



PROFILE OF INTERNAL DISPLACEMENT : NEPAL

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PROFILE SUMMARY

Displacement crisis worsens in wake of royal coup

Nearly six months after King Gyanendra assumed direct power and declared a state of emergency in February 2005, Nepal is faced with both a deep crisis of governance and a renewed spate of fighting and violence all across the country. The suspension of all civil liberties in the wake of the royal coup and the purely militaristic strategy chosen to deal with the Maoist insurgency have led to an intensification of the armed conflict and a sharp deterioration of an already dramatic human rights situation. Significant population displacements have taken place in the context of an increasingly polarised Nepalese society now on the brink of a humanitarian crisis. Since the conflict started in the mid-1990s, hundreds of thousands of people have been uprooted across the country. Landowners, teachers, and other government employees have been specifically targeted by the rebels and have fled their homes. Poorer sections of the population have also been affected and have fled forced recruitment into Maoist forces, retaliation by security forces or the more general effects of war. Most of them have flocked to the main urban centres, in particular to the capital, Kathmandu. Many more have swollen the migration flows to India.

No reliable figures exist on the current number of people internally displaced due to the conflict, but the most realistic estimates put it at between 100,000 and 200,000. Some estimates of the total number of displaced, including refugees in India, since the fighting began in 1996 go as high as two million, though these are impossible to verify. Virtually all of Nepal's 75 districts are affected by the fighting which has claimed close to 11,000 lives in the past nine years. The government has to a large extent ignored its obligation to protect internally displaced persons (IDPs), particularly those uprooted by its own security forces. The international community has been slow in acknowledging the seriousness of both the human rights and the displacement crisis, although there are now more positive signs that UN agencies and international NGOs, long present in Nepal providing development-oriented assistance, are ready to play a more active role in monitoring human rights abuses and to switch to humanitarian assistance for the most vulnerable among the displaced. The international community, and in particular the main suppliers of Nepal's military equipment, now have a responsibility to bring both parties back to the negotiating table. Only a breakthrough in the peace process and a full restoration of the democratic institutions will create conditions conducive to the return of the displaced.

Background

An autocratic monarchic government has been in place in Nepal since 1962. Despite the re-instatement of a multi-party democracy in 1990 and a new constitution, which followed three decades of panchayat (non-party) system of government, the new political order continued to be dominated by the same elite who were not perceived as genuinely interested in improving the lives and livelihoods of the rural poor. It maintained a centralised system and largely failed to address the systemic inequality of Nepalese society, which politically and socially excludes an important proportion of the population on the basis of their ethnic and caste identity.

It was against this backdrop that in 1996 the "People's war" was launched by the Maoists with the aim of overthrowing the constitutional monarchy and establishing a new democratic socialist republic. The insurgency started in the districts of the mid-western region when Maoists began targeting the police, the main landowners, members of other political parties, teachers and local government officials. Using guerrilla tactics and virtually unchallenged by the government during the first five years, the Maoists gradually gained ground in other districts 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. In 2001, Prince Gyanendra was crowned as king after most of the royal family was killed during a shooting incident in the palace. A year later he suspended the elected Parliament, installed a prime minister of his choosing and indefinitely postponed elections. Since then, the King has effectively assumed full executive powers with the support of the army.

The January 2003 ceasefire signed by the government and the Maoists raised cautious hopes that the civil war might have come to an end after seven years. Although fighting subsided during the period of the truce, the situation on the ground reportedly changed little. In August 2003, the Maoists withdrew from the peace talks when the government refused to agree to the formation of a constituent assembly to draft a new constitution. The collapse of the ceasefire marked the resumption of fighting in most parts of the country and sent the country into a spiralling human rights crisis of unprecedented proportions.

On 1 February 2005, the king dismissed the government and declared a state of emergency giving him absolute power and effectively suspending all civil liberties. Media censorship was imposed and scores of political leaders, human rights activists and journalists were arrested. Under pressure from the international community to restore fundamental civil and political liberties, the king lifted the emergency rule on 29 April 2005. Many restrictions remained in place, however, including on freedom of movement, freedom of assembly and political activism (AI, 15 June 2005, p. 4).

In the wake of the coup, fighting and displacement has intensified significantly and human rights violations have been on the increase. In the absence of a parliament – dissolved in 2002 – or of a representative and elected government, civil society has currently no say in the conflict and Nepal is sliding dangerously towards an even more militarised and polarised society, with both sides paying lip service to the respect of human rights.

Many uprooted by conflict and human rights abuses

Tens of thousand of people have been displaced in Nepal due to the military activity of both the Maoist rebels and the government forces, and the more general effects of war. Particularly after November 2001, when security deteriorated markedly in rural areas, many people started fleeing to urban district centres, large cities like Kathmandu, Biratnagar and Nepalgunj, and across the border to India. All 75 districts of Nepal are now to varying degrees affected by the fighting, with the rebels more or less controlling the rural areas and the government's presence mainly restricted to district headquarters and urban centres.

In a desperate effort to regain some control of the rural areas, the government has since November 2003 encouraged the creation of "village defence committees" in various districts of the country (ICG, 17 February 2004). Often created by local landlords with the tacit support of the army, these militias are adding to the level of violence and constitute an inflammatory development in the conflict. Shortly after the royal takeover, these militias reportedly started to receive more active support from the army, including guns and training (Times Online, 8 June 2005). In February 2005, in Kapilvastu district an anti-Maoist rampage resulted in the burning of 600 houses, the slaughter of 30 "Maoists" and the displacement of between 20,000 and 30,000 people to the Indian border (Bell, Thomas, 12 March 2005; BBC, 14 March 2005; Kathmandu Post, 19 March 2005).

A large portion of those fleeing the conflict in its initial phase were from relatively well-off strata of the population: landlords, party workers, security personnel, teachers and Village Development Committee chairmen (INSEC, April 2004, p.112). Perceived as enemies of the "People's war" and symbols of the corrupt state, these people are specifically targeted by the Maoists. Since the February 2005 coup, the rebels appear to have stepped up their targeting of the families of army personnel, in particular in the mid-western region districts. Some 1,200 security forces family members have reportedly been forced to flee their homes in this region (Kathmandu Post, 15 May 2005).

Young people – both men and women - have also fled forced recruitment by the Maoist forces and in many areas constitute the bulk of the displaced (SAFHR, March 2005, p. 9). They are particularly vulnerable as they have little choice other than to join the Maoists – although sometimes only temporarily to attend political meetings – or leave their villages. Those who chose to remain are also likely to become targets of the security forces (Mercy Corps, October 2003, p.69). The escalation of the conflict in the past year has led the Maoists to intensify their recruitment campaign. With so many young adults having already fled their homes in rural areas in previous years, the insurgents reportedly force ever younger recruits to join them (CSM, 28 July 2005). This is forcing an increasing number of children to flee their villages. The UN estimates that between 10,000 and 15,000 children will flee their villages in 2005 (IRIN, 4 July 2005). An estimated 40,000 children have been displaced by the conflict since 1996 (Xinhua, 12 June 2005)

But the Maoists are not the only ones to blame. Indeed, civilians have also fled the actions of Nepalese government security forces in their operations against the Maoists. Many villagers have been displaced following food blockades, torture and killings by security forces. Civilians have been targeted on suspicion of supporting the Maoists and often tortured by the army and police (AI, 19 December 2002, pp.7-8). Between August 2003 and May 2005, the army claimed to have killed 4,000 “Maoists”. This category reportedly included civilians suspected of having provided shelter, food or money to the rebels, whether under coercion or not (AI, 15 June 2005, p.4). Displacement caused by security forces tends to be less visible. Fear of being identified as rebel sympathisers and the absence of government assistance has discouraged many from registering as IDPs (Martinez, Esperanza, July 2002, pp.8-9). Moreover, the government’s restrictions on independent reporting have also masked the extent of the problem (Watchlist, 26 January 2005, p. 9; APhRN, 14 January 2002).

People flee their villages for fear of being caught in the crossfire but also as a result of the indirect consequences of the fighting. The conflict has in many areas led to the breakdown of education, closure of businesses, weakening of local economies and interruption of public services. Food insecurity and lack of employment opportunities have traditionally forced able-bodied males of the mid-western region into seasonal migration to urban areas or to India. Insecurity and blockades have further reduced the availability of food and exacerbated a long-standing rural exodus trend. Many young people end up in India where wages are slightly higher than in Nepal and where they do not face security threats (SAFHR, March 2005, p. 36).

Estimates of displaced since 1996 as high as two million

In the absence of any registration of IDPs and of any systematic monitoring of population movements by national authorities or 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 on the number of people currently displaced. This problem is further compounded by the hidden nature of displacement in Nepal, where people forced from their homes either merge into social networks of friends and families or mingle with urban migrants en route to district centres or to the capital. Many also travel abroad, mainly to India, in search of safety and employment opportunities.

An IDP study conducted in early 2003 by a group of NGOs and UN agencies concluded that a reasonable working figure on the total number of people displaced, directly or indirectly, by the conflict was between 100,000 and 150,000 (GTZ et al., March 2003, p.8). Since then, the intensification of the conflict has thrown many more into displacement. INSEC, a Nepalese human rights NGO, recorded the displacement of some 50,000 people between 2002 and 2004 (INSEC, April 2005).

However, anecdotal evidence and other studies suggest the figures could be much higher. Between 2003 and 2004, estimates from various sources put the number of displaced at between 200,000 in urban areas only (OneWorld, 29 July 2003; Nepalnews, 18 September 2003) and 400,000 (CSWC, 1 February 2004, pp.8-9).

When considering the scope of displacement in Nepal, one has to keep in mind that all figures are highly speculative estimates which are impossible to verify. In addition, the problem is to accurately estimate how many have fled as a consequence of the conflict and how many are “regular” urban or economic migrants. Based on available data, it is estimated that between 100,000 and 200,000 people are currently internally displaced directly or indirectly by the conflict.

This figure does not include those who have fled abroad, mainly to India, a traditional recipient of Nepal seasonal workforce. The open border between the two countries, the lack of monitoring and the mingling with more traditional economic migrants make it difficult to estimate the numbers of people who have crossed the border because of the conflict. Since 2001, the usual flow of migrants is, however, reported to have increased significantly with sometimes reports of tens of thousands crossing the border each month (ICG, 10 April 2003, p.2; WFP, personal communication, September 2003). In September 2004, the Asian Development Bank (ADB) suggested that between 300,000 and 400,000 rural families, or between 1.8 and 2.3 million people had been displaced by the conflict since 1996 (ADB, September 2004, p.2., and Appendix 3, p.78). It is widely acknowledged that the vast majority has left Nepal for India (IDD, 2 June 2005, p.1).

The lack of data on both displacement within Nepal and displacement to India make a strong case for further studies on this issue.

A humanitarian disaster looming

The socio-economic impact of nine years of conflict on one of the poorest countries in the world has been devastating. A mountainous topography, an inefficient agricultural economy and high population growth combine to make Nepal a chronically food insecure country (Lamade, Philip, August 2003). More than 40 per cent of the population, estimated at 23 million people, live below the poverty line. The incidence of poverty in the rural areas is almost double that in urban areas. The midwestern and farwestern regions, where the most intense fighting has taken place are also the poorest, with poverty rates approaching 75 per cent (ADB, September 2004, p.5).

In March 2005, the UN, international donors and aid agencies in Nepal publicly called on both parties to respect human rights and warned that the conflict, and in particular restrictions imposed on the movements of supplies and vehicles, was leaving many civilians without access to humanitarian and medical assistance. The statement concluded that the actions of both the security forces and the Maoists were “pushing Nepal towards the abyss of a humanitarian crisis” (BBC, 18 March 2005).

When fleeing their homes, the displaced either move to neighboring districts where they have friends or families, or look for safety and assistance near the district headquarters. Most arrive exhausted after having to travel days on a difficult terrain with little food and the few belongings they have managed to take with them. Although sometimes assisted by local organisations, most of the displaced, such as those living in Rajena camp in Nepalgunj near the Indian border, live in inadequate conditions, lacking water supply, shelter, access to health and livelihood opportunities (IRIN, 25 April 2005). In Dailekh district headquarters, 2,000 IDPs fleeing their homes in November 2004 were forced to live in poor hygienic conditions in a public building (Kathmandu Post, 30 November 2004). Villagers who had to flee the anti-Maoists mobs in Kapilvastu district and whose houses and properties had been burnt or looted have reportedly gathered in a makeshift camp and resorted to begging to survive (Kathmandu Post, 12 June 2005).

Following a mission to Nepal in April 2005, the UN interagency Internal Displacement Division reported that there was a significant need for enhanced basic services, including health and education, in particular in areas around urban centres where IDPs tend to settle among the urban poor (IDD, 2 June 2005, p.2).

Difficult living conditions for IDPs in urban areas

Living conditions are difficult for many IDPs in urban areas. The sudden population flood into the cities combined with the growing migration trends to urban areas in the last decade has led to a surge in the number of urban poor and placed a strain on the municipalities' capacity to deliver basic services such as water supplies, sanitation and waste management, as well as health and education (RUPP 2004). According to a study on urban poverty, displacement due to the conflict is increasing the concentration of poor in urban settlements, with many of the displaced turning into urban poor (Kathmandu Post, 20 April 2005).

Indeed, several studies have showed that the lack of income-generating activities was the major problem facing the displaced (INSEC, 2004, p. 117). Many IDPs are peasants and are unprepared to make a living in urban areas. When they find employment, these are generally poorly paid. This is partly because their own arrival has driven down wages in jobs that require low or minimal capital investment. These jobs are physically demanding and insecure (GTZ et al., March 2003, pp. 11-12). Along with poor economic migrants, displaced people work in factories, stone quarries or do small trading that generate low returns. In March 2005, a survey showed that 70 per cent of the displaced surveyed in urban areas did not earn enough to feed their family and that many had to survive on loans (SAFHR, March 2005, p. 15).

Displaced children often face particularly difficult conditions. Many young children have moved to urban or semi-urban areas, unhygienic conditions and hostile environments, where their families can ill-afford to send them to school. An estimated 5,000 children live on the streets of the main cities of the country, denied an education and exposed to a variety of threats, including sexual exploitation and forms of child labour (Watchlist, January 2005, p.30; OneWorld, 14 July 2003). A study of the impact of the conflict on children, released in June 2005 by the International Labour Organisation and Child Workers in Nepal Concern Center (CWIN), estimated that a total of 40,000 children had been displaced since 1996 (Xinhua, 12 June 2005). Many displaced children have witnessed violence and destruction, and are traumatised.

Many of the wealthier IDPs have been able to find shelter in cities and expect to return to their homes when conditions improve. A large majority of this IDP group sought refuge in district centres and main cities. Some have reportedly been able to buy land or build new houses (EC & RNN April 2003, p.79). Most of these well-off IDPs are not thought to experience major problems in their daily survival (Nepalnews, 6 May 2005).

Assistance: insufficient and discriminatory

Since the beginning of the conflict, the government has to a large extent ignored its obligation to protect and assist IDPs. Its response can be described as inadequate, discriminatory and largely insufficient.

Although the government established several compensation and resettlement funds for victims of the conflict, most dried up after a relatively short time. Also, government assistance has only been provided to people displaced by the Maoists. Authorities have not encouraged 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).

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. 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.

Since the royal takeover, the government has 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).

It remains to be seen if these promises will be fulfilled at a time when the government appears to be accountable to no one but itself and does not seem even willing to assist those it considers as the only legitimate IDPs – those forced from their homes by the Maoists. In April, the government pledged that it would respond quickly and efficiently to the needs of those displaced by the Maoists (Kathmandu Post, 6 April 2005). However, two months later no assistance had been forthcoming. Instead, the police brutally ended a peaceful demonstration of displaced people asking for food and shelter. Some 150 IDPs were detained on the charge of shouting anti-government slogans (IRIN, 7 June 2005).

International aid slowly shifting in response to needs of IDPs

In the obvious absence of an appropriate response from the government, one could have expected the large international aid community already present in Nepal to react swiftly to fill the assistance gap left by the national authorities. However, it is only recently that the seriousness of the IDP problem seems to have been acknowledged by the international community, which appears now willing to take a more proactive role and accept more responsibility for the displaced.

Many UN agencies and international NGOs have been in Nepal for numerous years providing development-oriented assistance, but almost none provide humanitarian relief or target their assistance at IDPs. Instead, most agencies have preferred to assist conflict-affected areas mainly through already existing development programmes. In order to avoid creating pull factors, likely to further depopulate rural areas, the agencies have been careful to avoid providing assistance directly to the displaced in their area of displacement. Instead, the strategy has been to maintain basic services in the communities of origin. However, since the intensification of the conflict in 2001, many aid programmes have been hampered or stopped by poor security conditions in rural areas. In 2004, many organisations had to suspend their activities due to an intensification of the fighting and restrictions imposed by both sides (Nepalnews, June 2004; OCHA/IDP Unit, June 2004, p.3). Faced with this reality and the deterioration of the conflict and human rights situation, more agencies seem now ready to shift their focus from development to humanitarian aid.

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 have 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 have during the past year assisted the UN Resident/Humanitarian Coordinator, responsible at the field level for the strategic coordination of protection and assistance to IDPs. The IDD mission further encouraged all agencies to step up their activities towards meeting the needs of the displaced, pointing out that many agencies were still too development-focused and entrenched in a "business as usual" attitude. Donors were also strongly encouraged to support the shift from development to humanitarian action (IDD, 2 June 2005, pp.3-6).

The protection concerns of the displaced and the civilians in general have remained largely unaddressed so far. The government of Nepal accepted in April the setting up of a human rights monitoring operation by the UN Office of the High Commissioner for Human Rights. The mission will monitor and report on human rights abuses as well as provide advisory services to the government (BBC, 11 April 2005).

Although the government was clearly reluctant to see the UN monitor more closely its war against the Maoists and only accepted under pressure during the last session of the Commission on Human Rights, this is nevertheless a positive step towards increasing scrutiny of human rights abuses and making both the government and the insurgents accountable for their actions.

Clearly, more efforts are still needed by both the government and the aid community to effectively address the needs of the displaced.

The government, which has the primary responsibility to assist its displaced citizens, has to establish a non-discriminatory and comprehensive IDP policy, for which the UN Guiding Principles on Internal Displacement can serve as a valuable guiding tool. Both people forced to flee their homes due to Maoist abuses as well as those who have fled actions by the security forces need to be recognized as Internally Displaced People and assisted to cope with their predicament.

The international community needs to agree on an IDP strategy and a clear action plan for meeting the protection and assistance needs of the displaced. Recently, a Consolidated Appeal Process (CAP) workshop took place in Nepal. The CAP, which will be launched in early September, will help agencies establish a common understanding of the humanitarian priorities and hopefully lead the way to a coordinated and improved assistance to IDPs.

The international community also has an important mediating role to play by bringing both parties back to the negotiating table. Only a breakthrough in the peace process and a restoration of the democratic process will create conditions conducive to the return of the displaced.

(Updated July 2005)

CAUSES AND BACKGROUND

Background

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

- Nepal is presently party to 14 international instruments on human rights, but a vast gap exists between these commitments and their implementation
- Caste discrimination remains ingrained in Hindu-dominated Nepalese society despite legal provisions.
- Wealth and power are disproportionately distributed to favour 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.

"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.” (APHRN 20 August 2001)

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

Almost half of the population lives under the poverty level (2004)

- 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%)

"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." (ADB, September 2004, Appendix 3, p. 83)

Maoists reported to run parallel courts in rural areas of 1/3 of the country (July 2004)

- Maoists reportedly run parallel courts in 25 of Nepal's 75 districts, in particular in the districts of the rebel heartland.

"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." (One World South Asia, 29 July 2004)

See also on the Nepalese local governance system:

"[Local governance](#)", Friedrich-Ebert Stiftung, 2002

Royal takeover deepens human rights crisis (2005)

- On 1 February 2005, the king dismissed the government, seized absolute power and imposed a state of emergency.
- A Royal Commission on Corruption Control has been established in the wake of the coup, reportedly to discredit political leaders.
- Also, hundreds of politicians, human rights defenders, journalists and others were arrested; there has been 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);
- State-sponsored vigilante action resulting in lynching, the burning of villages and brutal Maoist retribution.

"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, 15 June 2005, pp. 7-8)

"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." (ICG, 24 March 2005, p. 1)

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 [\[Internet\]](#)

The Maoist insurgency

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.

"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." (Mercy Corps International October 2003, p. 38)

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

"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.

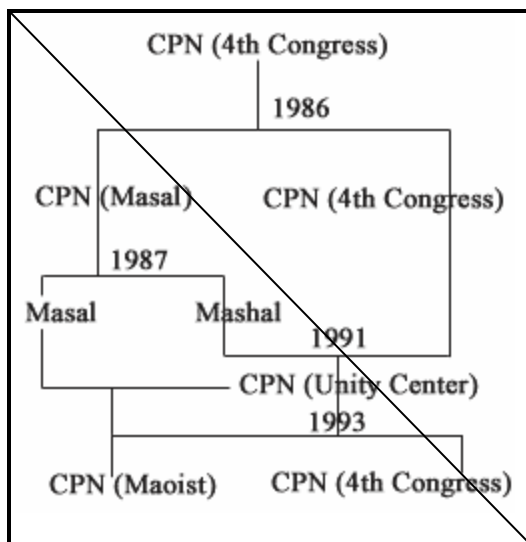
In areas where they were strongest, the Maoists set up parallel political systems to the state's, including "people's courts". In Rolpa district, for instance, it was reported that no new cases were filed in the district court during 2000 as all cases were being "adjudicated" by the Maoists.

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." (AI 4 April 2002, pp. 12-13)

Who are the Maoists ?

"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 forbearers 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.' [...]" (World Press Review 8 February 2003)

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.

"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 Manandhar 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. On Saturday 16 February 2002, more than 100 people were killed when rebels launched a major attack on government offices and police posts in Mangalsen, a small town 200 miles to the west of Kathmandu in Achham District in the far west of Nepal. In a separate strike hours later, another 30 or so police were killed at the nearby airport in Sanfebagar. As an indication of the impact of such attacks on the work of development agencies, CARE Nepal was obliged to make an immediate re-assessment of their work in Achham. This action was followed by a call for a nation-wide general strike (or *bandh*) later in the week to mark the sixth anniversary of the start of the People's War. The planned strike was in fact called off (ostensibly to enable students across the country to sit their SLC examinations), and proposed for a week in the latter part of April.

