.pdf) ,

UNICEF & WFP, 26 September 2007, "WFP and UNICEF to provide relief to 5,000 displaced by violence in Nepal"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-77EGST?OpenDocument&rc=3&cc=npl> , accessed 26 September 2007

United Nations, 22 April 2005, "Internally displaced in Nepal overlooked, neglected, UN Expert says after mission"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6BPQPU?OpenDocument> , accessed 27 April 2005

United Nations Children's Fund (UNICEF), 31 December 2005, Nepal: Educational needs of Internally Displaced Persons (IDPs) living in Western Kathmandu

Internet : <http://www.reliefweb.int/library/documents/2005/unicef-npl-31dec.pdf> , accessed 29 May 2006

United Nations Commission on Human Rights (CHR), 14 July 2004, "UN Commission on Human Rights experts reiterate grave concern over situation in Nepal"

Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/5cface5e0f4bcd0bc1256ed100483e58?OpenDocument> , accessed 20 July 2004

United Nations Commission on Human Rights (CHR), 7 January 2006, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Mission to Nepal

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/DB36B05FB4DB09DDC125712D00318920/\\$file/Nepal+mission_jan06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/DB36B05FB4DB09DDC125712D00318920/$file/Nepal+mission_jan06.pdf) ,

United Nations Development Programme (UNDP), March 2003, Information System for Contingency Planning for Nepal

United Nations General Assembly (UN GA), 21 December 2007, Children and armed conflict - Report of the Secretary-General (A/62/609-S/2007/757)

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/F4AFDE2C22A071B4C12573E00044150E/\\$file/Full_Report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/F4AFDE2C22A071B4C12573E00044150E/$file/Full_Report.pdf) ,

United Nations High Commissioner for Refugees (UNHCR), 28 December 2007, "Cautious return for Nepal's displaced people"

Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/DPAL-7ABJ2K?OpenDocument> , accessed 7 January 2008

United Nations High Commissioner for Refugees (UNHCR), 8 June 2006, UNHCR's expanded role in support of the Inter-Agency response to internal displacement situations

Internet : <http://www.unhcr.org/cgi-bin/texis/vtx/excom/opendoc.pdf?tbl=EXCOM&id=44892fc82> , accessed 4 October 2006

United Nations High Commissioner for Refugees (UNHCR), 2006, HIV/AIDS and Internally Displaced Persons in 8 Priority Countries

Internet : <http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=43eb43be2> , accessed 21 February 2006

United Nations High Commissioner for Refugees (UNHCR), 2 December 2005, UNHCR Global Appeal 2006: Nepal

Internet : <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=4371d18e0> , accessed 14 September 2006

United Nations High Commissioner for Refugees (UNHCR), May 2006, UNHCR's Contribution to the Inter-agency Response to IDP Needs. Supplementary Appeal

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/8B309339C2BB3EF1C12571FD0054A6F6/\\$file/supplementary+IDP+appeal+unhcr+may06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/8B309339C2BB3EF1C12571FD0054A6F6/$file/supplementary+IDP+appeal+unhcr+may06.pdf) ,

United Nations Population Fund (UNFPA)

, 30 November 2005, "Nepal conflict aggravates women's reproductive health risks"

Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KOCA-6JSEKV?OpenDocument&rc=3&cc=npl> , accessed 23 December 2005

United Nations Security Council (UN SC), 18 April 2008, Report of the Secretary-General on children and armed conflict in Nepal (S/2008/259)

Internet : <http://daccessdds.un.org/doc/UNDOC/GEN/N08/285/93/PDF/N0828593.pdf?OpenElement> , accessed 24 April 2008

United Nations Security Council (UN SC), 18 July 2007, Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/AEEFB38033624186C12573590030F795/\\$file/2007-07-22-SRSG-quarterly-report-to-SC.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/AEEFB38033624186C12573590030F795/$file/2007-07-22-SRSG-quarterly-report-to-SC.pdf) ,

Watchlist on Children and Armed Conflict, 26 January 2005, Caught in the Middle: Mounting Violations Against Children in Nepal's Armed Conflict
Internet : <http://www.watchlist.org/reports/nepal.report.20050120.pdf> , accessed 26 January 2005

