

19 June 2008

Nepal: sustainability of IDP returns undermined by lack of assistance

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 up to 8,000 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.

Map of Nepal



Map No. 4904 UNITED NATIONS
January 2007 (Colour)

Department of Peacekeeping Operations
Cartographic Section

Source: United Nations Cartographic Section

More maps are available on <http://www.internal-displacement.org/>

Background

After three decades of *panchayat* (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 Madhesi. 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 num-

ber 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 con-

flict, 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 gov-

ernment 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 chil-

dren 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 & SCA, 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).

Note: This is a summary of the IDMC's Internal Displacement profile. The full profile is available online [here](#).

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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

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