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. According to reports in the international media: 62 Maoist guerrillas were killed by the Nepalese Army in March 2002, when they attacked a training camp. In mid April, 48 policemen and 6 civilians were killed by Maoist guerrillas in Dang District in what was described as 'one of the bloodiest attacks of their insurgency', with almost simultaneous attacks on the house of the Minister of Internal Security, a police station, two banks, an electricity sub-station and a bus in four towns in Dang (**The Guardian** 13 April). 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). At the very beginning of May, the Army launched a two-day offensive near the Maoist stronghold of Rolpa. The Army apparently encircled a rebel training camp and killed a significant number of guerrillas from the air using helicopter gunships ('50 Maoists killed by government forces in Rolpa on 3 May', according to BBC Radio, May 3). The Maoists immediately took their revenge, storming the army garrison in the village of Gam in Rolpa and killing 130 men. The Maoist rebels proposed a one-month cease-fire after a week of major clashes with government forces, in which as many as 500 people were reported killed. By now, the Maoists were officially considered to be in effective control of about 25 per cent of the country.

They warned, however, that they would launch 'an even more deadly war' if the government offensive continued. Their proposal was rejected by Prime Minister Deuba. For the time being, however, even in the context of the current conflict and the state of emergency, it is almost certainly the case that the majority of the Nepali population, and most of the foreign (bilateral and multilateral) agencies, support the continuation of Nepal's fraught 12-year 'experiment with democracy', in some form or another. Dissidents within the ruling Congress Party and the opposition refused the proposal by the Prime Minister to extend the powers of the security forces under the State of Emergency, arguing that the new anti-terrorist law already gave them sufficient authority.

But the decision of Prime Minister Deuba in May to dissolve parliament and seek national elections in mid-November led to considerable tensions and dissension within his own party and created the impression of weak and indecisive government. The Prime Minister's decision created confusion and dissent among the members of the government and of the Congress Party, although it was welcomed by the opposition. The dissolution of parliament was challenged as 'unconstitutional and prejudicial', but eventually upheld. In June, the Nepali Congress Party suspended Deuba and expelled him for a period of three years. Some constitutional experts wondered whether Deuba could remain as Prime Minister until the elections. 'The Constitution is silent on this matter', according to retired Chief Justice Bishwanath Upadhyaya, who headed the panel that drafted the 1990 Constitution, "this is an unprecedented situation". Five days later, the king extended the State of Emergency for a further three month period, to August 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." (EC & RRN April 2003, pp. 43-46)

"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.

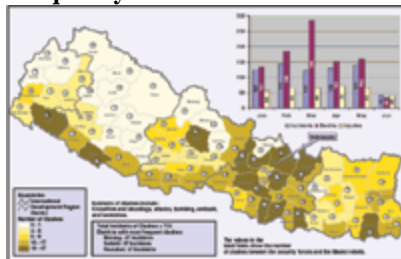
(...)

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." (ICG 22 October 2003, pp. 6-7)

Conflict between the security forces and the Maoists displaces thousands (2005)

- Internal displacement in Nepal is mainly the consequence of the armed conflict between the Maoists and the security forces.
- 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 thousands.

INSEC documents sharp deterioration of human rights situation in 2004

"Democracy and human rights face serious crisis in Nepal at present than in the past, observed a United Nations official.

"Democracy and human rights are now in a more difficult situation than in the past," said David Johnson, senior human rights advisor from the Office of the UN High Commissioner for Human Rights, United Nations, in Nepal. He was speaking at the launch of the Human Rights Year Book 2005 prepared by Informal Sector Service Center (Insec) on Saturday.

(...)

The Insec Human Rights Year Book 2005 states that the human rights situation and democratic values are deteriorating rapidly.

It said that 2,681 people - 1,077 by Maoists and 1,604 by the state - were killed in the past one year.

"The year was marked by increasing reports of arbitrary arrest, torture, abduction, disappearances and killings related to insurgency and counter-insurgency operations," the Insec report said.

It also stated that Maoists had abducted about 26,000 people in 2004. Most of them were forcibly taken away to attend Maoist indoctrination programs.

Over 250 people were killed in landmines and bomb explosions in the past one year, the Year Book has stated. Insec has recorded that over 12,000 people were displaced during the year due to insurgency. "But the number of people who have been displaced due to insecurity could be four times higher than that," the annual report said.

"Due to weak presence of the state, instances of impunity and Maoist excesses were on the rise," said the report. Similarly, hundreds of people remained in the "disappeared" category at the end of the year. The number of people who have "disappeared" after they were taken into custody by security forces has crossed the one thousand mark, the HR Year Book claimed.

Subodh Raj Pyakurel, chairman of Insec, said that the human rights body had documented the government's excesses." (Kathmandu Post, 9 April 2005)

"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 to 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." (INSEC April 2004, pp. 112-113)

Caught between two evils: maoists & security forces

"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." (AI 19 December 2002, pp. 6-12)

Conflict exacerbates urban migration trends

"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." (EC & RRN April 2003, pp. 3-4)

Drought & restrictions on food supply and transportation trigger displacement movements

"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." (AI 13 December 2002, pp. 3-4)

Difficult living conditions in conflict-affected areas force people to leave (2004)

- 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%)

"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

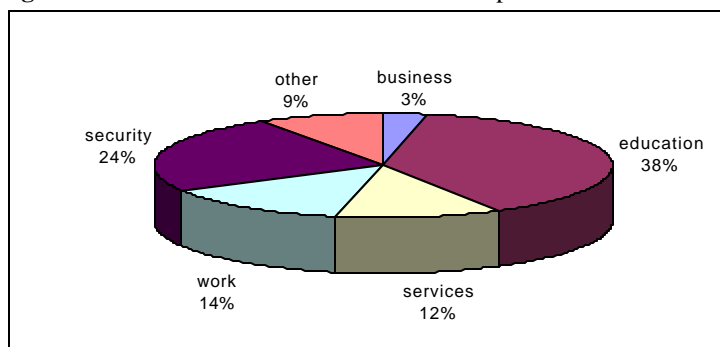
has reduced the supply of medicines to the districts fearing looting by the Maoists. The health workers have migrated to safer places fearing physical actions by the Maoists. Moreover the Maoists force the health workers to work for them and torture, abduct or physically harm them if they do not do what 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." (INSEC April 2004, pp. 114-115)

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

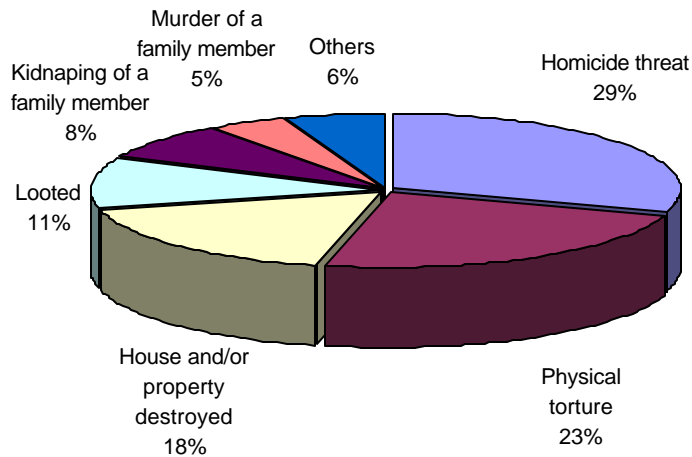
Fig 5: Reasons for movement in RUPP municipalities



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

Government-supported vigilante groups cause the displacement of some 30,000 people in Kapilvastu district (Feb-June 2005)

- 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'

In an effort to regain some control of the rural areas, the government has since November 2003 encouraged the creation of “village defence committees” in various districts of the country (ICG, 12 February 2004). Often created by local landlords with the tacit support of the army, these militias are adding to the level of violence and constitute an inflammatory development in the conflict. Shortly after the royal takeover, these militias reportedly started to receive more active support from the army, including guns and training (Times Online, 8 June 2005). In February 2005, in Kapilvastu district an anti-Maoist rampage resulted in the burning of 600 houses, the slaughter of 30 “Maoists” and the displacement of between 20,000 and 30,000 people to the Indian border (Bell, Thomas, 12 March 2005; BBC, 14 March 2005; Kathmandu Post, 19 March 2005).

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

"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 governmentlinked 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." (ICG 17 February 2004, p. 1)

"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." (AI 11 November 2003)

Other causes of displacement

Bonded labor: the freed Kamaiyas

- In the Kamaiya system, labourers were treated as bonded and forced to work for their landlords.
- Between 1990 (restoration of democracy) and 2000, the Kamaiya system gradually becomes a subject of public discussion within the country and abroad.
- NGOs conducted programs like literacy program, awareness raising program, skill oriented training and income generating activities for the Kamaiyas and their families in cooperation with various donor agencies.
- With the help of some NGOs, the Kamaiya Freedom Movement Mobilization Committee was set up in 2000.
- Under pressure from opposition parties, human rights activists, intellectuals and also the media, the Government announced the freedom for the Kamaiyas on July 17, 2000

"Kamaiya system had existed for long in the mid-western and far-western parts of the terai region of Nepal especially in Dang, Banke, Bardia, Kailali and Kanchanpur districts. In the Kamaiya system, laborers were treated as bonded and forced to work for their landlords. In the past, some courageous Kamaiyas rose in revolt against their tyrant landlords but their revolt could not make to any books of record. In fact, the Kamaiya revolts including the Tikkar-Kanda (Tikkar revolt) at Rajapur of Bardia and the Kanra Movement (that broke out during different times before 2048 B.S.) were not initiated with the explicit objective of putting an end to the Kamaiya System. They were the outbursts of protest against the inhumane treatment meted out by the cruel landlords to their Kamaiyas. The Kamaiyas rose in revolt to put pressure on the

landlords to grant some facilities to their Kamaiyas. Many of those revolts came to an end without any success in meeting the objective. Moreover, no political party ever cooperated with the Kamaiyas to put an end to the Kamaiya system.

2) Reform efforts

After the restoration of democracy in 1990 Kamaiya system became a subject of public concern. A study conducted by INSEC (an NGO) about two years after the restoration of democracy revealed the existence of bonded labor in the name of Kamaiya system. Only then did the Kamaiya system become a subject of public discussion within the country and abroad. Later, INSEC lodged a writ petition with the Supreme Court demanding a mandamus to put an end to the Kamaiya system but the court handed out a verdict stating that there was no need to issue the writ of mandamus in this case. Then the matter was left as it was. Meanwhile, the Government made some efforts towards mitigating this problem. As part these efforts data of the Kamaiyas was collected and programs were carried out to help the Kamaiyas get alternative employment by providing them training. The programs were carried out through the Land Reform Office. NGOs also conducted programs like literacy program, awareness raising program, skill oriented training and income generating activities for the Kamaiyas and their families in cooperation with various donor agencies. Also the General Federation of Nepalese Trade Unions encouraged the Kamaiyas to unite and fight for their freedom. The Federation itself initiated 'Appeal Movement' calling upon the landlords to free their Kamaiyas. However, the 'Appeal Movement' failed to bring any encouraging results. In course of making efforts to put an end to the Kamaiya system, the Kamaiya Concern Group was set up. The Group consisted of the NGOs, INGOs and GFONT and it was constituted to put pressure on the government to abolish the Kamaiya system by formulating appropriate laws and to make necessary arrangements to rehabilitate the Kamaiyas. This effort also did not prove fruitful.

These efforts were, however, instrumental in drawing the government's attention to the issue and taking the problem to the international arena. Moreover, the efforts were successful in making the Kamaiyas literate, aware and skilled to some extent. But neither the Government did not put an end to the Kamaiya system nor could the Kamaiyas themselves move ahead for their own freedom. A decade (after 1990) passed without any significant change. The goals set by the organizations working in the Kamaiya sector could not be achieved and the investment made could not bring any significant result.

3) Reality of the freedom movement

The experience gained before the proper Kamaiya Freedom Movement took place showed that the government would never put an end to the Kamaiya system just because the Kamaiyas made a request for it. It was also quite clear that it would not be an easy task to make the Kamaiyas themselves the driving force of the movement because they had no free time to do it; and the concept of Kamaiyas getting freedom automatically with training and skill development was not a practical idea.

Despite such experiences, the organizations working in this sector dragged along with their old styled activities though not any concrete and creative option could be forwarded regarding the freedom of Kamaiya. The situation remained in perplexity. Meanwhile, 19 Kamaiyas of Shiva Raj Joshi, a landlord of Geta, Kailali district, who is also a former minister, lodged a complaint at the local VDC office demanding freedom and the minimum wage on the occasion of the May Day in 2000. This very petition proved to be the initiation of what later came to be known as the Kamaiya Freedom Movement. However, this complaint was not lodged on the initiative of the Kamaiyas themselves. Central Member of BASE (a local NGO) Yagya Raj Chaudhary had encouraged and helped them to lodge the petition. Yagya Raj himself is a former Kamaiya.

After the initiation of the movement, a Kamaiya Freedom Movement Mobilization Committee was set up. It consisted of 15 members including two Kamaiyas and representatives of 13 different NGOs working in the Kamaiya sector. The Committee in Kailai inspired the formation of similar committees in other four districts. Thanks to the joint effort of these five committees, many of the Kamaiyas started actively

participating in the movement and it started gathering momentum. The movement was led by the representatives of the NGOs included in the Mobilization Committees, that is, no particular person or NGO had played any distinct role in making the movement successful. All those who were in the committees had played equal role as per their respective responsibility. That is why the movement could go ahead despite various obstacles put up by the Local Administration Office and the landlords.

As the movement gathered momentum, INGOs provided financial support to it and also put pressure on the Government to grant freedom to the Kamaiyas. Similarly, the opposition parties, human rights activists, intellectuals and also the media supported the movement. Because of the movement, the world came to know about the existence of the Kamaiya system as a remnant of slavery in Nepal. As a result, the movement put pressure on the government. Eventually, the Government announced the freedom for the Kamaiyas on July 17, 2000. Along with the announcement, the government gave assurance that the freed Kamaiyas would be rehabilitated by the end of mid-January 2001." (MS Nepal 2002)

Ex-Kamaiyas freed but displaced by failed rehabilitation (2000-2004)

- 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.
- Many ex-Kamaiyas were evicted by landlords and are now squatting in temporary transit camps or living illegally on occupied land 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, but progress has been slow.
- 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.
- As of 2003, Kamaiyas are 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. Some are living in the government supported camps and some in the self erected thatch in the jungles.
- 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 August 2004, ex-Kamaiyas grabbed 10,000 acres of government land in protest over government's apathy and empty promises

"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 off 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." (ACT 11 September 2000)

"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." (BASE November 2002)

"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." (LWF 2003)

"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." (Oneworld 13 August 2004)

Some 37,000 families displaced by flooding and landslides (July 2004)

- 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

"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.

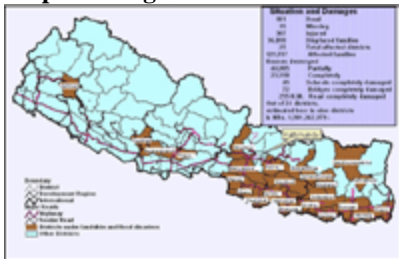
As of 10 August a total of 800,000 people had been affected in 25 of Nepal's 75 districts. The official death toll remains at 185.

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." (IFRC 11 August 2004, p. 2)

Map showing affected districts



Source: UN Country Team in Nepal, 28 July 2004

"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." (OCHA/IDP Unit June 2004, p. 5)

Peace efforts

Peace efforts fail in November 2001 (1999-2001)

- During 2000, attempts were made to initiate a dialogue between the government and the Maoists through a "High Level Consensus Seeking Committee" but with no results.
- A cease-fire, agreed upon on 23 July 2001, was followed by three rounds of talks but they broke down in November 2001 over the political demands of the Maoists, in particular the demand for the setting up of a constitutional assembly.

"In light of the radical nature of the main demands of the Maoists, in particular the *de facto* abolition of the constitutional monarchy and the establishment of a people's republic, it has been difficult for successive governments to enter into a meaningful dialogue with the Maoists. Nevertheless, attempts have been made.

An eight-member "High Level Consensus Seeking Committee" chaired by Sher Bahadur Deuba was appointed in November 1999 by Prime Minister Krishna Prasad Bhattarai. The leader of the CPN (Maoist) in a letter to the Committee in June 2000 indicated his willingness to sit down to talks on condition that a number of demands were met, including a ceasefire from the date the talks begin, an inquiry into the whereabouts of Maoist supporters who were detained and subsequently "disappeared", and a judicial investigation into a number of incidents, including the killing of civilians and burning of villages in Khara VDC, Rukum district in February 2000. On 7 August 2000 the Maoists' leader ruled out immediate talks. He accused the Prime Minister of attempting to enlist India's support in joint operations against armed opposition groups, including the CPN (Maoist), operating along the India-Nepal border, and reiterated that the party would only engage in talks once their conditions were met. The mandate of the Consensus Seeking Committee was not extended when it ended in October 2000. The Committee's final report described the "people's war" as a political problem arising from the country's socio-economic structure,

and urged the government to hold talks with the CPN (Maoist) about their demands, apart from those calling for constitutional changes. It also suggested that the security apparatus be strengthened.

Throughout the latter part of 2000, further attempts were made to initiate a dialogue. However, this process was hampered by disagreement and political manoeuvring, especially within the NC. After the resignation of Prime Minister Girija Prasad Koirala, the newlyappointed Prime Minister Sher Bahadur Deuba and the Maoists swiftly agreed a cease-fire on 23 July 2001. Three rounds of talks were held between both sides. However, negotiations broke down in late November 2001 over the political demands of the Maoists, in particular the demand for the setting up of a constitutional assembly." (AI, 4 April 2002, p. 15)

Stand-off between the government and the mainstream political parties (December 2002)

- After the failure of the peace talks in November 2001 and the declaration of the state of emergency, the political situation deteriorated when the House of Representatives was dissolved and elections called for November 2002.
- Maoists stepped up their attacks on mainstream political parties and called for a boycott of the elections and a nation-wide strike.
- In mid-July 2002, the government of Sher Bahadur Deuba dissolved all District Development Committees, municipalities and Village Development Committees, the local elected bodies and replaced them with government employees.
- In October 2002 the King sacked the Prime Minister, dissolved the existing cabinet and postponed parliamentary elections for an indefinite period. He appointed Lokendra Bahadur Chand as interim Prime Minister and swore in five ministers in their private capacity and not as representatives of political parties.
- The move by the King was condemned by the six mainstream political parties as "unconstitutional" and "undemocratic".
- Towards the end of 2002, a stand-off between the King and the government on the one hand and the mainstream political parties on the other prevailed while the Maoists called for an all-party conference, to be followed by the formation of an interim government and the staging of elections for a constituent assembly to draw up a new Constitution.

In view of the radical nature of the main demands of the Maoists, in particular the establishment of a republic and a constituent assembly, it has been difficult for successive governments to enter into a meaningful dialogue with the Maoists. Between July and late November 2001, three rounds of talks were held between the Maoists and representatives of the government of Prime Minister Sher Bahadur Deuba. In late November 2001, the negotiations broke down. Several observers have since criticized the government's lack of analysis and strategy during this short period of negotiations.

(...)

The political situation deteriorated rapidly after Prime Minister Sher Bahadur Deuba on 22 May 2002 asked King Gyanendra Bir Bikram Shah Dev to dissolve the House of Representatives and call elections. Elections were scheduled for 13 November 2002. However, the Maoists declared they would boycott the elections and stepped up their attacks on members of mainstream political parties. The Maoists also called a nationwide strike to coincide with the parliamentary elections.

In mid-July 2002, the government of Sher Bahadur Deuba dissolved all District Development Committees, municipalities and Village Development Committees, the local elected bodies and replaced them with government employees. This move was widely criticized, including by donor governments. Without a budget and amid threats to their lives from the Maoists, services were grinding to a halt and the political vacuum widened.

Despite being brought under a uniform command, the security forces remain underresourced to deal with a typical Maoist insurgency strategy. They continued to incur heavy casualties. On 8 September 2002, 49 policemen were killed, many of them after they were lined up and shot in the head during an attack by Maoists on a police post at Bhiman in the eastern Sindhuli district. The next day, during a Maoist attack at Sandhikharka, headquarters of Arghakhanchi district, according to government sources, 65 security forces personnel were killed. The government responded by announcing it would call an all-party meeting to consider the reintroduction of the state of emergency which had lapsed on 28 August 2002. However, amid increasing disagreement among the political parties about the ways to address the deteriorating security situation, no all-party meeting was called.

In this context, on 4 October 2002 the then care-taker Prime Minister Sher Bahadur Deuba asked the King to postpone parliamentary elections by one year. However, the King sacked the Prime Minister on grounds of "incompetence", dissolved the existing cabinet and postponed parliamentary elections for an indefinite period.

On 11 October 2002, the King appointed Lokendra Bahadur Chand as interim Prime Minister and swore in five ministers. All were appointed in their private capacity and not as representatives of political parties. The interim government was given five main priorities by the King, including the improvement of the security situation in the country based on national consensus and the holding of elections to the dissolved House of Representatives and local bodies.

The King acted under Articles 27(3) and 127 of the Constitution. The latter gives the king the power to "issue necessary orders" to remove any difficulties that arise in bringing the Constitution into force. The move by the King was condemned by the six mainstream political parties as "unconstitutional" and "undemocratic".

The constitutional validity of the king's dismissal of care-taker Prime Minister Sher Bahadur Deuba and his cabinet cannot be legally challenged. Several constitutional lawyers argued that it is against the spirit of the Constitution. They have also questioned the direct appointment of an interim Prime Minister by the King as there is no constitutional provision for the appointment of an unelected prime minister. Interim Prime Minister Lokendra Bahadur Chand has announced that elections would take place once peace is restored, whereas Article 53(4) of the Constitution requires new elections to be held within six months of the dissolution of Parliament. Several street demonstrations by the mainstream political parties, especially by the parties' student wings, took place throughout November and early December 2002. The parties fear that the interim government will remain in place indefinitely under the guidance of the king, thereby reversing the 1990 democratization of the country but had not reached an agreement for a joint strategy to address this perceived threat. The Maoists on the other hand are using these developments to strengthen their argument for the establishment of a constituent assembly and republic.

On 18 November 2002, the king announced an expansion of the cabinet, once again not appointing any members of the Nepali Congress Party (NC) or Communist Party of Nepal (United Marxist Leninist) (CPN-UML). At the time of writing, a stand-off between the King and the government on the one hand and the mainstream political parties on the other prevailed.