WFP & OCHA, 4 October 2007, Impact of Conflict and Priorities for Assistance
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/5F033F5E62ECA425C125736900283C31/\\$file/ImpactofConflict.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/5F033F5E62ECA425C125736900283C31/$file/ImpactofConflict.pdf) ,

Women's Commission for Refugee Women and Children (Women's Commission), 22 May 2008, Don't call it Shangri-La. Economic Programs for Displaced Populations in Nepal
Internet : [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SKAI-7EVP5M-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SKAI-7EVP5M-full_report.pdf/$File/full_report.pdf) , accessed 29 May 2008

World Food Programme (WFP), 10 July 2007, "WFP launches international appeal for US\$49 million to support Nepal's peace process"
Internet : <http://reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-74YCYU?OpenDocument> , accessed 24 September 2007

World Food Programme (WFP), 19 May 2008, WFP's Operational Priorities - May 2008
Internet : [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LSGZ-7ESJ CZ-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/LSGZ-7ESJ CZ-full_report.pdf/$File/full_report.pdf) , accessed 19 June 2008

World Food Programme (WFP), May 2006, Emergency Operations 10523.0 Food assistance to drought affected populations of Mid-West and Far-West Nepal
Internet : http://www.wfp.org/operations/current_operations/countries/countryproject.asp?section=5&sub_section=7&country=524#EMOP , accessed 11 October 2006

World Food Programme (WFP), March 2005, Rapid Assessment of Internal Migration
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/124A6FD51693A994802570B700599C18/\\$file/WFP_Internal_Migration_report.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/124A6FD51693A994802570B700599C18/$file/WFP_Internal_Migration_report.pdf) ,

World Food Programme (WFP), July 2007, Nepal PRRO 10676.0 "Food Assistance for Conflict-Affected Populations in Nepal"
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/1A97E3D13C9B820DC12573600051A459/\\$file/Nepal+PRRO+10676.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/1A97E3D13C9B820DC12573600051A459/$file/Nepal+PRRO+10676.pdf) ,

World Food Programme (WFP), December 2007, Crop Situation Update, issue 7
Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/2E84771DA407F205C12573D2002F5722/\\$file/Crop+Situation+Update+--+issue+7.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/2E84771DA407F205C12573D2002F5722/$file/Crop+Situation+Update+--+issue+7.pdf) ,

World Press Review, 8 February 2003, "New Hope for an End to the Nepalese Maoist Rebellion?"
Internet : <http://www.worldpress.org/Asia/933.cfm> , accessed 4 April 2003

World Vision, February 2003, Rapid nutrition and food security assessment report

Internet : [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FF615DADC9B0637D802570B700599AC4/\\$file/Security+Assessment+Report_VW_Feb03.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FF615DADC9B0637D802570B700599AC4/$file/Security+Assessment+Report_VW_Feb03.pdf) ,

Xinhua News Agency, 31 December 2007, "Report: 25,000 displaced by conflict in Nepal"
Internet : http://news.xinhuanet.com/english/2007-12/31/content_7343542.htm , accessed 7 January 2008

Xinhua News Agency, 10 May 2008, "Violence in south Nepal surges post CA poll"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7EH783?OpenDocument&rc=3&cc=npl> , accessed 15 May 2008

Xinhua News Agency, 12 June 2005, "40,000 Nepalese children displaced in armed conflict"
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SODA-6DB9XX?OpenDocument&rc=3&cc=npl> , accessed 13 June 2005

Xinhua News Agency, 3 May 2006, "Displaced Nepali people returning home"
Internet : <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SODA-6PF7KP?OpenDocument> , accessed 3 May 2006

Xinhua News Agency, 2 February 2007, "10,000 Nepali move to north India due to violence at home"
Internet : <http://www.reliefweb.int/rw/rwb.nsf/db900SID/STED-6Y2R8D?OpenDocument> , accessed 6 February 2007

Xinhua News Agency, 10 February 2004, "15,000 Nepalese children displaced by anti-gov't insurgency"
Internet : <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/d2a8f47afb70cc5ac1256e370035b8e6?OpenDocument> , accessed 16 March 2004