Since being appointed Prime Minister, Lokendra Bahadur Chand has repeatedly stated that "the doors for talks are open". In a statement issued on 4 December 2002, Pushpa Kamal Dahal, alias Prachanda, the leader of the CPN (Maoist) announced the establishment of a committee to hold talks with "all political forces, including the current ruler of the old regime, provided that a conducive environment is ensured." The statement, however, reiterated that the key demands of the Maoists remained unchanged. These are the convening of an all-party conference, to be followed by the formation of an interim government and the staging of elections for a constituent assembly to draw up a new Constitution. Given the stand-off between the government and the mainstream political parties, it appeared unlikely that these demands could be met. (AI 19 December 2002, pp. 3-6)

Ceasefire and peace prospects (March 2003)

- On 29 January 2003, the Communist Party Nepal (Maoist) announced a cease-fire.
- The inclusion of a human rights dimension in the negotiations is complicated by the fact that the two major players -the Maoists and the King- were also responsible for the gravest human rights abuses during the period of insurgency.
- Almost all parties are in agreement that the constituent assembly, the Maoists' main priority, is a necessary element. The Maoists have since dropped its demand of a republican state.
- The presence of international human rights and humanitarian monitors or mediators could increase the likelihood of successful peace talks.

"On 29 January 2003, the people of Nepal breathed a collective sigh of relief. After seven years of waging what they referred to as a "People's War", the Communist Party Nepal (Maoist) announced a much-needed cease-fire. There has been initial contact between the Maoists, King Gyanendra, and the political parties. Most observers are optimistic that these talks will succeed where the past three have failed. The leaders of Nepal's numerous political parties should make sure that the current peace talks create a foundation for genuine human rights reform and respect for the rule of law.

If any new developments are to be undertaken in the name of the people of Nepal, then the cycle of guerrilla violence and brutal state repression must be stopped and accounted for as soon as possible.

The project of ensuring that the human rights perspective is respected and assured during the dialogues is complicated by the fact that the two major players, the Maoists and the King, were also responsible for the gravest human rights abuses during the period of insurgency.

(...)

The parties in the present dialogue are a mix of monarchists (the King), militant Marxists (the Maoists), elected Marxists (such as the recently renamed Communist Party of Nepal (United Marxist-Leninist)), and elected liberals (such as the Nepal Congress Party). The King currently has the advantage of controlling the Prime Minister and cabinet, and the Maoists are currently at a military advantage, but the political parties must be included in the peace process if Nepal is to maintain any semblance of respect for democracy and its elected officials.

In previous dialogues, the Maoists submitted several demands to the government: (1) the creation of a new constitution; (2) the formation of another interim government by dissolving the present government; (3) the creation of an institutional republican state; (4) abolition of "unjust" treaties between Nepal and India; (5) opening the border between Nepal and India; (6) making the work permit system effective. It has since excluded the demand of a republican state. There is evidence that they may also be willing to compromise on issues involving India. Almost all parties are in agreement that the constituent assembly, the Maoists' main priority, is a necessary element. In this it appears that many Nepalis' optimism at the present talks is not misplaced.

Yet, given the seriousness and the frequency of human rights abuses that have occurred throughout the conflict, it is important that a code of conduct (or cease-fire agreement) not get lost in the political shuffle. Human rights NGOs and the National Human Rights Commission of Nepal have drafted excellent documents that could be used as a blueprint for sustainable peace.

The likelihood of the agreement's success would increase greatly with the presence of international human rights and humanitarian monitors or mediators. Some international actors have previously displayed a preference for military aid and weapons distribution; those with true concern for the people would do well to pay attention here." (APHRN 31 March 2003)

Peace talks collapse (October 2003)

- Sharp splits between government negotiators and the Maoists, particularly over a possible constituent assembly to draft a new constitution, led the Maoists to withdraw officially from the ceasefire on 27 August 2003.
- In the weeks following the break down of the ceasefire, more than 500 people have died.
- Moving away from mass attacks on district police and army headquarters, the Maoists started to focus on attacks by smaller cells and have expanded their activities in eastern Nepal and the Terai.

"With the collapse of the ceasefire and peace talks between government and Maoist insurgents, Nepal appears to be in for months more of bloody fighting. There are prospects for eventual resumption of negotiations since neither side can realistically expect a military victory, and there are indications of what a diplomatic compromise might look like. However, the international community needs to urge all sides toward compromise and press the government to restore democracy, bring the political parties back into the picture and control the army's tendency to commit serious abuses when conducting operations. Similarly, the Maoists should discontinue targeted assassinations, bombing and widespread extortion.

The country quickly plunged back into the violence that has killed more than 7,000 people since February 1996. Sharp splits between government negotiators and the Maoists, particularly over a possible constituent assembly to draft a new constitution, led the Maoists to withdraw officially from the ceasefire on 27 August 2003. They marked the end of the ceasefire by shooting two Royal Nepalese Army (RNA) colonels, one fatally, in Kathmandu the next day, and violence quickly erupted across the country. In the weeks following the break down of the ceasefire, more than 500 people have died.

Yet, in many ways, the official end of the ceasefire was almost a formality. Both government and Maoist forces were in regular violation of the code of conduct that was supposed to govern their activities during the halt in fighting, and both sides suspected the other of planning an imminent attack. The Maoists continued to recruit heavily and practice widespread extortion, and fired on a motorcade of former Prime Minister Sher Bahadur Deuba on 26 August 2003. Government forces continued to make their presence felt throughout the countryside, and in what would appear to be a gross violation of international law, summarily executed at least nineteen individuals they suspected of being Maoists on 17 August 2003 in the eastern village of Doramba, Ramechhap district.

As the conflict has resumed, the Maoists appear to be embracing an evolving strategy. Largely moving away from mass attacks on district police and army headquarters, the group has focused on attacks by smaller cells. This has included more widespread urban assassinations of army, police and party officials in an effort to tie security forces down in the cities. The Maoists have also expanded their activities in eastern Nepal and the Terai (the flatlands that border India), areas that had felt the crisis less acutely during earlier periods of fighting. The RNA, having significantly upgraded its firepower and improved base defences during the ceasefire, has claimed a number of successful offensives. Substantiating the battlefield claims of both sides remains difficult.

With both the Maoists and the RNA determined to use battlefield gains to secure leverage for future talks, the danger of a widening conflict are substantial. Further, and despite mounting international pressure for the palace and the political parties to work together, King Gyanendra still appears reluctant to install a genuine all-party government or fully restore the democratic process. Prime Minister Surya Bahadur Thapa has expressed willingness to form such a government, but only under his leadership – a provision that will likely remain a deal-breaker with the main parties.

The return to violence is all the more unfortunate because it is not difficult to imagine a series of agreements around which the king, RNA, political parties and Maoists could coalesce. A number of useful proposals have been put on the table, although far more remains to be done to flesh out the implementation of a reasonable peace deal, and dramatic improvements could be made in the negotiating process itself. It also remains clear that the sooner a genuine multi-party government is established and democracy restored, the higher the chance for a durable solution to the conflict." (ICG 22 October 2003, pp.1-2)

See also:

"Nepal ceasefire collapses", BBC, 27 August 2003 [[Internet](#)]

"Peace talks suspended", BBC, 19 September 2003 [[Internet](#)]

Nepal: Obstacles to peace, ICG, June 2003 [[Internet](#)]

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.

"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.

POPULATION PROFILE AND FIGURES

General

Profile of the displaced (April 2003)

- Two broad categories of displaced: 1) better-off, petty bourgeois or landowners threatened by Maoists; 2) generally less well off IDPs with wide range of social backgrounds displaced directly or indirectly by insecurity.
- Majority are men who have left women and young children behind.
- Based on the patterns of displacement, 3 main categories of displaced can be identified: the wealthier groups, youths and poorer groups.
- The vast majority of people displaced in the Mid Western and Far Western Regions are landlords, Nepali Congress Party Members, VDC chairmen and teachers who have received compensation by the government or have used their own resources to settle in district headquarters or the main cities.
- Fear of forced recruitment and harassment by the Maoists and of intimidation by the security forces have led a large number of youths to migrate to India.
- Unconfirmed reports by media or NGOs suggest large displacement of rural people from conflict-affected areas. There is information that suggests that many rural areas in conflict-affected districts are now only inhabited by the most vulnerable: women, children and the elderly who have not moved to district headquarters or the larger cities primarily because they do not have economic means to resettle.
- There is a major risk to food insufficiency amongst the most vulnerable in remote mountainous and conflict-affected districts, in other words, those who remain behind in the villages.

"Broadly, (...), there seem to be two main categories of displaced person: 1) those who have been the specific targets of threats, pressure or attacks by the Maoists, or who are afraid because of their local political affiliation or class position of such; and 2) those who have been affected directly or indirectly by the general level of insecurity and are frightened as much of the security forces as of the Maoists. The first category are generally better-off and might be identified in class terms as petty bourgeois or landowners; the second are generally less well off, but represent a far wider range of social backgrounds.

These displaced persons include whole families in some cases, or some members only (usually men and children), but the majority are men, who have left members of their family (usually their women folk, very young children and older family members) behind in the villages. " (EC & RRN April 2003, p. 4)

"From discussions in the field, it is possible to distinguish three main categories of people that have been affected by the conflict and whose patterns of displacement differ one from the other.

Wealthier groups

To date, the vast majority of people displaced in the Mid Western and Far Western Regions are landlords, Nepali Congress Party Members, VDC chairmen and teachers. All of them have settled in the district headquarters and in larger cities such as Nepalganj and Kathmandu, using their own resources or after receiving government compensation.

Due to the fact that the influx of these category of displaced to the headquarters has taken place in a gradual manner, there is no data as to the real extent of the displacement. However, indirect indicators that support the fact of displacement are an increase in house construction, in the presence of non-locals and in demand for education services in schools.

Youths

Since the imposition of the state of emergency in November 2001, a large number of youths, especially male, have migrated to India. Although this is a traditional phenomenon, the main reasons for the increase in numbers are the fear of forced recruitment and harassment by the Maoists and of intimidation by the security forces.

Due to the fact that the Nepal-India border is open, there are no means to quantify the increase in migration. However, indirect indicators are larger numbers of people requesting VDC recommendation letters and passports in recent months. Sources at the MoHA pointed out that the migration of youths to India could in fact be larger as the higher demand of documents only relates to those individuals that have not requested documents in the past and excludes a large number of people who have already obtained them.

Various NGOs based in Nepalganj, Banke district, also agree on the increase in youth migration across the border. Recently, about 250 youths from the conflict-affected areas tried to enter India by bus. Even though they were blocked at the border, eventually they were allowed to leave Nepal. Recent press reports also suggest that thousands of Nepalese youths, especially those from the far western part of the country have been compelled to take shelter at different Asrams in India after fleeing their conflict-affected homeland.

Poorer groups

The media and diverse human rights organizations have been recently providing information about ordinary civilians fleeing their villages with the fear of been caught in the crossfire in district such as Rolpa or Lamjung. However, and despite the alleged large displacement of rural people from conflict-affected areas, there are no consistent reports indicating the extent and dimensions of the problem.

According to field data, the poorest sectors of the rural communities have not moved to district headquarters or the larger cities primarily because they do not have economic means to resettle. A sense of attachment to their land might also contribute to their decision to endure the harsh conditions in their villages. There is information that suggests that many rural areas in conflict-affected districts are now only inhabited by the most vulnerable: women, children and the elderly.

A number of factors directly related to the conflict worsen the critical situation for these rural communities. The fact that most able-bodied men have either joined or fled the fighting has left many villages with a severely reduced labour force. In addition, food shipments have been delayed or cancelled due to the destruction of roads and airports in remote districts. In districts such as Mugu and Jajarkot about 15,000 poor people are directly affected by the suspension of the Food for Work (FfW) program.

In addition, in a conflict situation the communities have fewer income-generation activities to earn money to buy food in the markets and the food is not readily available, and it is more expensive. Moreover, some farmers grow less, as they are afraid of their crops being taken by the Maoists. The food insecurity in the hills and mountains in the west of Nepal has probably greatly deteriorated in recent months.

For these reasons, one of the most serious results of the conflict is, therefore, the major risk to food sufficiency and nutritional conditions amongst the most vulnerable in remote mountainous and conflict-affected districts, in other words, those who remain behind in the villages. The poorest are likely to become even more vulnerable with the persistence of the conflict." (Martinez, Esperanza, July 2002, pp. 12-14)

See also: "[Nepal's Insurgency Drives Journalists From Homes](#)", One World South Asia, 18 March 2004

A classification of the displaced (March 2003)

- There is a diversity of IDP categories, that overlaps between each other and people can move between categories over time.
- Three main categories: People who have moved onto unoccupied or 'sukumbhasi' land near the smaller bazaars on the Terai, those who have moved into the bazaars themselves and others who have migrated directly to India.

"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.

[see [Figure 3: A simplified classification of IDPs](#)]

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

Families of Nepalese army specifically targeted by Maoists (May 2005)

- Some 1,200 RNA family members reported to be forced to flee due to Maoist actions of retaliation.

"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." (Kathmandu Post, 15 May 2005)

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.

"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." (SAFHR, March 2005, pp. 41-42)

Global figures

Between 100,000 and 200,000 IDPs in Nepal (June 2005)

- No accurate figures exist the number of IDPs in Nepal, but the examination of data coming from various sources provides an overview of the scope of displacement.
- Depending on the source, estimates vary considerably, ranging from 100,000 to 500,000. A range between 100,000 and 200,000 people displaced (as of end-2004) is considered here as the most realistic estimate.

Note from the researcher

In the absence of any 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. This problem is further compounded by the hidden nature of displacement in Nepal, where people forced from their homes either merge into social networks of friends and families or mingle with urban migrants en route for district headquarters or the capital. Many also travel abroad, mainly to India, in search for safety and employment opportunities. 1'800 km of open border with India makes it very difficult to measure the migration flow.

There have been a limited number of studies attempting to capture the extent of displacement due to the conflict.

Total population displaced

September 2004: The Asian Development Bank (ADB) reports that between 300,000 and 400,000 rural families, or up to 2.4 million people, have been displaced since 1996.

Displacement within Nepal

June 2005: According to a study by the International Labour Organisation (ILO) and Child Workers in Nepal Concern (CWIN), released in June 2005, some 40,000 children have been displaced by violence in the nine years of the armed insurgency.

May 2005: The Minister of Finance, while addressing a donor conference, stated that the number of IDPs were estimated to stand between 300,000 and 600,000

April 2005: INSEC, the largest Human Right NGO in the country, is the only organisation keeping track of population movements across the country. According to their records, a total of 50,000 people have fled their homes between 2001 and 2004. They acknowledge that their figures only show the 'tip of the iceberg', as the majority of displacement movements go unreported.

August 2004: According to the government's Task Force on IDPs, more than 100,000 people have been displaced since 1996.

August 2004: According to the Nepal Maoists Victims' Association (NMVA), some 60,000 people displaced by Maoists' actions have sought refuge in Kathmandu

January 2004: According to the Nepalese NGO 'Community Study and Welfare Center' (CSWC), between 350,000 and 400,000 people are internally displaced in Nepal. This estimate is based on a study conducted at the end of 2003, which identified 160,000 IDPs in 5 districts in the Mid-western region. Based on this figure, CSWC contends that if the ratio total population/IDPs be extrapolated to the rest of the country, the total figure could reach 400,000 people.

March 2003: An IDP study conducted in the beginning of 2003 by a group of interested NGOs and UN agencies concluded that a reasonable working figure on the total number of people displaced, directly or indirectly, by the conflict was between 100,000 and 150,000.

2003: A UNDP's RUPP census conducted in 2003 suggests that between 2001 and 2003, some 80, 000 people could have migrated to urban areas due to the conflict. This figure does not include displacement to other rural areas.

Displacement to India

The open border with India, the lack of monitoring and the mingling with more traditional economic migrants makes it again difficult to estimate the numbers of people who have crossed the border with India. Since 2001, the flow of migrants has reportedly significantly increased. It was reported that between December 2002 and January 2003, some 220,000 Nepalese crossed the border to India. With the breakdown in the ceasefire towards the end of August 2003, fighting and displacement have again resumed, and at the end of September 2003, some 2,000 persons were reported to be crossing the border in Nepalgunj (Banke) every day (WFP, personal communication, September 2003).

When considering the scope of displacement in Nepal, one has to keep in mind that all figures are highly speculative, very rough estimates and impossible to verify.

40,000 children displaced according to an ILO/CWIN study (June 2005)

"At least 40,000 children in Nepal have been displaced due to the nine-year-old armed conflict between the government troops and anti-government guerrillas, said a latest study on child labor released here Sunday.

As International Day Against Child Labor is being observed worldwide on Sunday, a study conducted jointly by the International Labor Organization (ILO) and Child Workers in Nepal Concern Center in April this year said that at least 40,000 children in Nepal have been displaced due to the armed conflict and the problem of child labor has become worse in the country due to the armed conflict.

Frequent school closures resulted from the guerrillas' call for general and educational strikes, forced indoctrination and clashes between the two sides, have compelled many children to leave their villages and seek refuge in urban areas."(Xinhua, 12 June 2005)

Between 300,000 and 600,000 IDPs according to the Minister of Finance (May 2005)

"Describing the plight of the internally displaced persons in Asia as a glaring wound that remains woefully neglected, Finance Minister Rana said that there is a looming national sub-crisis involving hundreds of thousand Internally Displaced Persons (IDPS)- estimated to be in the range of 300,000 to 600,000." (The Rising Nepal, 6 May 2005)

According to the Government's Task Force on IDPs, more than 100,000 people have been displaced since 1996 (August 2004)

"In addition to the directly affected population, there has been substantial rise in the number of displaced due to insecurity in respective areas. A huge number of people have left for other countries. Victims have gathered in big cities like Jhapa, Biratnagar, Bhairahawa, Pokhara, Nepalgunj, including Kathmandu valley. Though there is no systematic data available, there is an estimate of above 100,000 people displaced and residing in other areas of the country." (Government of Nepal, 13 August 2004, p. 4)

A total population of between 300,000 and 400,000 displaced families since 1996, according to the ADB (September 2004)

"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:

Table A3.2: Number of People Displaced from Various Areas Around Nepal: 1998-2003

Area	Displaced Landowning Families per District	Total No. of Displaced Landowning Families	Total No. of Affected People
Eastern	1,967	31,472	188,872
Central	321	16,707	100,244
Midwestern	12,444	199,461	1,196,797
Farwestern	8,071	72,646	435,880
Average	5,700	80,071	480,448

No. = number

Source: Centre for Economic and Social Development, 2003. *Developing Conflict Solution Strategies*. Kathmandu.

"

(ADB, September 2004, p. 2; Appendix, p.78)

According to the Nepal Maoists Victims' Association (NMVA), some 60,000 people displaced by Maoists' actions have sought refuge in Kathmandu, while thousands of others have moved to other towns or to India. (August 2004)

"A spokesman for the Association of the Victims of Maoist violence, Dharma Raj Neupane, said that thousands of victims had been left without shelter after they were forced to leave their villages.

Mr Neupane said that many were jobless.

An estimated 60,000 people are believed to have fled to the capital, Kathmandu, with thousands of others going to safer towns across the country or to neighbouring India.

Many have been killed, wounded or abducted over the years after the rebels suspected them of being government informants.

The BBC's Sushil Sharma in Kathmandu says that the abduction of civilians, including students and teachers, to attend indoctrination classes in rebel-controlled areas has also led to the displacement of many." (BBC 3 August 2004)

INSEC, the human rights NGOs in Nepal with the largest network has recorded a total of 50,356 people displaced between 2002 and 2004

"INSEC records show that 12,179 people were displaced in 2004, which is only the tip of the iceberg, because most of the displacements go unreported. The number of people that have been displaced so far adds up to four times than the recorded." (INSEC, April 2005)

"The INSEC records reveal that in 2002 and 2003 some 31,635 people were displaced. The data does not include those who migrated abroad.

Internal Displacement (by year)

Year	No. of Displaced Persons
up to the end of 2002	26553
in 2003	11638
Total	38191

Note : Based on INSEC Data

" (INSEC April 2004, pp. 116-118)

Based on a survey conducted between November 2003 and January 2004 in 5 districts of the Midwestern Region, the Community Study and Welfare Center (CSWC), a Nepalese NGO claims to have identified 160,000 IDPs and contends that if the ratio total population/IDPs be extrapolated to the rest of the country, between 350,000 and 400,000 people could be internally displaced in Nepal (February 2004)

"With the available information and clues, a team of CSWC led by Dilli Raman Dhakal, met with several people including some conflict victims, key government officials served/serving in the following five districts, the political workers/leaders from those districts and studied the relevant news items appearing in the local and national newspapers/magazines to arrive to the closer point of the magnitude of the displacement. The following estimated figure/data of displacement is based on the observation and has no quantitative substantiation. But it's an aggregate figure established within the available figures from various sources. However, we are of opinion that the validity of the numbers presented below might be questionable, as we do not have any firm statistical basis to substantiate and prove the figure; there is no harm per se in having such figure for further discussions and smoothing out. We are confident that these figures are proximate to the ground reality.

(...)

Number of Displacement from the five selected districts (January 2004)

District	Total Population (2001)	CSWC Estimated Number IDPs	Percentage of Displacement
Rolpa	210,004	54,000	25.70
Rukum	188,438	52,000	27.60
Salyan	213,500	21,000	9.84
Dang	462,380	12,000	2.60
Achham	231,285	21,000	9.80
Total in 5 Districts	1,305,607	16,0000	12.25% of the total population

Source: Community Study and Welfare Centre, (CSWC) Kathmandu, Nepal

While extrapolating the above figure of the five districts, it can be roughly estimated that the total IDPs in Nepal till this date, should be somewhere between 350,000 to 400,000.

The CSWC is in the process of further updating and collecting data/information from allover the country including the already surveyed five districts of the country. Unless the government policy on IDPs is not clear, carrying out survey at the grass roots is a difficult task." (CSWC 1 February 2004, pp. 8-9)

100,000 IDPs according to UNICEF (October 2003)

"UNICEF cited estimates of 100,000 people who had been internally displaced due to the violence, while at least 30,000 children have been separated from their families and forced into labour.

And the problem was getting worse, the UNICEF official said." (17 October 2003)

Number of IDPs (including migration to India) could be as high as 500,000 says EC & RRN study (April 2003)

"The scale of this [involuntary migration] across the country as a whole is difficult to determine; certainly in seriously conflict-affected areas it is a major phenomenon. But estimates vary considerably.

The most recent Human Rights Yearbook (INSEC 2003), for example, reports that some 17,564 people were compelled to leave their homes across the country in 2002, largely as a result of Maoist threats. Many of these were substantial landowners and their absence will undoubtedly have affected the cultivation of their fields and employment of local labour, thus affecting the livelihoods of some labouring households in turn. The involuntary migration (internal displacement) of these landowners may have contributed to the increasing rural exodus from the hill and mountain areas of Nepal affected by the conflict. The numbers cited are small and probably refer only to those registered for compensation.

This is, however, undoubtedly only the 'tip' of an iceberg of internally displaced persons - as some anecdotal reports and at least one recent study (Dixit & Sharma, S. 2003) suggest. One recent analysis of the conflict reports: '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. Although some returns have begun with the ceasefire, depopulation of parts of western Nepal remains a concern' (ICG 2003: 2). Another source (Dixit & Sharma, S. 2003) estimates that some 200,000 people have been displaced in the mid-west, 100,000 in the far west and 32,000 in the east (cf Himal Khabarpatrika, 30 March-13 April 2003, quoted in The Nepali Times, 11-17 April 2003: 12). These figures would appear to be exaggerated, but there can be little doubt that internal displacement and migration has increased substantially as a result of the conflict, particularly in the far- and mid-west. Significant numbers (probably several hundred thousands) of people, mainly men, have left their homes on a temporary basis to find work, and security, elsewhere - leaving their families (mainly their women folk) or others to look after their land.

(...)

These displaced persons include whole families in some cases, or some members only (usually men and children), but the majority are men, who have left members of their family (usually their women folk, very young children and older family members) behind in the villages. The total number is unknown, but some estimates suggest very large numbers indeed - possibly as many as 400,000 (eg Dixit & Sharma) - and anecdotal evidence suggests that 'thousands a day' have been crossing the border into India through checkpoints in the mid western and far western terai in the last year. These figures seem exaggerated, but there is no basis for reliable estimates.

(...)

Estimates for the total number of those displaced as a result of the conflict vary enormously, but the numbers involved may be as high as 500,000 in total. Anecdotal evidence suggests 'thousands' a day

passing through border checkpoints between Nepal and India in those areas of the terai immediately to the south of the most conflict affected areas of the mid and far west. A reporter from Kanchanpur (Far West Terai district) reports that about 10,000 Nepali people entered India within past few weeks from Gaddachowki police check post (The Himalayan Times, 21 Dec.2002). Another report states that about 9,000 to 11,000 people enter India through the same post every day. This record is maintained at the police post office, as recording has become a practice in recent times (Chitranga Thapa, 2002 Decm 23:7). In the same report it is mentioned that an Indian border official remarked "if the people of Nepal migrate at the same scale, Nepal will be vacant soon".

From these two border posts (Nepaljung and Mahendranagar or Kanchanpur), Kunwar (Bijaya B Kunwar, The Kathmandu Post, 2002 Decm 27. P 4 "Troubled Mountains"). states that a hundred thousand people have migrated to India since the policemen have started to maintain a record, i.e., from 1st week of Dec 2002. This migration is felt in all border police post across the mid and far western regions. The main reason for this mass exodus is the impending food shortages and lack of security from Maoists and military. " (EC & RRN April 2003, pp. 3-5)

The Nepal IDP Research Initiative concludes between 100,000 and 150,000 IDPs due to conflict (March 2003)

"It is not possible to give an accurate figure for the number of IDPs in Nepal. Instead, the research reveals a range of diverse definitions and estimates. However, together these provide a useful overview of the situation.

Government Data

The official Government definition of an IDP for the purpose of allocating official financial support is 'a person who has been displaced due to the murder of a family member by the terrorists'. According to the most recent records available at the time of the research (Jan 2003) the Home Ministry had recorded 7343 registrations (see annex 1). However, it is unclear if these registrations represent individuals or families and it clearly excludes the following several important categories of IDP, including:

- Families of security forces forced to flee by the Maoist
- Ex-Maoists
- Those fleeing conscription
- People who are too frightened to register or see no benefit in doing so

Statistics from Other Organisations

It is unclear how NRCS and INSEC define IDPs although it is likely to be broader than the Government's definition.

NRCS have registered 2,117 IDP families in 21 Districts (full details in annex 2). Taking an average of 5 people per family gives an estimate of 10,585 individuals. Extrapolating this figure across all of Nepal's 75 Districts, would give an estimate of 37,000 'registerable' IDPs, but exclude those who, for whatever reason, do not register. One NRCS officer suggested that in his area only about 10% of IDPs had registered. It is impossible to know if this is a representative figure however it does indicate that the number of IDPs may be considerably greater than 50,000.

Table 1: INSEC IDP estimates

Region	Number
Eastern	667
Central	166
Western	375
Mid West	13,072
Far West	3,983
Total	18,263

INSEC data at the end of 2002 show an estimated 18,263 IDPs. This suggests that the majority of IDPs are found in the Mid West, which confirms trends shown in HMG data. However, INSEC offices do not cover the entire country and it is acknowledged that data for the eastern and central regions is an underestimate. It is therefore difficult to extrapolate this data to give a country-wide estimate although it is reasonable to assume that the total number is a considerable under-estimate.

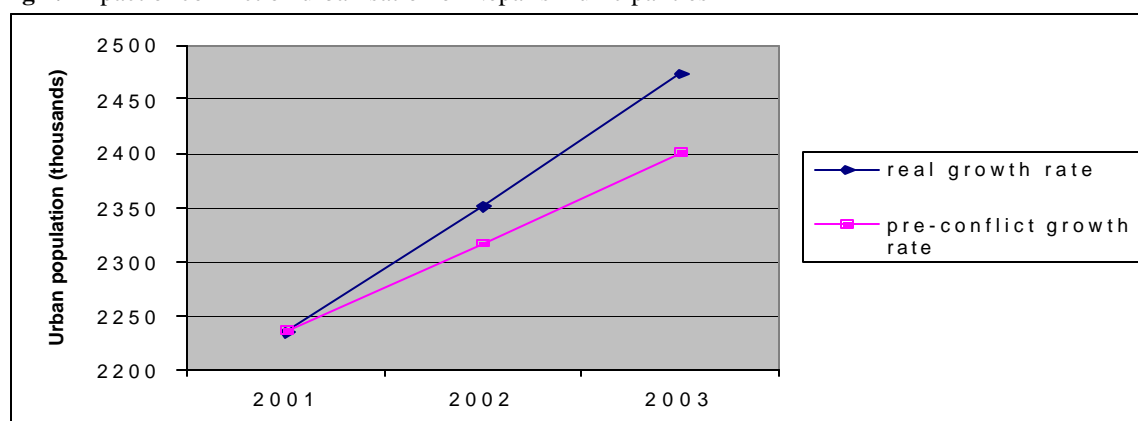
Data from the RUPP Municipality Census

The 12 municipalities included in UNDP's RUPP programme are each split into a number of small tole / lane organisations (TLOs). Each of the 2,090 TLOs was asked to give details of new arrivals in their locality over the last year. This data includes the number of new arrivals, the primary reason for their migration, age and gender of migrants, main occupations and details of their accommodation. The questionnaire used and full details of the results are presented in annex 4.

According to census data recorded in 1991 and 2001 (see annex 6), the growth rate of Nepal's 58 municipalities between these dates was estimated to be 3.6% i.e. approximately 80,000 new people per year. In the 12 RUPP municipalities, growth over the last 2 years has averaged around 5.2%, which, if extrapolated across all 58 municipalities equates to an increase of around 120,000 people per year.

It is not unreasonable to suggest that this increase in migration of 40,000 per year over the last 2 years (i.e. 80,000 people in total) is a result primarily of the impact of the intensification of conflict over those 2 years. This is illustrated graphically in figure 2 below. This figure of 80,000 represents displacement to municipalities only and excludes people settling outside municipality boundaries or in rural areas.

Fig 2: Impact of conflict on urbanisation of Nepal's municipalities



It should be noted that the current urbanisation rate of 5.6% in RUPP municipalities is an average and that some towns are growing significantly faster than this. For example, the growth rate in Tansen (10.4%) is equivalent to a doubling every 7 years. Rates in Nepalgunj, Tribhuvannagar and Dhankuta are all over 7%, equivalent to a doubling every 10 years.

A Working Figure

The data collected can be summarised as follows:

Government: 7,343 registrations of those meeting the narrow government definition
NRCS: suggested 37,000 'registrable' IDPs plus a majority of others who don't register
RUPP Census: suggested 80,000 extra new people in towns in addition to others in rural areas

Readers should consider for themselves what these figures mean in terms of the total number of people displaced by conflict in Nepal. Having in mind that the research did not fully cover all areas in the terai, that the Kathmandu valley was not included and that IDPs tend to merge in to existing communities, and difficult to find. It seems therefore reasonable to assume a working figure of somewhere between 100,000 and 150,000."(GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 3-5)

Displacement to India

Other displaced people have moved to India and may become internally displaced when they return to Nepal. At the end of 2002, some 8,000 people were crossing the border every week, according to media reports and NGOs working in Nepalgunj (The Nepali Times 19 December 2002). The many young people fleeing for safety or seeking new livelihoods have added to a long-standing migration flow.

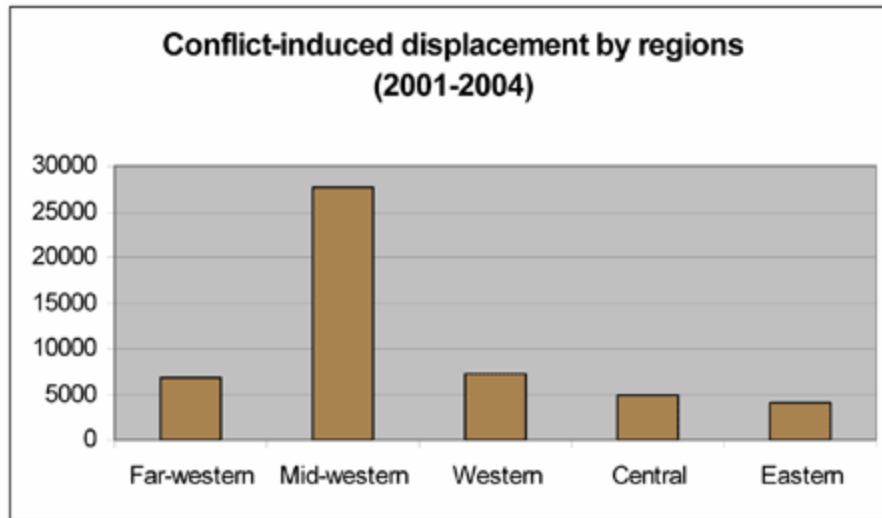
"Indian embassy officials indicate that roughly 120,000 displaced Nepalese crossed into India during January 2003 alone – fleeing both forced recruitment by the Maoists and RNA attacks." (ICG 10 April 2003, p. 2)

Geographical distribution

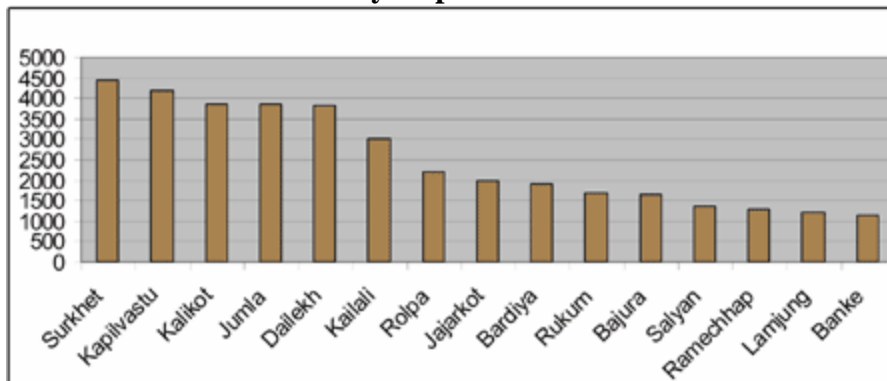
Geographical distribution of IDPs and most affected districts (April 2005)

- INSEC data show the Mid-western region as by far the most-affected by internal displacement with over 27,000 people having fled their homes between 2001 and 2004. All three other regions are affected but to a lesser extent, with more or less 5,000 people by region.
- Study by Esperanza Martinez shows that the districts most-affected by displacement are Surketh, Bardiya, Rukum, Salyan and Jajarkot in the Mid Western Region; Lamjung, Gorkha and Baglung in the Western Region and Sindhuli and Sankhuwasabha in the Central and Eastern Regions respectively.
- In the Eastern, Central and Western Regions the vast majority of displaced registered as "out of the headquarters". This includes those who have decided to move to another district and more often to larger cities such as Nepalgunj and Kathmandu.

The following graphs showing the regional distribution of conflict-induced displacement in Nepal and the districts most-affected are based on data collected by the Nepalese Human Rights NGO INSEC from 2001 to 2004. Although incomplete and showing only the 'tip of the iceberg', it is assumed that the data provide a fair reflection of the patterns of district and regional distribution.

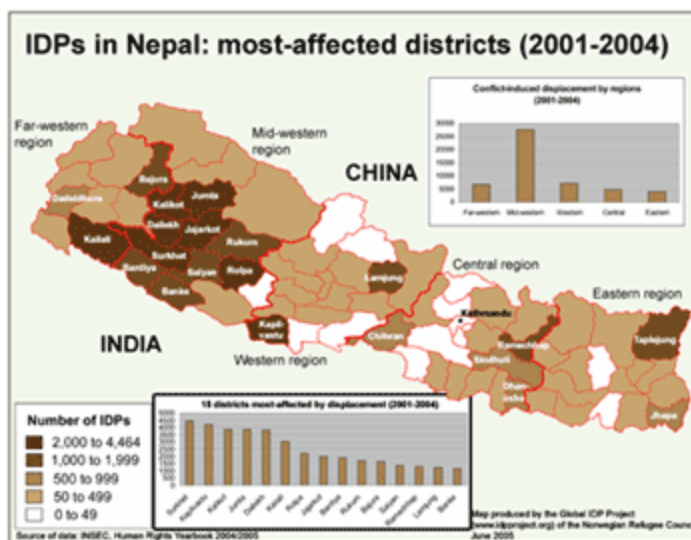


15 districts most-affected by displacement



Both graphs by the Global IDP Project, based on data from INSEC, April 2005

The following map shows the districts most-affected by displacement between 2001 and 2004



Source: Global IDP Project, June 2005

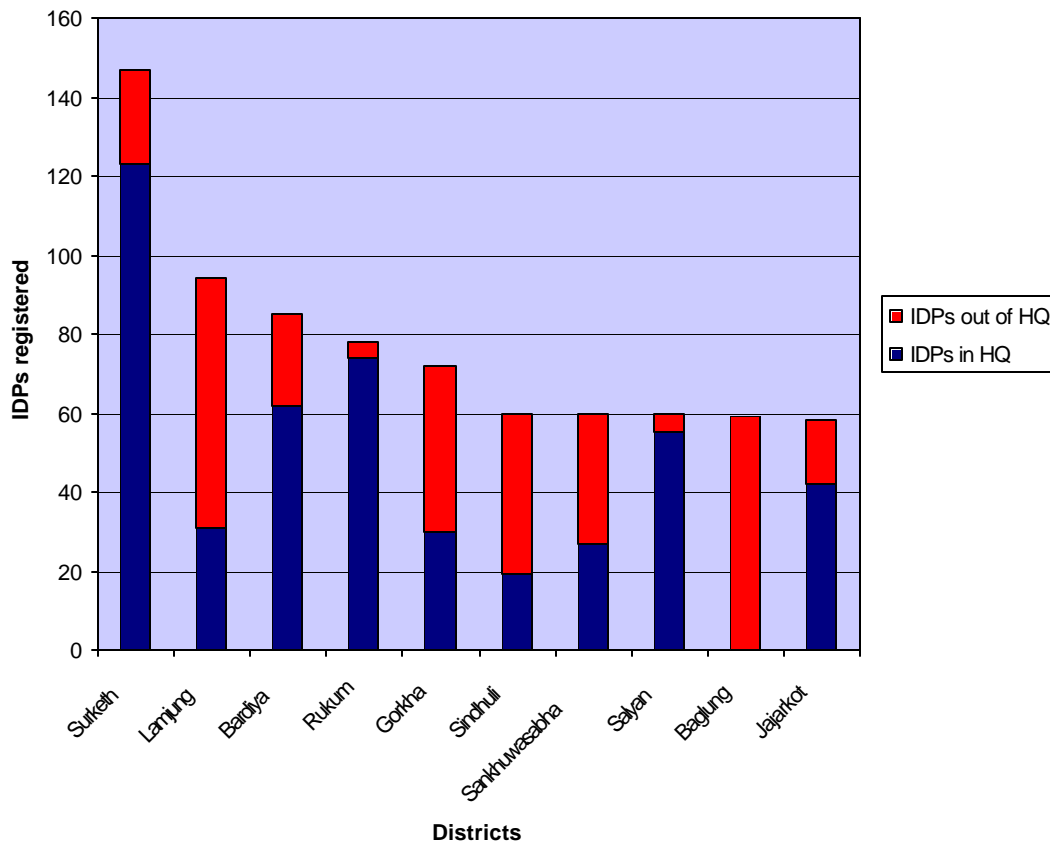
The total number of IDPs as indicated below should be considered as an under estimation of the real scope of displacement. However, it is assumed that the information below does reflect the patterns of regional distribution of IDPs in Nepal.

Total number of IDPs in Nepal

Government data

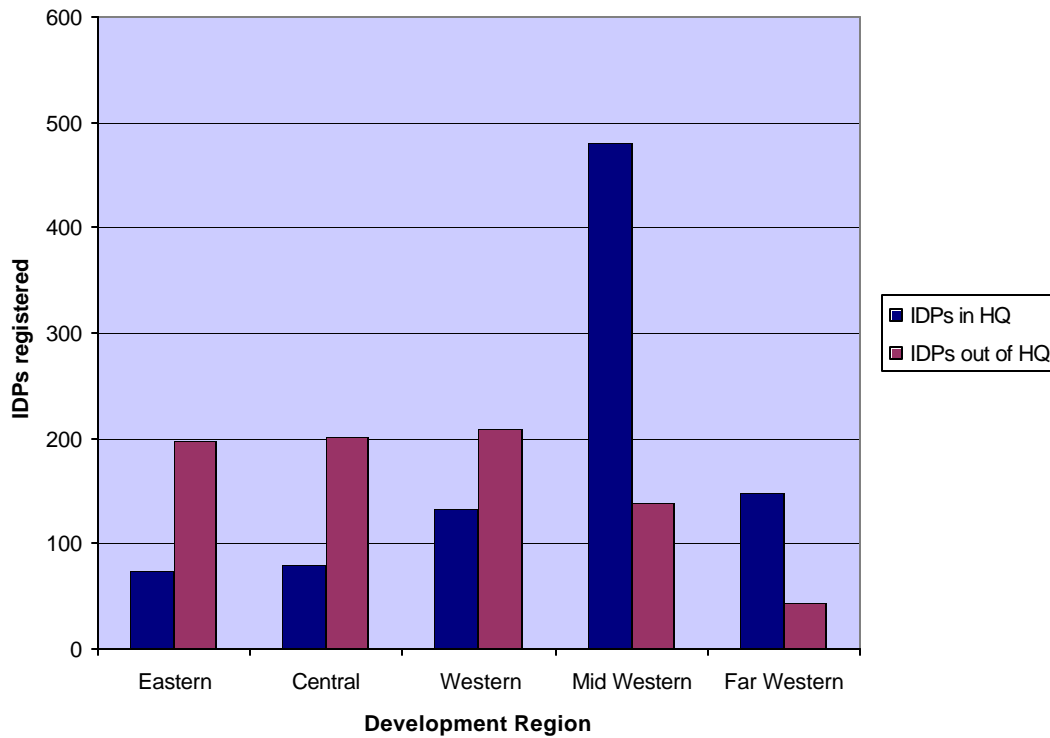
"The MoHA has collected data indicating that a total of 1,706 individuals have been registered as IDPs in a total of 62 districts by the end of June 2002. According to these data, the most affected districts are Surketh, Bardiya, Rukum, Salyan and Jajarkot in the Mid Western Region; Lamjung, Gorkha and Baglung in the Western Region and Sindhuli and Sankhuwasabha in the Central and Eastern Regions respectively

CHART 1: MOST AFFECTED DISTRICTS



People registered as “out of the headquarters” include those who have decided to move to another district and more often to larger cities such as Nepalganj and Kathmandu. In the Eastern, Central and Western Regions, this category comprises the vast majority of displaced. In contrast, in the Mid and Far Western regions, most of the people displaced remain in the district headquarters. *See chart 2.*

CHART 2: PEOPLE DISPLACED PER REGION



According to the CDO of Lalitpur, the total number of people registered as IDPs throughout the country has drastically increased from around 200 in December 2001 to almost 2,000 in June 2002. This could indicate an increase in the level of displacement but also a higher level of awareness amongst communities displaced about government compensation packages.

Considering that only one adult per family has been registered at a CDO office and that the average household size in Nepal is 5.6, one can assume that according to the official figures about 9,550 individuals have been directly affected by forced displacement. Although this figure seems large, when compared with the number of victims directly affected by the loss of one member of their families since the imposition of the state of emergency (16,200) it becomes less significant." (Martinez, Esperanza, July 2002, pp. 9-10)

PATTERNS OF DISPLACEMENT

General

Most people flee rural areas for the safety of urban areas/main cities or travel to India (2004)

- 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.

"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." (SAFHR, March 2005, p. 8)

"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." (OCHA/IDP Unit June 2004, p. 3)

"Pattern of Displacement Movement

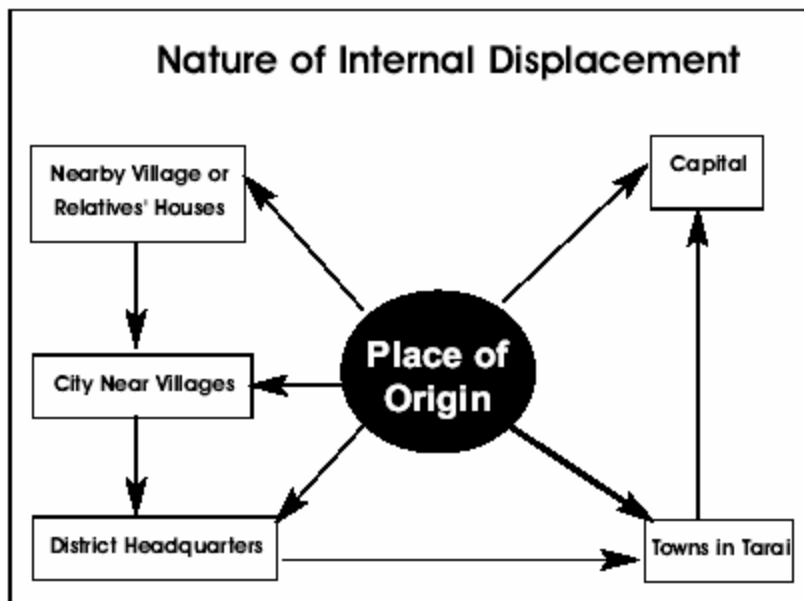
1. District Headquarters,
2. City Centers-Terai
3. Capital,
4. India,
5. Third Country for employment (Malaysia and Gulf countries)

The number of IDPs falling in each category is not known." (CSWC 1 February 2004, p. 4)

"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.

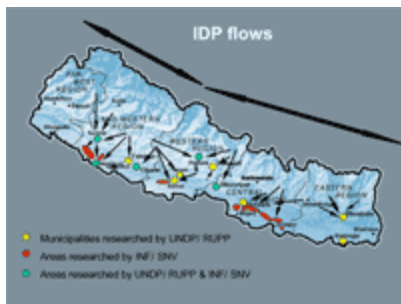


Source: INSEC, April 2004, p. 115

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. " (INSEC April 2004, pp. 113-114)

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



"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*." (Save the Children UK, March 2003, p.12)

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." (Martinez, Esperanza, July 2002, pp. 5-7)

No reports of mass displacement strategy by either warring party (October 2003)

- Mercy Corps assessment conducted in 6 districts in the Mid-western region, most affected by the fighting, didn't find any evidence of mass displacement provoked by either party.
- Most conflict-generated displacement has taken place on an individual basis.
- Young people have fled conscription into Maoist forces and harassment by the security forces and migrated en masse to India.
- Local elected officials, mainstream political party activists, traditional leaders, larger landowners, moneylenders and business people specifically targeted by the Maoists have generally fled to district headquarters.

"The assessment detected no efforts in the six districts [in the Mid-western region] by either party to the conflict to provoke mass displacement. In particular there were no reported:

mass killings of civilian dependents aimed at causing displacement;
burning or wholesale destruction of villages;
forced resettlement of villages by the Maoists to work camps or new locations;
concentration by the army of civilians deemed sympathetic to the Maoists (for example from the Red Zone) into displaced persons camps;
abandoned villages.

Large-scale traditional seasonal migration (in some cases of up to 90% of adult males) from the Hills to India has continued during the conflict. Most conflict-generated displacement has taken place on an individual basis, according to the interviewees, mainly in two categories:

young men (and some young women) migrating mainly to India to avoid the twin dangers of Maoist conscription and armed forces suspicion, which affect younger people of draft age; and

people who perceived pressure or received explicit threats from the Maoists or who were physically assaulted or forced to leave the villages by them. These include local elected officials, mainstream political party activists, traditional leaders, larger landowners, moneylenders, business people subject to extortion, persons considered to have a 'feudal' character, and those who refuse to obey or who oppose the Maoists. These displaced individuals and families have migrated to district capitals, to Nepalganj, to other Nepali cities and to India.

In her June 2002 "Conflict-related Displacement in Nepal" report, prepared during the State of Emergency for USAID, Dr. Esperanza Martinez concludes that many targeted persons have moved to district headquarters, leaving their families behind, and that thereafter the families were no longer threatened." (Mercy Corps October 2003, p. 74)

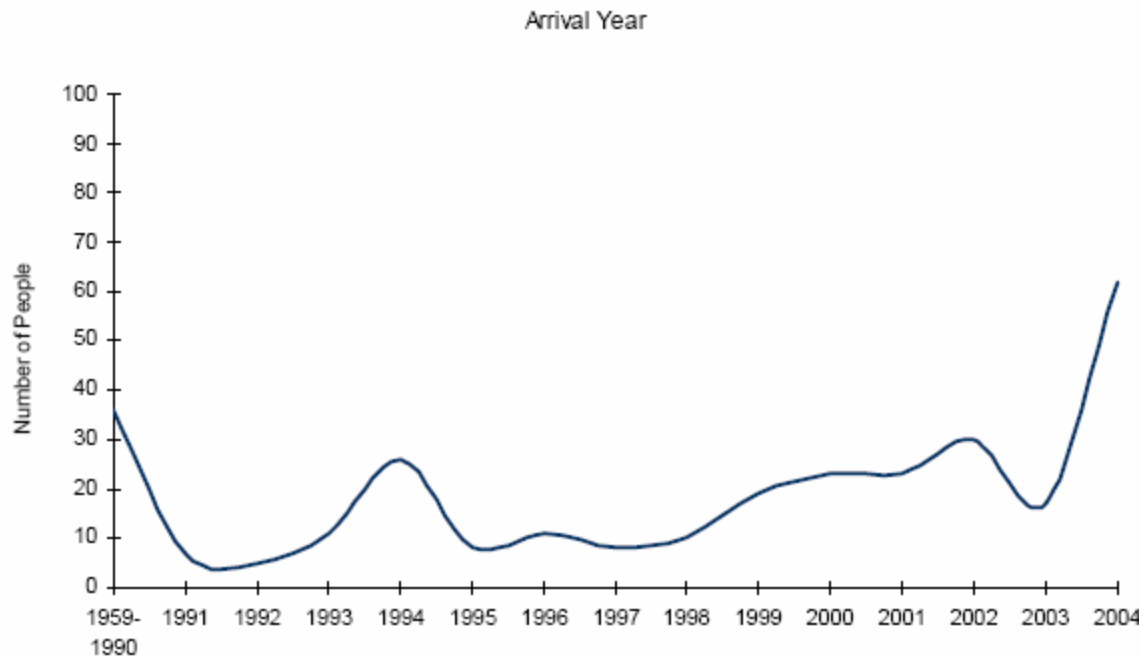
Displacement situation by regions

WFP survey shows tremendous increase of arrival of internal migrants in Kathmandu in 2004 as compared to 2003 (2005)

- Trend of arrival in the capital shows a peak in 1994; followed by a sharp drop in 1995 and then a fairly steady increase until 2002. There was a drop in arrivals in 2003 by almost half; followed by a tremendous increase of over 350% in 2004 as compared to 2003.
- Only 9% of migrants interviewed had come to the capital primarily because of the conflict.

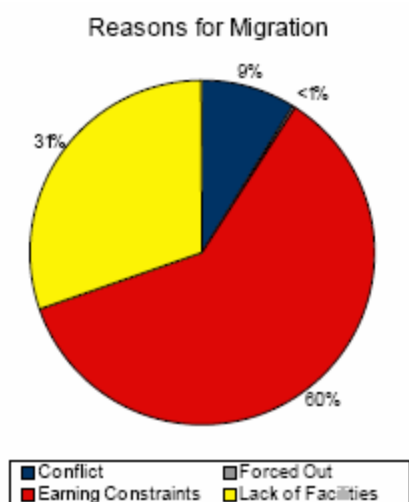
- Many thousands caught in the crossfire are first compelled to migrate to the safety of district headquarters, the towns nearest their homes, and eventually to the capital.
- It is getting increasingly difficult for displaced families with little savings and no income to rent rooms in Katmandu or in the Valley.
- Back in the villages, the absence of young men, the entire burden of agriculture has been shifted onto women, children and the aged.

"Six Field Monitors visited 26 wards and VDCs and 780 households in the urban, semi-urban, and rural parts of Bhaktapur, Lalitpur, and Kathmandu districts as well as Kathmandu Metropolitan Area from January 4 to March 11, 2005. Each household was queried about the origin of its members. If one or more was born outside the valley, a full household interview was conducted. In total, 308 full household interviews were completed – 84% in Kathmandu, 13% in Lalitpur and 3% in Bhaktapur.



ARRIVAL YEARS

Surveyed migrants arrived between 1959 and 2005. Movement to Kathmandu increased starting in the early 1990's. There was a clear peak in arrivals in 1994; followed by a sharp drop in 1995 and then a fairly steady increase until 2002. There was a drop in arrivals in 2003 by almost half; followed by a tremendous increase of over 350% in 2004 as compared to 2003. Over 20% of the survey population arrived in 2004. The one household who ranked 'forced out' as its principal reason for migrating arrived from Chitwan in 2003. Arrivals of conflict-induced migrants started with the onset of the armed struggle between the Government and Communist Party of Nepal (Maoist) in 1996. It increased gradually until 2001 after which there was a one-year drop, followed by a steep increase up to the end of last year.



REASONS FOR MIGRATION

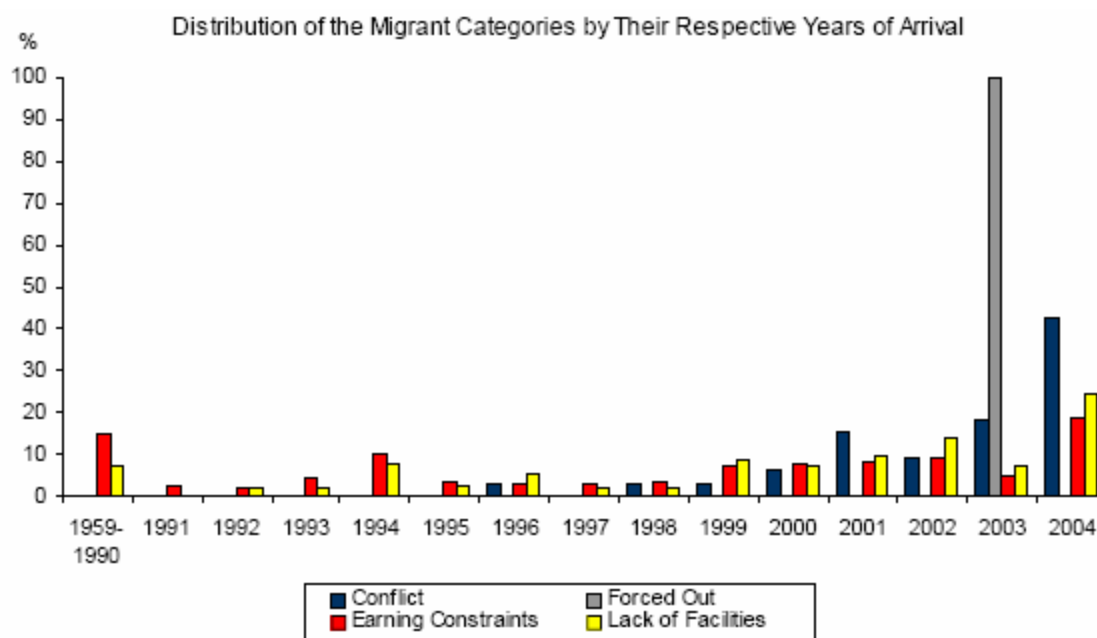
Respondents overwhelmingly indicated that they left their districts of origin due to earning constraints (60%) or lack of facilities (31%). Only 9% of respondents claim they left due to the conflict.

RESOURCE GROUPS

When simple point scores for assets, expenditure on foodstuffs, and reliance on coping strategies are applied to the data, surveyed households in the valley can be broken down in three general resource groups.

The 14% of households in the high resource group never face food shortages and own considerably more valuable liquid assets, such as a bicycle, television set or in some cases a motorcycle, than any other group. About 57% of households belong to the medium resource group which spend less than 50 percent of their income on foodstuffs, hardly ever cope with food shortages or have to eat less preferred foods, and own some liquid assets. Conversely, the 29% of households that fall in the low resource group have fewer asset, higher food expenditures, and frequently eat less preferred foods and occasionally limit portion sizes.

Among respondents who rank the conflict as their principal reason for migrating, 59% are in the medium, 35% in the low, and 6% in the high resource group.



Seventy-five percent of the low resource group does not consider the conflict to have had any bearing on their decision to leave their district of origin.

DISTRICTS OF ORIGIN

Respondents came from a wide range of districts; 58% from the central development region; 23% from the east; 13% from the west; 3% from the far west and 3% from the mid west." (WFP, March 2005, pp. 6-7)

"There are thousands upon thousands (...) people caught in the crossfire between the Maoists and the Police who have fled both for the security of Kathmandu. They are first compelled to migrate to the safety of district headquarters, the towns nearest their homes, and eventually to the capital.

Towns like Nepalgunj, Ghorahi, Lamahi, Surkhet also host a transient population of displaced and bereaved families. Some district headquarters in Rukum, Rolpa, and other mid-western districts are already bursting at the seams.

Now, Kathmandu is also feeling a pressure of the new arrivals. And to meet the rush, landlords have been adding floors and rooms to their houses in a frenzy of building not seen in the last six years. The dry season is usually slack for the real estate and construction businesses in Kathmandu, but brick kilns this year did not experience the slowdown in sales they are used to. Locally manufactured bricks that normally sell for Rs 1,700 per thousand were going for as much as Rs 2,800 this winter. And it is getting increasingly difficult for displaced families with little savings and no income to rent rooms in the Valley.

Back in the villages, the impact of the insurgency on the economy of the affected areas and the lives of individuals is apparent. In the absence of young men, the entire burden of agriculture has been shifted onto women, children and the aged. Rolpa and Rukum used to earlier produce and export vegetable seeds worth Rs 20 million, it is now negligible. Professionals like lawyers and teachers find themselves running tea shops or even working as day labourers in district headquarters. Students are forced to drop out and look for jobs to support their families. And all those who move away, do so with very little—they find no takers for their property.

Everyone agrees that the People's War has resulted in a significant displacement of individuals and families, but nobody is actually keeping count. Kapil Shrestha, a member of the National Human Rights Commission, estimates that about 5,000 families from the ten worst affected districts have left their homes to find safety elsewhere. But he cautions that counting families who are displaced because they support the Maoists and fear being victimised by police is very difficult. " (The Nepali Times May 2001)

An estimated 28,000 people displaced temporarily in eastern Nepal following Maoist attack threats (September 2004)

- Most of the estimated 28,000 people displaced by threats of attack by Maoists returned to their homes within a few days.

"Thousands of villagers have fled districts in Nepal's remote eastern region following threats by Maoist rebels to attack the area and set up a "people's government," human rights and local officials said Wednesday.

The Maoists, who are battling to overthrow the monarchy and install communist rule, run parallel governments in many parts of the countryside.

Residents of Ilam and Panchthar districts in Nepal's far east have been told by Maoist rebels to leave the region to avoid getting hurt during the attack, locals said.

"We were ordered to leave our homes by Wednesday as rebels are preparing to attack the two districts and set up their people's government," Santabir Gurung, an Ilam district council member, told AFP by telephone.

A home ministry official, who spoke on condition of anonymity, would not comment on reports of the population exodus but said "following the Maoist threat to the villagers of Ilam and Panchthar, we have made adequate security arrangements to protect people's lives."

Local human rights activist Yogesh Kharel said: "Ilam and Panchthar district headquarters are deserted and nobody is on the roads except armed patrols."

Some 10,000 villagers from Ilam had left their homes and at least 18,000 people from Panchthar's Phidim region had also evacuated, Kharel said. Other residents were locking themselves inside their homes.

Most of those fleeing were heading for Jhapa in far southeastern Nepal, Kharel said." (AFP, 8 September 2004)

See also:

[Some 28,000 villagers return home in eastern Nepal after Maoist lift attack threats](#) (September 2004)

[Field visit report on affected Dalit and other civilians in the Siraha district battle, 8-9 May 2005](#), Jagaran Media Centre, 23 May 2005

Displacement to India

Large flow of displaced people moving to India illustrates the transboundary nature the displacement crisis (June 2005)

- 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.

"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.' " (Kantipur Online, 9 June 2005)

Between 10,000 and 16,000 children reported to have left Nepal for India between June and August 2004

"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". (SAFHR, March 2005, p. 37)

"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." (ICG 10 April 2003, p. 2)

"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 Nepalgunj.
(...)

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." (The Nepali Times 19 December 2002)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security

Both sides responsible for frequent abuses and human rights violations against civilians (April 2005)

- INSEC reports that a total of 2,681 people have been killed in the conflict between April 2004 and April 2005. 1,604 people were killed by the security forces and 1,077 by the Maoists.
- There has also been increasing reports of arbitrary arrest, torture, abduction, disappearances and killings related to insurgency and counter-insurgency operations.
- Maoists tend to attack individuals, landowners, political parties workers, government officials, teachers while the security forces often retaliates against villages or groups of people suspected to be Maoist sympathizers or to assist them.
- Amnesty recorded a record number of disappearances during 2003 as well as extrajudicial executions, torture and arbitrary arrests.
- National human rights organisations are struggling with limited resources and restricted access to conflict areas.

"The Insec Human Rights Year Book 2005 states that the human rights situation and democratic values are deteriorating rapidly.

It said that 2,681 people - 1,077 by Maoists and 1,604 by the state - were killed in the past one year.

"The year was marked by increasing reports of arbitrary arrest, torture, abduction, disappearances and killings related to insurgency and counter-insurgency operations," the Insec report said.

It also stated that Maoists had abducted about 26,000 people in 2004. Most of them were forcibly taken away to attend Maoist indoctrination programs.

Over 250 people were killed in landmines and bomb explosions in the past one year, the Year Book has stated. Insec has recorded that over 12,000 people were displaced during the year due to insurgency. "But the number of people who have been displaced due to insecurity could be four times higher than that," the annual report said.

"Due to weak presence of the state, instances of impunity and Maoist excesses were on the rise," said the report. Similarly, hundreds of people remained in the "disappeared" category at the end of the year. The number of people who have "disappeared" after they were taken into custody by security forces has crossed the one thousand mark, the HR Year Book claimed." (Kathmandu Post, 9 April 2005)

"7.1 Both the national security forces and the Maoists commit frequent violations of international humanitarian law and human rights law. The Maoists seem to attack individuals, in particular landowners, representatives of political parties, government officials and people they consider spies or informers. Recently there have been many reports of mass abductions by the Maoists, in which large groups of students and teachers are forcibly removed from their villages for a week or two for political indoctrination. Government forces often retaliate against villages, groups of people or individuals they consider to be

Maoists or Maoist sympathisers. Regrettably, Amnesty International registered a record number of disappearances in Nepal in 2003, in addition to reported extrajudicial executions, torture and arbitrary arrests.

7.2 Although the Government has promised to crack down on abuses by its forces, atrocities by both sides go largely unpunished. The rule of law has effectively broken down." (OCHA/IDP Unit June 2004, p. 4)

Authorities arrest and detain IDPs in Kathmandu asking for assistance (June 2005)

- IDPs organised in a Maoist-victim association were arrested and detained by the police when they demonstrated in June 2004 in Kathmandu.
- In previous months they had set up an IDP camp in the capital and organised sittings in an attempt to draw attention to their plight and receive assistance.

"Over 25,000 families displaced by the Maoists are in Kathmandu asking the same question. If the government doesn't help them, who will? They set up the Maoist Victims' Association (MVA) five years ago but despite dramatic street sit-ins and setting up a 'refugee camp' at Tundikhel the authorities have failed to be moved by their plight. MVA protests have been forcibly dispersed and members taken into custody.

Even the displaced whose association with political parties like the NC caused them to flee their home villages have not received support from the parties.

"First we were hounded by the Maoists, now we are hounded by the government," says Mahili Sunwar, a 35-year-old mother of five children who has been living in a rented house in the capital for the past year. She can't afford to send her children to school.

It's not just the government and political parties, even relief organisations haven't shown much interest in the plight of the Maoist victims. But after they set up their Tundikhel camp, took to the streets, blocking roads and sitting in outside the UN, media coverage picked up and the MVA has been able to galvanise attention.

On 6 June, nearly 150 MVA members living in the camps were detained. The government justifies its action by saying that demonstrations were held in prohibited areas but some MVA members say they are being targeted by the state because of their past political alignment." (Nepalnews, 16 June 2005)

"Despite constant pleas for assistance with housing and subsistence allowances, the victims have received only empty promises.

"All we want is sympathy and a little support in whatever way possible but nothing is happening. It's so painful to be ignored by our own government," 60-year old Ramesh Wadley explained to IRIN. Wadley managed to escape after he was abducted by insurgents in his home village of Ramechhap district, a Maoist-controlled area in the far western hills of Nepal.

In a final attempt to make the government listen to them, the IDPs decided to take their case to the streets by organising peaceful demonstrations. The intention was to also secure the support of the capital's residents who have remained indifferent to their situation. Demonstrations over the last few weeks have met with little success and the government has used the police to disperse protesters.

Two months ago, the IDPs set up camps for Maoist victims in a large open-air theatre in the middle of the capital in defiance of the government. But on 6 June, police moved in and broke up the camp detaining

nearly 150 for shouting anti-government slogans. The government then prohibited any IDP from entering the theatre to stop them from setting up any more camps.

Many other IDPs have been dispersed and detained in various places around the Kathmandu but nobody knows where they have gone to. The authorities have failed to respond to requests to disclose their whereabouts.

"We are desperately looking for our friends and family members and our leaders," explained Padma Raj Kandel, a member of the Maoist Victims' Association (MVA).

According to MVA, even children have been detained along with their parents." (IRIN, 7 June 2005)

Coalition of national human rights NGO protest IDP' arrest

"The National Coalition of Human Rights Defenders condemns the ongoing repressive actions of the state against the Internally Displaced Persons (IDPs). They have been holding protest programs in the capital demanding their recognition as internal refugees and have taken refuge in Khula Manch (the open theatre) in Ratna Park. These IDPs were displaced as a result of the nearly 10-year-old violent conflict in the country.

We strongly protest the security forces' intervention in their protest program on June 5 and destruction of their place of refuge, Khula Mancha, which breaches the state's responsibility to ensure citizens' security and right to life. More than two-dozen IDPs were arrested from the protest program and the remaining IDPs were taken to an unknown location from Khula Manch in the middle of night. Nearly 200 IDPs were seeking refuge in Kathmandu and holding protest programs for the past couple of months. This repressive action by the state violates their international commitment expressed through the signing of the Memorandum of Understanding with the Office of the High Commissioner of Human Rights (OHCHR) on April 11, 2005.

We urge international human rights organizations, including the OHCHR Nepal office, to carry out an investigation of this repressive action by the state and compel state actors to halt such actions in the future. We also demand that the state abide by the principles of human rights and humanitarian laws and stop such inhumane acts." (NCHRD, 6 June 2005)

Girls displaced to urban areas end up as prostitutes to survive (April 2005)

- 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.

"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, 28 April 2005)

"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." (Kathmandu Post 20 May 2004)

"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." (The Kathmandu Post 8 June 2003)

Nepalese NGO warns that displaced children in cities are at risk of physical threats by police (January 2005)

- 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.

"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." (Kathmandu Post, 13 January 2005)

"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." (Watchlist, 26 January 2005, p. 30)

Study shows that most IDPs surveyed in Birendranagar (Surkhet) as well as in Kathmandu feel relatively safe (March 2005)

- Most IDPs in Surkhet reported they felt relatively safe due to the presence of security forces in the district headquarters.
- In Kathmandu, IDPs are scattered and dispersed around the city and, as such, they are not immediately identifiable as IDPs. Most therefore feel safe in the capital.

"In Surkhet, most of the IDPs said that they felt more secure and safe due to the presence of the security forces in the district headquarters. However, many of them also said that they feel more insecure as they did not know who to trust. Many of the security people moved around in plainclothes and kept a close watch on people in the town area. They also said as many of the Maoists too moved around in plainclothes. A few of them are afraid to venture out after dark and keep themselves confined to the main bazaar area. However, generally they said that they had not been harassed or troubled by the security forces.

IDPs in Kathmandu are more dispersed and scattered around the city area. As such they are not immediately identifiable as IDPs or pose any kind of particular threat to the security forces or community at large. Some of them said that since people were always moving in and out of the capital city, many IDPs felt more safe in their anonymity even though they cannot openly talk about their situation." (SAFHR, March 2005, p. 17)

Many arbitrarily arrested and detained, sometimes tortured under a more draconian anti-terrorist legislation (June 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.
- Under the TADA, people can be held in preventive detention for up to 90 days and in detention for the purpose of investigation for 60 days.
- Often the security forces have been given a free hand to decide who has to be detained.
- Amnesty expressed concern about a widespread pattern of 'disappearances' by security forces. Since 1998, some 250 cases have been reported in the country.
- In addition to the 'disappearances', hundreds of alleged extrajudicial executions, thousands of arbitrary arrests and numerous reports of torture have also been reported.

Torture reported to be widely practised under detention

"Activists and lawyers in Nepal are seriously concerned about the lack of proper documentation or official investigation into the cases of suspects allegedly tortured in police and army custody. They say that former detainees who were subject to torture whilst in detention inside army barracks and police stations are often too scared to go to the courts to seek justice and compensation because they fear reprisals by security force personnel.

(...)

"Many are unwilling to file cases at the courts for fear of being rearrested and tortured again. They are really traumatised, so they keep quiet," said lawyer Mandira Sharma from Advocacy Forum (AF), one of a handful of NGOs fighting against the illegal detention and torture of detainees.

"They are even afraid to go to doctors and mention torture while undergoing medical check-ups. The victims are constantly threatened not to reveal any information," added Sharma.

According to AF's ongoing four-year-old custody monitoring in over 10 districts, most individuals detained under the Terrorist and Disruptive Activities Act (TADA) have suffered torture and inhuman treatment at the hands of security personnel.

Introduced in 2002, TADA gave special powers to the authorities to arrest anyone without a warrant on suspicion of being either a Maoist or a Maoist supporter. Since then, many innocent civilians have been subjected to illegal detention, say the activists.

A report by leading local human rights organisation, Insec, documented nearly 3,430 arrests in 2002, the highest ever recorded in the nine years since the start of the violent Maoist campaign in 1996.

"The situation for the detainees is quite worrisome. We can easily gauge that from the cases of the individuals released from detention," said advocate Rajendra Ghimire from the Centre for Victims of Torture (CVICT). He added that many don't want to take the risk of seeking justice when they are released after receiving mortal threats from the officials not to open their mouths." (IRIN, 28 June 2005)

Anti-terrorist legislation of 2002 (TADA) replaced in October 2004 by a more draconian anti-terrorist ordinance (TADO)

"Under the state of emergency declared in November 2001, the constitutional protections against arbitrary detention and the right to judicial remedies (apart from habeas corpus) were suspended altogether, thus rendering people even more vulnerable to arbitrariness and abuse. At the same time, security forces were given additional powers to arrest and detain suspects on preventive detention orders under the Terrorist and Disruptive Activities Ordinance (TADO). The ordinance was later replaced by the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA), which was enacted into law for two years in April 2002.

When TADA expired in April 2004, the Nepali authorities were unable to renew it as a parliamentary act, as Parliament and other democratic institutions had been disbanded by King Gyanendra in October 2002, effectively suspending Nepal's brief experiment with democracy. Instead, King Gyanendra extended the legislation by royal proclamation (reverting to its status as an ordinance).

The first TADO granted security forces sweeping powers to arrest persons suspected of involvement in acts of terrorism without a warrant. Under the law, detainees can be kept for up to sixty days for investigation and for up to ninety days in preventive detention in "a place suitable for human beings," without being brought before a court of law.

On October 13, 2004, King Gyanendra again issued by Royal Proclamation a revised and even more draconian Terrorist and Disruptive Activities Ordinance (TADO 2004), which provides the security forces with even greater powers, allowing them to hold individuals in preventive detention for up to one year without charge or trial and without any recourse to the judiciary.

In its current incarnation, TADO 2004 also provides Nepali security forces with immunity from prosecution for "any act or work performed or attempted to be performed in good faith while undertaking their duties," effectively making them unaccountable for possible violations.¹⁸² RNA personnel seem to interpret the various versions of TADO as relieving them of accountability for unlawful actions imposed by the Army Act (see below)." (HRW, March 2005, pp. 53-54)

Pattern of widespread "disappearances" in Nepal

"Amnesty International is concerned about a widespread pattern of "disappearances" by security forces as part of their counter-insurgency operations against members and supporters of the Communist Party of Nepal (CPN) (Maoist), which declared a "people's war" in February 1996.

To date, Amnesty International has recorded over 250 cases of "disappearance" throughout the country. Fourteen cases were reported in 1998 during an "intensified security mobilization", a police operation involving the transfer of armed police units from Kathmandu to districts affected by the "people's war". As security operations intensified, a further 80 cases were reported during 1999 and 2001. Following the declaration of a state of emergency on 26 November 2001 and the deployment of the army, over 100 cases were reported in the context of joint security forces operations in the period up to 28 August 2002. A further 35 cases were reported between August 2002 and January 2003, when a cease-fire came into force. Following the collapse of the seven month cease-fire in August 2003, Amnesty International has received reports of 20 more cases of "disappearance".

Amnesty International has repeatedly called for human rights safeguards to be adopted, in particular a Human Rights Accord, which would give the National Human Rights Commission (NHRC) a mandate to set up five regional offices to monitor human rights with technical assistance provided by the United Nations (UN).

In addition to reports of more than 250 "disappearances", hundreds of alleged extrajudicial executions, thousands of arbitrary arrests and numerous reports of torture, have taken place in the context of the "people's war". Weak institutions, corruption, a lack of accountability and effective reform of the police and judiciary have helped perpetuate a climate of impunity.

The CPN (Maoist) has been responsible for scores of abductions and kidnappings and Amnesty International has called upon the leadership to abide by the principles of international humanitarian law, in particular the provisions of Article 3, common to the four Geneva Conventions of 1949." (AI 16 October 2003, p. 1)

Most arrests of "Maoists" take place outside any legal framework

"According to official figures released in August 2002, 9,900 "Maoists" had been arrested, of whom 1,722 remained in custody. Most arrests and initial period of detentions take place outside any legal framework, especially when suspects are held in army custody. The army denies holding detainees beyond the legally permitted period of 24 hours specified in the Army Act. However, there is overwhelming evidence of people being held for long periods incommunicado in army barracks.

Those who are transferred to police custody or prison are given a detention order under the TADA or, exceptionally, are charged under other legislation such as the Arms and Ammunition Act. Under Section 9 and 12 of the TADA respectively, people can be held in preventive detention for up to 90 days and in detention for the purpose of investigation for 60 days. However, at the time of writing, hundreds of suspected Maoists have spent more than one year in detention without being taken to court.

Chief District Officers (CDOs), the highest government servant at district level, under Section 9 of the TADA can issue preventive detention orders when "there exist appropriate grounds to believe that a person has to be stopped from doing anything that may cause a terrorist and destructive act" "at a place suitable for human beings". This wording suggests that CDOs need to scrutinize the issuing of each detention order and specify where someone is to be detained. However, according to lawyers, many CDOs have issued the police with blank detention orders signed in advance. In other words, the security forces have been given a free hand to decide who has to be detained.

The practice of prolonged detention without being taken to court is not new in Nepal. Before the TADA was introduced, many Maoist suspects were arrested and detained in similar way under the Public Security Act (PSA). It would appear that the security forces are now using a loophole in the TADA to repeatedly issue new detention orders, even if the maximum detention periods of 90 or 60 days' detention as specified in the Act have expired." (AI 19 December 2002, pp. 15-16)

Freedom of movement

Landmines constrain movement of people within Nepal and contribute to displacement (October 2004)

- 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.

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." (ICBL, October 2004)

Increasing number of landmines in Nepal

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." (BBC, 3 December 2003)

SUBSISTENCE NEEDS

General

Aid community warns Nepal is on the brink of a humanitarian disaster (April 2005)

- Following a visit to Nepal, the head of the UN inter-agency IDP body stated that there was no humanitarian crisis yet in Nepal, but a pre-crisis, which, if the situation deteriorates further could turn into a full-fledged crisis.
- In March 2005, a group of the UN, international donors and aid agencies in Nepal warned that the conflict, and in particular restrictions imposed on the movements of supplies and vehicles, was leaving many civilians without access to humanitarian and medical assistance.
- Nepal was described as headed towards "the abyss of a humanitarian crisis".
- Following a 2 week visit to Nepal, a OCHA/IDP Unit mission reported in June 2004 that the country was not yet experiencing a humanitarian crisis and that basic needs were being met.
- It further noted that those displaced by the conflict usually followed traditional migration routes to other areas of Nepal or abroad (mainly to India) and that most received assistance from relatives and friends.

"The Himalayan kingdom of Nepal could slide into a major humanitarian crisis unless outside powers help government and Maoist rebels put an end to their long civil conflict, a senior U.N. official said on Wednesday.

Denis McNamara of the world body's Office for the Coordination of Humanitarian Affairs (OCHA) told a news conference the decade-long fighting had driven up to 200,000 people from their homes.

"These people are caught in the middle of a nasty internal conflict and are left without basic support or protection," said McNamara, who heads OCHA's division focussing on the problems of the internally-displaced in civil conflicts around the world.

"It is not yet a humanitarian crisis on the magnitude of (Sudan's) Darfur, but a pre-crisis, and if there is no action by governments, it may become a major humanitarian crisis...." (Reuters, 27 April 2005)

"Nepal is on the brink of a humanitarian crisis, the United Nations and international agencies have warned. Conflict between security forces and Maoist guerrillas has left civilians and refugees exposed and often cut off from aid supplies and medical help.

In a statement, the UN, European Union and nine Western aid agencies urged both sides to respect human rights.

Nepal's government said the criticism was misplaced, and that it was overcoming the Maoist blockades. (...)

The United Nations and bilateral donor agencies in Nepal urge all parties to ensure that movement of supplies and vehicles intended to alleviate the suffering of civilian populations are not restricted," the statement says.

It goes on to list in stark terms the difficulties facing Nepalese civilians caught up in the ongoing conflict.

According to the organisations, Nepalese are often denied access to humanitarian and medical supplies because of security roadblocks set up by Maoists.

Children are among the worst affected, it says, with many suffering from a lack of vitamins and essential drugs.

(...)

"Insecurity, armed activity and Maoist blockades are pushing Nepal towards the abyss of a humanitarian crisis," the groups conclude." (BBC, 18 March 2005)

"3.1 While the Maoist rebellion has caused great socio-economic disruption and increased population displacement, Nepal is not yet experiencing a humanitarian crisis. Basic needs terms of food, health, shelter and water continue to be met, at least according to the standards of a very poor developing country. Those affected or victimised by the conflict often follow a long established tradition of migration, moving to other parts of Nepal or abroad in search of security and employment, and usually receiving support or accommodation from relatives and friends. This has resulted in splitting up families, often leaving women behind in very precarious circumstances. Moreover, in contrast to the traditional pattern of seasonal economic migration, many of those displaced in recent years are staying away for long periods or indefinitely." (OCHA/IDP Unit June 2004, p. 2)

IDPs in Birendranagar report a better access to basic services than IDPs in Kathmandu (March 2005)

- IDPs in Birendranagar reported better access to basic services than IDPs in Kathmandu.

"Predictably the availability and access to these services were present at the point of origin (stated as before the situation of intensive conflict arose in the last 3 – 4 years) although those who have moved to Kathmandu from the Eastern, Central and South east parts of Nepal had better access than those who have moved to Birendranagar (Surkhet) from West, South West and Far West districts of Nepal.

At the current place of residence the IDPs in Birendranagar reported a greater access to basic services than those who are now located in Kathmandu. One of the reasons for this could be the smaller size of Birendranagar and therefore a closer concentration of people in the town centre where these services are available. In Kathmandu, as stated before, the IDPs are dispersed and scattered all over the city and peripheral areas.

Another reason could be that the financial burden on the people of Birendranagar may be a bit less than on those in Kathmandu as there appears to have been greater types of assistance provided to them by INGOs/NGOs, even though Kathmandu IDPs reported a higher percentage of persons having received government assistance or public assistance (donations etc.) In addition, while over 65% of persons in both Birendranagar and Kathmandu said that their current source of income was not adequate, a higher percentage of persons in Birendranagar said that their earnings were just about sufficient for basic needs." (SAFHR, March 2005, pp. 16-17)

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
- Study by NGOs shows that some 200,000 people could have moved to urban areas throughout the country as a result of the conflict, 100,000 in Kathmandu Valley alone.
- 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.
- Capacity of hospitals and schools has been stretched to their limit.
- 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.
- Some IDP livelihoods are dependent on the unsustainable use of natural resources, meaning that their ability to sustain livelihoods will be finite.

"(...) according to a survey, it was found that the largest chunk of such population that migrate to the cities later turn into urban poor," stated Dr Khadka.

"Very fact that 28 percent of the total population living in squatter settlements for the last 10 years are mainly people displaced by the conflict is an evidence to prove that people who shift to urban areas due to insurgency are prone to transforming into urban poor," he argued.

(...)

Commenting on the paper, Professor Dr Bishwambar Pyakuryal conceded that such increasing density of poor population in urban areas would create supply side constraints of drinking water, sanitation and other health services. That would further worsen the living standard of the poor people and affect others as well, he stated.

"Such condition will not only hinder the process of urbanization and economic development, but will also widen inequality and increase unemployment rate," he said.

Speaking on the occasion, Vice Chairman of Poverty Alleviation Fund, Dr Mohan Man Sainju observed that urbanization process in Nepal is considered as one of the fastest in the third world countries. "But, urbanization triggered by social disparity and displacement will further increase the gap between 'haves' and 'have nots', setting a stage for eruption of another conflict," he said." (Kathmandu Post, 20 April 2005)

"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." (INSEC April 2004, p. 119)

"The Maoist insurgency and a tottering ceasefire has spurred an exodus from Nepal's rural hinterland to its cities, putting enormous strain on urban services such as health, water supply, education, and transportation.

According to recent studies by nongovernmental organizations, there are around 200,000 internally displaced persons (IDPs) in urban areas - up to 100,000 of them in the Kathmandu Valley alone.

The situation could worsen if the ceasefire with the Maoist rebels - who want to establish a communist government in the Himalayan kingdom - collapses. Already, more and more people in villages have packed their belongings, fearing the worst.

Though the valley is somehow able to accommodate new arrivals, the Kathmandu Metropolitan City (KMC), one of the five municipalities in the valley, is already facing problems such as encroachment.

Peace and safety combined with the availability of employment opportunities has made the capital Kathmandu the obvious sanctuary for displaced people.

As a consequence, urban sprawl is now a major problem here, with IDPs occupying pavements with vegetable kiosks, grocery shops and tea stalls. 'There's a surge in such shops on pavements,' says former KMC chief executive Shiva Bhakta Sharma. 'We have deployed 100 men from the municipal police force just to clear road congestion.'

(...)

Unable to cope with the population explosion, the government has resorted to rationing water. There are places in the city where water is supplied only on alternate days and that, too, for just a few hours.

'If the population increases at the current rate, the government will have to further ration water distribution,' warns the director general of the Department of Urban Development and Building Construction, Purna Kadariya.

Kadariya adds that the existing infrastructure is heading for collapse. 'In the past three years, the government has not constructed a single hospital or school to cater to the lower social strata. So the sudden influx has stretched existing hospitals and schools to their limit' he says.

Agrees the former director of Bir Hospital, one of the biggest government hospitals in Kathmandu, Dr Ram Prasad Shrestha, 'Our hospital is under severe pressure from the hordes of patients, whose numbers have soared in the past three years.'

On an average, 700 people visit the hospital's out-patient department compared to less than 500 two years ago. Other hospitals and nursing homes aren't any better placed.

The pressures on schools are not apparent, though. Since most of the displaced are poverty stricken, finding it hard to make ends meet, education is a luxury. Questions one, 'How can I send my children to school with such meager earnings?'

With such huge numbers of people seeking accommodation and squatting rights, urban real estate prices have escalated.

Real estate agents say much of the boom can be attributed to affluent rural folk buying land in the capital.

On an average, the Kathmandu District Land Registration Office receives 400 cases of land transactions everyday - a considerable increase compared to the previous year.

'Land prices have spiraled by as much as 100 percent in the past two years. Nearly a dozen private housing complexes have come up,' says Surya Bhakta Sangachche, acting member secretary of the government's Kathmandu Valley Town Development Committee. 'Even rents have gone up considerably,' he says.

For those who can't afford to buy, there's always the option of encroaching upon public land. The areas around the riverbanks in Kathmandu are their favorite targets. Several shanties have mushroomed on the banks of rivers like the Bagmati and the Bishnumati. Town planners say these developments could cause immense damage to the environment.

Part of the blame for the services overload rests with the government. For infrastructure development failed to keep pace with the population boom.

A recent study by the United Nations Development Program states that the population of 12 municipalities, including Kathmandu, grew by 5.2 percent in the last two years compared to 3.6 percent in 1991-2001.

The government has belatedly set up a committee to collect data and study the effect of IDPs on urban infrastructure.

'We have already started collecting data on IDPs to see how we can better accommodate new arrivals,' says the vice-chairman of the apex planning body, National Planning Commission (NPC), Shankar Sharma.

But until the government tackles the root cause of the influx - the Maoist insurgency - the trickle of villagers could well turn into a torrent that could swamp Nepal's cities." (Oneworld 29 July 2003)

"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." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 15-16)

Limited arable land, agricultural inefficiency and lack of roads make Nepal a chronic food insecure country (2003)

- Mountainous topography, inefficient agricultural economy and a high population growth combine to make Nepal a chronically food insecure country.
- At least 15 of Nepal's 75 districts have no access to any roadway capable of serving motorized traffic.
- Malnutrition is a serious problem in Nepal, with almost half of all children under 5 underweight and suffering from stunting

"Nepal's startling geography, together with the inefficiency of its agricultural economy and high population growth, have led to growing food insecurity. Arable land, which comprises only 20 percent of the total area, is limited and unevenly distributed. Agriculture provides a livelihood for more than 80 percent of the

population and accounts for 41 percent of Gross Domestic Product. Holdings in the mountains and hills are tiny, and crop productivity is low.

With a population of 22 million, nearly half live below the poverty line, and more than one third consume fewer than 2,250 kilocalories a day. The maternal mortality rate, at 475 per 100,000 live births, is one of the highest in the world, and the under-five mortality rate is 118 per 1,000.

Since the 1990s, Nepal has experienced chronic grain deficits. In recent years, agricultural growth, at an annual rate of 2.2 percent, simply has not kept pace with the 2.4 percent population growth. There is no new, unworked arable land, and the irrigation infrastructure is extremely limited, but essential if reasonable productivity levels are to be achieved. The communication and transportation infrastructure is also lacking, most noticeably in the rugged hilly and mountain areas, where roads and markets are few. In 2001, *Enabling Development: Food Assistance in South Asia* (Oxford University Press, authored by WFP) reported that at least 15 of Nepal's 75 districts had no access to any roadway capable of serving motorized traffic.

Also in 2001, the Nepalese economy contracted significantly following the world economic slowdown and pressures by Maoist insurgents on factory owners and workers. Security concerns in the wake of Maoist activity, the June massacre of many members of the royal family, and the September 11 attacks in the US led to a decrease in tourism, a key source of capital.

(...)

Malnutrition remains a serious problem in Nepal, with almost half of all children under 5 underweight and suffering from stunting. Accordingly, WFP's mother and child health care developmental activity will enable young children between six and thirty-six months and expectant and nursing mothers to receive essential nutritional supplements. (Lamade Philip Auust 2003)

Food

Limited reports of food shortages for IDPs (June 2005)

- The UN inter-agency IDP body identified a significant need for enhanced basic services for in peri-urban areas where most IDPs tend to settle amongst other poor people.
- The mission met IDPs who reported food shortages, in particular in Dailekh district.
- Displaced people returning to their homes in Dailekh district reported that their homes and belongings had been looted during their absence and that they had very little to eat.

"There is a need for greatly enhanced basic services (including health and education) targeting peri-urban slum areas both by the Government and by agencies. Given that many IDPs are settling amongst the poorest of the poor, this would be a relatively nondisruptive way to meet the needs of several different, but practically non-distinguishable, vulnerable groups. It should also help to avoid the creation of camps. Whilst the Government should be encouraged to extend these services, its ability to deliver directly must also be questioned in light of security concerns - the international community may have to assume the role of service provider. The Government should be encouraged to accept and facilitate such external assistance, especially by easing bureaucratic restrictions on INGOs, such as visa restrictions on the number of international staff per agency.

(...)

Though the recently published WFP Internal Migration study indicates limited food insecurity for displaced populations, some of the IDPs met during the course of the mission reported food shortages. Recent IDP returnees in Dailekh District told the mission that they had been forced to return to homes in the midst of a hostile protection environment due to a lack of food aid in the temporary camp that had been established

in the district centre. WFP has initiated preparedness measures but was concerned not to disrupt traditional coping mechanism as well as creating pull factors in an extremely poor country. Operations have also been hampered by the Government's insistence on no dialogue with the CPN/M, without which staff safety and security cannot be guaranteed." (IDD, 2 June 2005, pp.2-4)

Media report food shortages affecting returning IDPs in Dailekh districts

"Villagers returning to the homes they had fled in the third week of November due to Maoist excesses are facing severe food shortage.

When 25 families of Goganpani of Salleri VDC Ward No-1 returned home with the help of journalists on Sunday, quite a few among them had to sleep with empty stomachs, said Ganesh Gurung, one of the returnees to the Post. But everyone is in high spirits after being able to come back.

(...)

On November 19, the Maoists had brutally killed Mahendra Subedi, the head of one of their "ward people's committees," on charges of inciting villagers to retaliate against the rebels, along with five other villagers including an eight-year-old girl. The killings prompted 443 families from eight villages of Salleri and Naumule VDCs to flock to the district headquarters demanding security. The 150 villagers belonging to 25 families were able to return to Goganpani following an agreement between local Maoists and journalists after many displaced people refused to heed the Maoist call to return home. Before making the call, the western central command of the Maoists had formed a probe committee to investigate the November 19 killings.

Locals complain that food grains, clothes, utensils, chicken, goats and other items were looted from their homes immediately after their departure. On Monday morning, people looked for yam in their homesteads as well as in the nearby jungle.

"Pumpkin, yam and other vegetables are served as curry till the month of June. This time around, however, stray cattle have eaten up all the pumpkin. They have also eaten our wheat. How will we survive next year?" asks former member of the Indian army Chaman Singh Gurung, 68." (Kathmandu Post, 20 December 2004)

Displacement has exacerbated malnutrition among children (June 2005)

- An estimated 63% of children under 5 suffer from chronic malnutrition in Nepal.
- Nutrition experts claim that conflict and the subsequent constant migration and displacement of people has worsened 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's 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.
- A 2001 survey found one-fifth of the children below five years afflicted by diarrhoea.
- 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.

"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)

Half of the children suffer from moderate malnutrition and one-fifth from severe malnutrition

"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. " (NHRC September 2003, pp. 53-54)

WFP rapid assessment of internal migrants concludes no food crisis yet (March 2005)

- WFP's rapid assessment of 'internal migrants' conducted in urban, semi-urban and rural areas of Kathmandu region and various districts in the country concluded that the food security situation of the migrants surveyed was not a cause of particular concern, although it warranted a continued monitoring of the situation.

"From October 10, 2004 to March 11, 2005, WFP conducted a rapid assessment of internal migration in the urban, semi-urban, and rural parts of Bhaktapur, Lalitpur, and Kathmandu districts as well as Kathmandu Metropolitan Area and the headquarters of five districts (Dailekh, Gorkha, Kailali, Kavre and Rupandehi); rural areas and municipalities of two districts (Nawalparasi and Jhapa); and headquarters, rural areas, and municipalities of eight other districts: Banke, Chitwan, Dang, Kanchanpur, Kapilvastu, Makwanpur, Morang and Surkhet. (see map overleaf)

The objective was to take a provisional look at the food security of a cross-section of migrants. It was designed to be comprehensive in scope and cover not only conflict-induced, but also economic and other types of in-country migration so as to place any findings of conflict-induced in the context of othertypes of migration.

For the purposes of this assessment, a migrant is defined as: Any person(s) who for all practical purposes have shifted permanent residence to an identifiably different location within Nepal for any reason ranging from earning constraints to displacement by flooding or conflict.

From the perspective of the mandate of the World Food Programme, the findings of this particular assessment of various migrant populations are not a cause for serious concern but do highlight the need for continued monitoring of migration patterns and their link to basic needs in collaboration with concerned partners." (WFP, March 2005, p. 1)

High levels of acute malnutrition reported in most district of the Mid-Western region (2004)

- Media reported in July 2004 that following drought, blockades and strikes residents Bajura, Humla and Achham district (in the Far-Western region) were at risk of starvation.
- The displaced who have taken refuge in the headquarters in Rolpa district are also affected by the food shortages.
- Conditions for those who have stayed in the villages are reportedly even worse.
- 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.
- Coping mechanisms traditionally used to deal with food insufficiency are reportedly becoming stretched
- Food blockade by the security forces, the Maoists looting what little the farmers have, the worst drought in 50 years, roads and bridges not maintained regularly have caused hundreds of thousands of Nepalis to face an imminent and catastrophic food shortage in the remote hills of western Nepal.
- The most affected are the children, women, elderly who have stayed behind while the able-bodied men have migrated.
- CDO office in Bajura estimates that a quarter of the region's population of 800,000 has already left for other parts of the country or for India.
- On top of food, the security personnel have also restricted batteries, canvas shoes, cooking oil, instant noodles.

Drought and repeated blockades by Maoists cause food crisis in remote hills of the Far-Western region

"With their winter crops having failed because of drought, locals of Bajura, Humla and Achham districts, are likely to return empty-handed and face starvation after having traveled all the way to Sanfebagar in the hope of acquiring food grains. This is the outcome of the series of blockades and strikes called by the Maoists, which has brought the supply of food grains to the district to a standstill.

Although it takes more than a week of arduous walking to reach Sanfebagar from Humla, the people, including their children, nevertheless came with hopes in their hearts as they have been suffering from starvation for the last month or so.

Earlier, on Saturday, the Maoists had seized three trucks of rice sent to the district by the World Food Program at Chaukhetta bazaar, which borders Achham and Doti districts. The rice was meant for the locals of the district.

The local people have already used up the supply at the depot of the Food Corporation (FC) at Martadi, which has the capacity of storing some 3,800 quintals of food grains.

The plight of the locals has worsened after the Silgadi-Sanphe road was recently damaged in many places by heavy rain.

Meanwhile, reports from Rolpa said the district dwellers are on the verge of acute starvation after their crops were destroyed by the drought and repeated blockades of the Maoists resulted in shortage of food supply in the district.

Even the headquarters is not beyond such crisis. The displaced locals, who have been sheltering in the headquarters after getting sandwiched in the atrocities of both warring groups, could not go to the village areas to fetch the food grains.

'We are fully relied upon the army since their patrol do the job on behalf of us', said one.

Condition of those living in the remote villages is further pathetic. They even started to look for the nuts and roots in the forest to treat their hunger after they were left with no alternatives.

The starvation is likely to hit the district, as there was long drought during winter." (The Kathmandu Post 13 July 2004)

World Vision rapid assessment notes high level of acute malnutrition in all districts of the Midwest

"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." (WV February 2003, pp. 8-9)

"But here, in the remote hills of western Nepal and away from the glare of media, hundreds of thousands of Nepalis face an imminent and catastrophic food shortage. If nothing is done now, local officials warn, there will be famine by February across these hills.

There are many reasons: the food blockade by the security forces, the Maoists looting what little the farmers have, the worst drought in 50 years, roads and bridges not maintained regularly. The effects of malnutrition can already be seen in the children. Able-bodied men have migrated to find work, to escape forced recruitment by the Maoists, and avoid being caught in security dragnets. Only the children, women and elderly remain, and they are all hungry.

(...)

In village after village in these rugged mountains we hear tales of struggle, survival, and despair. Food grain production in the district is down by 60 percent because of the drought, according to the District Agriculture Office in Bajura. 'We can't grow rice here, but this year the drought even destroyed the kodo and the bears came and ate up the maize crop,' says Harka Bogati, pointing at his fallow fields. The out-migration of able-bodied men also means there is no one to farm the terraces. 'The number of people, especially from northern Bajura leaving for other parts of the country as well as India is on the rise,' says Mukti Narayan Bhandari, at the CDO office in Bajura which estimates that a quarter of the region's population of 800,000 has already left.

(...)

The "food for work" programme had in the past provided grain to the neediest farmers. But after the Maoists looted godowns, the programme has been stopped. Then the Maoists destroyed both Sanfebagar and Kolti airports, and roads are blocked due to security reasons.

(...)

Now, to prevent food from falling into the hands of Maoists, the security forces allow only small quotas of food on a weekly basis by private traders. But the margins are too small for the merchants to want to make the dangerous eight-day roundtrip from Sanphebagar. It's not just food that is stopped, the security personnel have also banned batteries, canvas shoes, cooking oil, instant noodles. 'We have to walk barefoot, we have nothing to eat, we are back in the stone age,' says Jasiram Shahani, a shopkeeper here.

The food blockade has hit the local people more than the Maoists. A villager in Pandusen told us: 'The Maoists come in groups and force us to feed them at gunpoint. They don't care whether we have enough food.' The Maoists also ask for a grain tax from farmers who have no cash, and they are forced to give ten pathis of grain per household to feed the proposed rebel barrack in the hills of Kandha." (The Nepali Times, 28 November 2002)

Health

Displaced women working in Kathmandu's as sex workers face HIV/AIDS threat (April 2005)

- 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.

"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." (Kathmandu Post, 29 April 2005)

"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. " (Watchlist, 26 January 2005, pp. 19-31)

"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." (OCHA/IDP Unit June 2004, p. 3)

Displaced women in Dailekh reported to live in unhygienic and dangerous conditions (January 2005)

- Some 2,000 people displaced in November 2004 by fear of reprisal of the Maoists are living in a public building at Dailekh district headquarter.
- Sanitary conditions are reported to be inadequate for nursing mothers, with little food and access to health care.

"Nursing mothers, among the displaced families sheltering at the Tribhuvan Higher Secondary School at the district headquarters are living in very difficult conditions.

Among the 443 families living here, there are nine women with recently born children. Living in the cold and damp rooms of the school building, and further aggravated by malnutrition and unhygienic living conditions, the women normally needing better care and nourishment, are facing trying times.

With faces swollen due to illness, they neither have enough food for themselves nor are they able to feed their babies. One of them lost her child while travelling to the headquarters. "She had twins, one of them died while on our way here. We buried him in the forest," says Bhavisara BK, taking about his sickly daughter-in-law, lying in the cold floor with her child.

The women are sharing accommodations with 1,923 people who have been crammed inside the 12 rooms of the building.

They evacuated their villages fearing reprisals from the Maoists after they had tried to revolt against the rebels. The mass exodus had started during the third week of November." (Kathmandu Post, 30 November 2005)

See also: "Displaced women give birth under dire conditions", Kathmandu Post, 4 January 2005 [[Internet](#)]

Displaced children face psychological trauma (2004)

- 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.

"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." (INSEC April 2004, p. 117)

"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.

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. Those belonging to the poorest strata of the population are facing the greatest difficulty.

(...)

Because of the killing of teachers, destruction of school buildings, drinking water taps and health posts, many children have been deprived their basic rights. For many rural children, going to school again remains a distant dream even if peace were to be restored. Villages have to wait years for the rehabilitation of school buildings and replacement of teachers.

As a large number of schools have closed down, rural children are confronted with harrowing choices: do household work or join the conflict as child soldiers, messengers or porters. If they are unfit to go to war, they are forced to witness violence. The London-based human rights watchdog Amnesty International has called for the warring sides to protect the rights of the children.

(...)

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. Niranjana 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.' "(Spotlight 6 December 2002)

Water & sanitation

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

- The current capacity of Birendranagar 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 Birendranagar, 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

Survey shows most IDPs in Kathmandu live in rented rooms and do not encroach on public land (March 2005)

- WFP study revealed that almost 50% of IDPs lived in rented homes.
- SAFHR study has showed that 74% of surveyed IDPs live in rented houses.
- Many people fleeing the rural areas end up in urban areas putting pressure on already stretched infrastructures.

- Influx of displaced in Kathmandu has resulted in encroachment on public land and spiraling real state prices, increasing by 100 per cent in the last two years.

WFP survey of internal migrants in Kathmandu show nearly half of IDPs live in rented houses

"The vast majority of respondents (93%) live in rented homes. Four percent live in self-owned homes; 1% with relatives; 1% with non-relatives; and 1% in other housing (factories and servants' quarters). Almost half of the respondents who stated they left their homes primarily due to the conflict live in rented housing." (WFP, March 2005, p. 7)

SAFHR study shows 74% of IDPs live in rented houses

"Mr Sangacheche (acting member secretary of the Kathmandu Valley Town Development Committee) quoted earlier, has pointed out that displaced persons coming to the valley have started encroaching on public land. This is not corroborated by our discussions with IDPs, an overwhelming majority of whom live in rented rooms, with a small percentage with their 'own house' (could be a permanent structure or a mud hut!). Discussions with an NGO working on urban shelter /housing issues also brought out the fact that their work over the past so many years has shown that almost all displaced persons are living in rented rooms and there are very few if any displaced persons, actually living in shanties/slums areas. However they also said that there was a possibility that some displaced persons may have lived temporarily in such areas before moving on.

(...)

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." (SAFHR, March 2005, p. 40)

Media reported in 2003 that IDPs flocking to Kathmandu end up living in shanties and encroach on public land

"With the insurgency raging in the countryside, the fleeing rural population have cramped on the urban parts of the country putting pressure on its already stretched infrastructures.

With thousands of displaced people fleeing to Kathmandu, the city areas are being encroached. While relatively affluent rural people have started buying the lands in the valley, this has led to a sudden boom in real state business. According to Kathmandu District Land Registration Office, they received average 400 cases of transactions of lands everyday – a considerable rise compared to the previous year.

"The real estate prices have increased by as much as 100 percent in the last two years. Nearly a dozen of private housing complexes have also come into being,' Surya Bhakta Sangachche, acting member secretary of the government's Kathmandu Valley Town Development Committee.

On the other hand, deprived populations who have been similarly displaced have started encroaching public lands. The areas around the river-banks in Kathmandu have been their favorite targets. Small to medium sized shanties have sprouted in the banks of rivers like Bagmati and Bishnumati. 'Even the rent prices have gone up considerably,' said Sangachche." (Nepalnews 18 September 2003)

Situation in relation to shelter is mixed (March 2005)

- In Kathmandu, most IDPs tend to stay in rented rooms or with relatives. Inability to pay the rent forces many IDPs to shift accommodation several times.
- In Surkhet district, many IDP families live in temporary shelters made from some locally available materials such as bamboo and mud.

- House rent in Kathmandu is reported to have gone up by as much as 100-300 percent in the last three years.
- Richer IDPs can afford to buy land and build a house. Those who go to urban areas are often obliged to rent, and frequently share with others.
- In the rural areas families might build a hut, or are invited by a relative to share their accommodation.

"Most are staying in rented houses (rooms) with a few staying with relatives and/or have their own house in the city/town. The type of housing ranges from a one room cramped accommodation to larger houses (belonging to a very tiny percentage of the more affluent people). Most have access to electricity and water facilities, although this is often quite inadequate. Most of the people have had to shift accommodation several times within a span of a couple of years, for a variety of reasons. The most common one is the inability to pay house rent or lack of security.

Many IDPs are living in places where they have not been able to pay rent for the past several months and in some cases for over 12 months. In Birendranagar, in particular we found that house owners tended to be a bit more large hearted and have allowed the IDPs to stay in their house, even though they have been unable to pay the rent for over 18 months. Many of them are not always openly able to say that they are IDPs. Landlords/house owners are reluctant to give them rooms on rent if they know that the tenants are IDPs. Single girls have particular problems in finding accommodation and tend to stay in groups either with siblings or other girls who have also come from the rural areas to Kathmandu (in particular).

In Surkhet, in Birendranagar and its adjoining VDCs, the situation is more dire as there are many families living in tin sheds, or temporary shelters made from some locally available materials such as bamboo and mud, that provide little or almost no protection from the weather conditions. Many of these huts were on precarious riversides. The monsoons were at their height when the team visited Surkhet and the condition of these huts was such that it hardly shielded the families from the rain, wind and the cold. As winter approaches these people will have to bear the additional hardship of the cold, of trying to somehow survive as they do not have proper warm clothing or appropriate bedding such as blankets, mattresses or quilts.

(...)

House owners in both survey sites said that the influx of people (displaced) has increased in the last 3 years in particular. They were aware that many of the displaced have taken up rented accommodation, with usually at least 5 persons in each family, although few have come alone or with one or two other family members. They have not had any problems generally except that the IDPs cannot pay rent on time. In some cases, house owners (Birendranagar mostly) have not received rent for the past 12 – 18 months or more. They are generally sympathetic towards their tenants: "Jab hola tah di nai halchann ni!" (They will give it, when they have it). It could also be that, as some of the IDPs have sons working overseas, the hope of getting some accumulated sum of money may be an incentive to retain their IDP tenants. In Kathmandu, while house owners said they did not have problems, nevertheless we found a higher incidence of IDPs who have moved house several times even in the last couple of years as they were unable to pay rent or felt insecure. Discussions with IDPs and general community people in Kathmandu revealed that the house rent had gone up by as much as 100-300 percent in the last three years or so.

(...)

Displaced girls face problems finding accommodation

Finding safe accommodation to stay in has become a matter of daily struggle for many of these girls. Those who have siblings or other relatives (who came earlier) who have a place to stay are more fortunate to some degree than those who have to face major difficulties convincing house owners to give out a room on rent to a single girl. All the young girls we met said that they did not tell anyone that they had come from the districts or under what circumstances fearing that they would be asked to leave. Some girls found temporary shelter with NGOs who run rehabilitation and emergency centres. But this was only a small fraction we met of the many girls who are in the urban areas and live in high risk situations. Several people

(girls and NGOs) said that there was an urgent need to establish safe shelters for such young girls and women. Young children in orphanages face a bleak future. Quality assistance orphanages in terms of physical infrastructure, meals, education, health and care is still a far cry.
(...)

[Unable to pay the rent, many IDPs are constantly on the move]

As far as shelter is concerned, it is clear that most of them do not even have adequate let alone appropriate places to stay. Very often families of 5 or more have to stay in a single room that also doubles as a kitchen. Toilet facilities are usually shared with others living in the same building or as in the case of Birendranagar, IDP families use the public facilities at the local bus stand. Drinking water is available to some extent. Poor and cramped accommodations brings its hand maidens of poor hygiene and sanitation and its accompanying stomach and respiratory diseases compounded by malnutrition. In no way can such accommodation be considered an "adequate standard of living".

For lack of options, most IDPs live in rented accommodation. Many of them particularly in Kathmandu live in rented houses as they have no other place to go or are able to obtain assistance for alternate shelter.

In addition, IDPs are unable to often pay rent on time which makes its uncertain whether they would be able to retain their living quarters on a more long term basis. As has been shared by several of the IDPs, many families are constantly on the move as they are unable to pay rent at all which then bring back many questions of the inability of children therefore to continue regular schooling, further break down of social networks and support systems. Finding enough money to pay for two square meals a day has become a daily struggle for many families – some of whom get barely enough for one meal."

(SAFHR, March 2005, pp. 14-40)

"According to the SNV/INF survey the situation in relation to shelter is mixed. The richer IDPs buy land and build a house. Those who go to urban areas are often obliged to rent, and frequently share with others. In the rural areas (of the Terai) families might build a hut, or are invited by a relative to share their accommodation.

Data from the RUPP survey (appendix 4) confirms this pattern for the urban areas with 73% of new arrivals reported as living in rented accommodation. However many IDPs living in temporary shelters will be outside municipality boundaries and so these people are likely to be under reported in the data. " (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, p. 12)

Half of the total houses in Nepal are of the temporary type and 41per cent are semi-permanent (2003)

- Nepal has no legislation providing the right to adequate housing.
- About half (50.5%) of the total houses in Nepal are of the temporary type and 41.2 % are semi-permanent; the rest belong to the permanent category.
- Acute absence of culturally appropriate low-cost safe housing policy for rural and urban areas and absence of law governing minimum safety and sanitation standards for rented homes.
- The underprivileged class are the worst affected by the lack of affordable housing finance. They include the landless and agricultural labourers, the recently liberated Kamaiyas (bonded labourers), Halis, Gothalos, internally displaced people, the Dalits, dependants, destitute women, street children, and the aged.

"Nepal has no legislation providing the right to adequate housing. The Directive Principles and Policies of the State stipulated in the Constitution, Article 26 (1), visualize the concept of housing and employment

policies, but the principles are non-binding. In its 1996 report to the Committee on Elimination of Racial Discrimination, the government stated that it had provided legislative provisions to raise the living standard of the Nepalese people by developing infrastructure, including housing. As one of its activities in the Eighth Plan, the government undertook to arrange settlement of landless people and provide them basic services. The Plan aimed to re-house some 25,000 families. However, the government has been silent on whether or not it has been able to provide housing for them. Even if it was successful in accommodating 25,000 families, the number is insignificant compared to the estimated half of the population living in temporary type of houses.

The national housing survey conducted in 1991 reported that about half (50.5%) of the total houses in Nepal are of the temporary type and 41.2 % are semi-permanent; the rest belong to the permanent category. The report assumed that about 7% of the dwellings were more than 50 years old. Similarly, in rural areas, out of the total dwelling units about 34% were more than 10 years old, whereas 46% of the dwelling units in the urban areas found to be older than 10 years.

There is an acute absence of culturally appropriate low-cost safe housing policy for rural and urban areas. A large number of people in urban areas live in rented rooms and houses. In the absence of a regulatory mechanism, they are exposed to various tenancy related hassles with the landlord and neighbours. At times, they are required to pay unreasonable rents or accept unfair terms of tenancy without any legal basis. This has severely affected a large size of the urban population (24.46% as per the 1991 survey). Furthermore, there is no law governing minimum safety and sanitation standards for rented homes.

Affordable housing finance from either the formal or the informal sector is not available. The average people are willing to build their own homes by borrowing money from the formal lending institutions, but are unable to do so. Among the significant number of the population suffering from physical and financial problems to own a shelter, the underprivileged class are the worst affected, including the landless and agricultural labourers, the recently liberated Kamaiyas (bonded labourers), Halis, Gothalos, internally displaced people, the Dalits, dependants, destitute women, street children, aged, etc. One study indicates that the problem of housing for the poor people is most acute in the urban areas and particularly for the labourers and workers. To cite a single case, the study revealed that five daily-wage workers shared one rented room no larger than 10 feet x 11 feet for Rs. 500 per month in Kathmandu, but such warren-like living is not limited to Kathmandu alone.

The problem of squatting in public land, especially along the riverbanks in Kathmandu valley, is on the rise in the urban areas. The 1991 study reported 8.61% of the total population are squatting on public land and they fall under the poorest of all household tenure bracket. They are forced to squatting due to the lack of other options. The future of these people is always uncertain, for the government can evict them from the area at any time. There have been quite a few cases of the eviction of settlers.

Housing is one of the basic rights of people, and when looked at from local and international perspectives, the inescapable conclusion is that a very large number of Nepalese people are deprived of this right." (NHRC September 2003, pp. 67-68)

Vulnerable groups

Children are particularly vulnerable to the disastrous effects of displacement (July 2005)

- 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

Intensification of Maoist' targeting of children as recruits during first half of 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 WT's. 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." (CSM, 28 June 2005)

More than 40,000 children displaced since 1996

"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.

"The situation has turned from bad to worse," says CWIN President Gauri Pradhan. "The child labour problem has increased due to the armed conflict." Frequent school closures caused by the Maoists' general and educational strikes, forced indoctrination and clashes between security forces and insurgents have compelled many children to leave their village and seek refuge in urban areas, he added in an interview.

(...)

[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." (Dawn, 12 June 2005)

10,000 to 15,000 children expected to be displaced to urban areas in 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."(IRIN, 4 July 2005)

"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." (One World 14 July 2003)

Conflict pushes tens of thousand of children across the Indian border

"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." (Kathmandu Post, 5 December 2004)

See also:

[Displacement has exacerbated malnutrition among children \(June 2005\)](#)

[Nepalese NGO warns that displaced children in cities are at risk of physical threats by police \(January 2005\)](#)

Survey notes substantial rise in rise in number of women headed households (March 2005)

- 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.

"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." (SAFHR, March 2005, p. 39)

ACCESS TO EDUCATION

General

Armed conflict has violated the child's right to education (2005)

- 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.

"(...) 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." (NHRC September 2003, pp. 58-59)

Armed conflict has had disastrous effects on the education system

"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 got 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." (ACHR, 20 May 2005, pp. 22-23)

Attacks on teachers

"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.” (Watchlist, 26 January 2005, p. 25)

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.

"(...) 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" (SAFHR, March 2005, p. 12)

Many displaced children deprived of education (2004)

- 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

"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." (INSEC April 2004, p. 118)

See also:

"Nepal conflict creates chaos in the classroom", Oneworld, 30 December 2003 [[Internet](#)]

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

70 per cent of IDPs surveyed do not earn enough to feed themselves or their family (March 2005)

- 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.

"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." (SAFHR, March 2005, pp. 15; 40)

People displaced during the February 2005 vigilante violence in Kapilvastu district reported to be forced to beg for survival

"Locals of Bhalbad VDC in Kapilvastu district, rendered homeless due to bloody vigilante attacks spearheaded by anti-Maoist mobs three months ago, have now resorted to begging, here in Butwal for their livelihood.

"As our houses were burnt down and we lost all our property, we are forced to survive this way," said Tara Gandarva, who has been begging in Butwal, clutching her infant.

The locals fled their village after members of anti-Maoist vigilante groups set fire to 105 houses in the VDC.

All those displaced have made a common makeshift arrangement at Parauha in Rupandehi, where they all gather in the evening after a day of begging.

Some revealed that they were collecting money for the treatment of family members who were injured in the vigilante attacks." (Kathmandu Post, 12 June 2005)

Study shows that IDPs who move to the main cities are likely to become urban poor (April 2005)

- Rise of poverty levels in urban areas in Nepal is a cause of concern.
- 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.

"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." (Kathmandu Post, 20 April 2005)

Study shows sharp decline of income after displacement (2004)

- Study estimates that between 300,000 and 400,000 rural 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%)

"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:

" (ADB, September 2004, p. 2; Appendix, p.78)

Some IDPs reported to have managed to acquire new entrepreneurial skills (May 2005)

- Some IDPs in urban areas are reported to have managed to do pretty well by making use of their entrepreneur skills.
- While some work as daily labourers, some other are assisted by their relatives.
- IDPs with some sort of entrepreneur skill have become luckier in getting jobs than the peasants who know little about entrepreneur skills and trade transactions

"Budha and Khadka are not alone surviving on new entrepreneurial skills. There are many other IDPs living in major cities like Nepalgunj, Butwal, Pokhara, Mahendranagar in the west; Biratnagar, Jhapa, Dharan, Iathari in the east; and Kathmandu, Birgunj, Narayanghat and Janakpur in the center, who are in the small business now.

Along with major cities, many other IDPs living in the district headquarters have to search the employment for themselves. From political workers, teachers to families of Royal Nepalese Army, Indian Army, Nepal Police and other common people, there are different kinds of IDPs in search of work.

At a time when the government does not have any policy on IDPs, most of IDPs are living on their own. Some live working as daily wage laborers and others depend on their relatives. Families of Indian army, Nepalese Army and Nepal Police live under salary sent by their beloved. There are some people who don't have anything to live on. Those who have acquired the entrepreneur skills are lucky enough to have better life.

As soon as people move from their native land in new place, their immediate priority will be to search for a job to sustain their families. Since there are no mechanisms for their registration and identification, these IDPs have to search the employment for themselves.

As population in district headquarters increase, the demands of various goods including consumer items, food stuffs, vegetables etc also increase. Furthermore, triggered by the number of population migrating to district headquarters for safety reason, there has been a construction boom and high demand of laborers.

As such, the IDPs with some sort of entrepreneur skill have become luckier in getting jobs. "This skill will benefit now and later when we return to our villages," said Khadka. "If I am allowed to live back in my village, I will grow vegetables and fruits to sell them in the urban areas. I know the trade tricks now."

Having survived on subsistence-based agriculture, the rural people in Nepal know little about entrepreneur skills and trade transactions. The people don't have any knowledge on market, demand and supply mechanism and so on since rural people mostly grow food only to sustain their families." (Nepalnews, 6 May 2005)

Lack of jobs is forcing IDPs to maintain their livelihoods in a variety of ways, most unskilled and menial (April 2004)

- Many of the displaced find themselves in a very difficult economic situation and have to opt for un-skilled, manual jobs when they can find one.
- The government provides very limited assistance to the displaced and most aid agencies do not target them in their assistance schemes.
- Interviews and studies among IDPs have shown that only 7'343 people are receiving displacement stipends from the Home Ministry and there is much political influence in the process of distribution of such stipends.
- Poorer IDPs maintain their livelihoods in a variety of ways, most unskilled and menial, requiring low or minimal capital investment and generating low returns.

- Competition for business is increasing with the arrival of the displaced, resulting in lower daily wages or business profits, impacting not only on poor displaced people but also on poorer sections of the host community.

"Economic problem can be considered to be the greatest problem a displaced person faces in the new place. The displaced people may need to face additional burden to meet expenses for house rent, food, education, medical treatment and others, which may create a lot of other problems. There are cases where people who have plenty of land in the villages are working as porters in brick kilns in Bhaktapur and Lalitpur. The NGOs, private offices and human rights organisations receive many job applications agreeing to do any jobs from the people who were once teachers in different schools in the rural area. And at many times people maimed in the violent attacks are working in stone quarries in the urban areas.

Managing money for livelihood is the greatest problem facing the displaced people and it is a greater problem for people who have no skills and used to rely on agriculture in their homeland. The government is not much serious to help these troubled people by providing them rehabilitation and ensuring food, shelter, education and other basic facilities for livelihood. The development agencies too, do not seem seriously concerned over the welfare of the displaced people.

Unemployment

It could be a matter of great relief if the displaced people get proper jobs as per their qualification upon arrival to the new place but this is not the situation. These displaced people have to suffer a lot to find a job for their sustenance. In other countries the government provides unemployment allowances, free medical services, free education and other services to support the displaced people. In Nepal the government is not able to support these people by providing the services like scholarships and displacement stipends which it had promised to do, let alone other facilities. Only 7343 people are receiving displacement stipends from the Home Ministry but there is much political influence in the process of distribution of such stipends. This fact has been proven through the interviews with the displaced people and several other researches." (INSEC 2004, p. 117)

"Livelihood Strategies and Characteristics

The SNV/INF survey showed that poorer IDPs maintain their livelihoods in a variety of ways, most unskilled and menial. Typical activities include:

Manual work in factories (brick factory, iron factory, flour mills)
 Sale of forest products, timber and firewood and
 Herding animals
 Work in hotels
 Cattle rearing using loans
 Small trading such as tea shops and vegetable stalls
 Stone breaking, sand sieving and lorry loading
 Carrying loads
 Rickshaw driving
 Washing clothes in the bazaar

These types of activity generally require low or minimal capital investment, are physically demanding, insecure and generate low returns. In summary, they are no different from the normal activities of poor economic migrants. As the number of people engaged in these activities increases, so does the competition for business. This usually results in lower daily wages or business profits, impacting not only on poor displaced people but also on poorer sections of the host community.

Responses suggest that few IDPs are supported by their family members in their original areas." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 11-12)

Employments need to be created in urban areas to reduce pressure on basic infrastructures (March 2003)

- Trends of urban migration have made poverty a significant characteristic of urban areas. Figures of 1996 show proportion of poor of 34% in urban areas, as compared to 42% for the entire country and 44% in rural areas.
- Influx of IDPs have exacerbated these trends with annual rate of urban population increase may have risen to more than 5%.
- Many of these newcomers are poor and put additional pressure on basic infrastructures.

"Most analyses of poverty focus on rural areas, as this is where the greatest numbers of poor reside. However, with continuing migration to urban areas poverty is not longer confined to the countryside. The statistics below illustrate that poverty is now a significant characteristic of urban areas. Of the estimates given, perhaps the Nepal Living Standards/World Bank study of 1996 is the most detailed. It estimates that the proportion of poor is 34% in urban areas excluding Kathmandu Valley. This is only 10% less than the average of 42 % for the entire country and 44% in rural areas only.

The implications to urban areas are serious. The influx of IDPs has exacerbated trends that have rapidly accelerated. As shown in Annex 6, the annual rate of urban population increase may have risen to more than 5%. Many newcomers are poor and unable to pay for the services and facilities that they require. Those urban areas under municipal administration have a responsibility to provide urban services on a sustainable cost recovery basis by raising own source revenues. Inability to pay introduces a serious stumbling block to this objective. Ultimately the solution lies in creating employment opportunities for migrants, so that they may participate in society on an equal basis, and by implication pay for the services they require. Failure to achieve this may encourage a sub-culture to develop, the manifestation of which are slums and illegal settlements on a scale hitherto unseen in Nepal." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, Annex 7)

Public participation

Majority of IDPs living in rural areas felt little discrimination from their host community (March 2003)

- Majority of IDPs living in rural areas felt little discrimination from their host community and are integrated in social events and the local economy.
- In more isolated or separate IDP settlements, there are few interaction with the host community
- Where education and health facilities are scarce, the increase in population as a result of displacement can put pressure on these services.
- Some IDPs are disappointed that few organisations are active in promoting their welfare. Food and shelter as the main needs of IDPs.

"The SNV/INF survey suggested that the majority of IDPs living in rural areas felt little discrimination from their host community. Festivals were commonly celebrated together and toilet facilities / grounds were usually shared without problem. Where the host community comprised family and friends they were often helpful in providing food, shelter and clothing. Food and other necessary items are often bought in the same markets as the host communities, providing a boost to the local economy. In Nepal's growing towns,

a significant proportion of the host community has also recently arrived and therefore are perhaps more accepting of new arrivals than host communities in more stable rural areas.

While this is a general overview, there are exceptions, particularly where IDPs live in their own temporary settlements and form discrete communities. In these areas IDPs often felt that they were either tolerated or disliked by the local host communities. The survey revealed cases of conflict over the use of land and footpaths and instances where IDPs felt humiliated because of host community attitudes. It also found that in some cases, for example in settlements along rivers where IDPs are involved in stone breaking, people were so focussed on survival and work that they had little time or reason for interaction with neighbouring communities. Most IDPs expressed disappointment that there were no organisations active in promoting their welfare.

Education and health facilities are scarce in many places and in such areas the increase in population as a result of displacement can put pressure on these services. IDPs are often unable to access these services due to insufficient income and sometimes a lack of awareness or knowledge.

In general, IDPs are hesitant to share their background with the local community, often out of fear of reprisals from one side or the other. Instead they prefer to maintain good relationships in order to minimise trouble and maximise their chances of employment.

(...)

Host community members interviewed during the SNV/INF survey indicated that IDPs have been arriving for at least 2 years and that the process accelerated after the state of emergency in November 2001. Respondents seem aware why IDPs flee and why they choose particular areas to settle.

They identify food and shelter as the main needs of IDPs and express concern about the pressure of new arrivals on education and health facilities. They also frequently highlighted the lack of organisations to support IDPs. Most respondents claimed that IDPs are welcome to join their festivals and that they have good relationships with displaced people. Members of host communities generally assume that IDPs will return home when the security situation improves. Some stated that the Government should solve the IDP problem by facilitating the return of IDPs to their villages.

Data from the RUPP survey are consistent with this overview. 71% of the TLOs in RUPP municipalities claimed that there were no significant problems between host community members and migrants. However this refers to migrants as a whole rather than IDPs and IDPs in these areas will generally be better integrated than those living outside municipalities." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp.13-15)

Access to land

Ex-Kamaiyas encroach on 10,000 acres of government land in protest over state's empty promises to rehabilitate them (August 2004)

- Frustrated with government's empty promises and apathy ex-Kamaiyas have grabbed some 10.000 acres of state-owned land in protest
- Fifth postponing of land distribution for ex-Kamaiyas raise doubts on government's willingness.
- The size of the plots offered to ex-Kamaiyas is far from what is needed for basic food-sufficiency of a family.
- Long-term strategies are needed to provide Kamaiyas with sustainable livelihoods in the future.

"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-Kamaiyas 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." (Oneworld 13 August 2004)

"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 katta (0.15 hectare). Whole settlements are planned with plots of 3 katta 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." (MS Nepal October 2001)

Study among displaced landowners shows a third have rented out their land (April 2003)

- 28 per cent of displaced landowners still relied on income from their land after displacement, 24 per cent have borrowed money, 24 per cent have taken up other activities, 15 per cent have started small business ventures, and two per cent are in receipt of government compensation.
- The majority declared themselves to have farmed their own land and not to have employed extra labor.
- 44 per cent have been able to retain a degree of involvement by continuing that relationship. 30 per cent have rented out their land; and 14 per cent have allowed the laborers to cultivate the land for free.

This information is based on interviews conducted among 2,334 displaced landowners from 53 different districts.

"As to their current livelihood status, 28 per cent still relied on income from their land (in the case of those displaced from homes in the eastern region this category amounted to 62 per cent), 24 per cent (39 per cent of those from the mid west) have borrowed money, 24 per cent have taken up other activities, 15 per cent have started small business ventures, and two per cent are in receipt of government compensation. Many expressed concern that their savings will soon be exhausted if they cannot return home soon. As regards their relationship to other members of their families, 67 per cent have their children with them and 33 per cent have left them 'at home'; older family members and women tend to have been left behind - of these, the majority (57 per cent) are still farming.

The majority of these displaced persons were landowners and wealthier peasants, but many were not obviously members of the rural elites, suggesting that there may have been other reasons for their displacement than their class status. This is simply not explored. Those from the eastern region included many larger landowners and the average size of holding prior to displacement was 4.88 hectares of irrigated land. The average size of landholding of those from other regions was substantially less, ranging from 1.7 hectares for those from the far west to between 1 hectare and 0.5 hectare for those from the central region. The majority declared themselves to have farmed their own land and not to have employed extra labour, 45 per cent had employed labour on their farms. In the case of those from the mid west and far west, the proportion of employers was significantly higher, around 60 per cent in both cases. Most employers employed both a small number of permanent (in some cases bonded) labourers (particularly in the mid and far west) and a larger (but still small) number of daily wage labourers in the peak season.

Many were involved in various kinds of sharecropping arrangement and many (44 per cent) have been able to retain a degree of involvement by continuing that relationship. Others (30 per cent) have rented out their land; and 14 per cent have allowed the labourers to cultivate the land for free. Despite the fact that these various arrangements have been maintained to ensure that land is still cultivated, the study concludes, largely because of the land that would be now left fallow and uncultivated (khet land - 31 per cent of total, bari land - 46 per cent of total and pakho land - 58 per cent of total), that "the conflict and the resulting displacement of the landowners have affected cultivation practices and involvement of the landowner in all the land categories, thus affecting production everywhere on the farms" (2003: 23). They suggest that this will result in a severe decrease in output.

Some of the displaced persons had managed to retain labourers, as their farming activities continued under the management of those adults left behind; but the general effect of their departure was to reduce the numbers employed. Most of the displaced persons had no idea what the former labourers they had employed were now doing, although a significant minority (mainly those still farming) were in touch with their labourers. The study reports that 46 per cent of displaced persons thought that the situation of their former employees would not have changed much as a result of their employer's departure, 36 per cent considered that their situation would have deteriorated and 3 per cent thought their situation might have improved. The study itself concludes that, in general, the former employees and workers would have suffered a deterioration in their livelihoods as a result of the departure of their former employers (2003: 19-20).

In some areas, notably the mid west, it seems that the former labourers may now be working the land of these displaced farmers. The study suggests that "many of the former workers have been allowed to continue cultivating the land belonging to their owners." (EC & RRN April 2003, pp.

DOCUMENTATION NEEDS AND CITIZENSHIP

Documentation needs

Nepalese displaced to India obliged to get an "identification certificate" from the Indian police (January 2004)

- Indian police request Nepali migrants fleeing the conflict or looking for job opportunities to get an 'identification certificate' to stay in hotels or apply for a job.
- Many Nepali traditionally migrate to India in search for jobs, but the flow of migrants has sharply increased since the intensification of the 'People's war' in 2001.
- Some 100 Nepalese arrive in Dehli every day.
- Since the end of 2003 and the tightening of the security situation in India, it has become more difficult for Nepalese to get a shelter and job in India.
- There is no data on the proportion of conflict-affected people compared to traditional migrants.

"Delhi Police has started collecting personal details of Nepali visitors here as more and more people displaced from the current conflict in Nepal have begun to arrive here for jobs and safety.

The police has made "identification certificate" compulsory for Nepalis in order to stay in hotels or to apply even for menial jobs in the city, said Pradeep Khatiwada, first secretary at the Royal Nepalese Embassy.

He also said that the identification certificate has been made compulsory especially for domestic helpers, such as cooks and housemaids since there has been rise in domestic crimes in the capital city.

An estimated 100 Nepalis come to Delhi every day searching for menial jobs as they fear atrocities back in Nepal due to the on-going conflict. They end up in restaurants, hotels and as domestic helpers often with little or no pay.

As per the government rule, an employer should pay at least Rs 2,500 as minimum wages to the workers but in practice, many labourers effectively get nothing.

(...)

According to Durga Prasad Aryal, chairman of the Pravasi Nepali Mitra Manch, an organisation of Nepalis residing in India, which helps Nepalis during crisis in Delhi, more people have been coming from Nepal to hunt for jobs and safety.

'But they contact us only when they are caught in problems or need financial help,' he said.

He further said that with the tightening of security situation in India especially following the meeting between the CPN-UML leader Madhav Kumar Nepal and the Maoist leaders in Lucknow about two months ago, it has become difficult for a Nepali to get a job and shelter in India.

Tika Ram Wagle, general secretary of the Nepali Congress-affiliated Nepali Jansampark Samiti (NJS) in Gurgaon, Haryana, said the police in Delhi has started hunting down the Nepalis following the Lucknow meeting between Nepal and the Maoist leaders.

Bal Krishna Pande, information officer of the NJS said a delegation of Nepalis here met with the Uttar Pradesh Chief Minister Mulayam Singh Yadav to apprise the latter of the hardships faced by innocent Nepalis in India.

Though the conflict in Nepal has forced more rural people to come to India for safety and jobs, there is no authentic data on the actual number of Nepalis working in India following the conflict.

But in number of hotels, restaurants, residential houses, circus and tea-stalls, it is the cheap Nepali migrant labour force that constitutes the major workforce." (The Kathmandu Post 27 January 2004)

People fleeing to India need to bribe officials to get clearing papers (December 2002)

- 8,000 people a week crossing the Nepal-India border near Nepalganj at the beginning of December 2002.
- Papers needed to prove non-affiliation with Maoists are only available in few VDCs and IDPs have to travel to other district headquarters and often bribe the local authority

"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 their villages need letters from the authorities to prove to Nepali and Indian police that they are not Maoists. But since most VDCs and police posts don't exist, refugees have to travel to the district headquarters of Dailekh, Jajarkot, Rukum, Rolpa and Surkhet to queue up for their papers.

Tilak Oli is a labour broker in Nepalganj who tries to connect Nepali workers with Indian employers. Indian contractors hired a group of 66 of his workers who said they had to pay a bribe of Rs 1,800 to the local authorities at Chhinchu VDC in Surkhet district.

When contacted, VDC secretary of Chhinchu, Guman Singh Neupane, said his office did not charge any fees for issuing clearance papers. Our investigation showed that lower level staff at the local police post had indeed raised money from the 66 villagers to provide them the letter of safe passage. Incidents like this make many villagers glad to be leaving a land where there is no justice anymore, and where they are exploited by both the government and the rebels." (The Nepali Times 19 December 2002)

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

General

Displacement affects the social and cultural life (2004)

- For most of the displaced, the shift from rural areas- where life is characterized by cooperation, solidarity and shared values-, to urban areas has an important psychological impact.
- Many of the displaced are deprived from participating in the cultural activities in their areas of arrival and this made them feel sad and depressed, according to interviews conducted among IDPs.

"The migration of a person away from his homeland causes a great impact in his social life. Rural life is characterized by cooperation, support and intimacy and every aspect of life is directed by their accepted values but when one reaches to a new place where most of his values, beliefs, traditions are looked down at, then certainly he feels very disheartened and alone. He has to undergo bitter experiences of non-cooperation and he feels like he has lost all his prestige and dignity. This makes a man psychologically weak.

Cultural Festivities and Ceremonies

Traditions, culture, festivities and accepted practices tie humans together in a group and factors like this keep human society towards civilization. It is an inborn right of a human to participate in cultural activities and when one is deprived from such opportunities, this may deter personal growth. Displaced people who were interviewed said that they missed their hometowns, the festivals, the celebrations and practices and also said that such deprivations make them feel sad and disheartened." (INSEC April 2004, pp. 117-118)

PATTERNS OF RETURN AND RESETTLEMENT

General

Massive returns unlikely to take place in the near future (March 2005)

- 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.

"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." (SAFHR, March 2005, pp. 35-36)

'Invisibility' of IDPs constrains any effort to assist in return and rehabilitation (June 2003)

- Delays and lack of urgency and even seriousness have increased the levels of distrust and uncertainty about the peace process.
- Chairman of the Nepal Communist Party –Maoists, Prachanda, has appealed for displaced people to return home, but few of the displaced have begun the journey back.
- Thousands of IDPs remain virtually invisible and beyond policies and action that could assist in return and resettlement or integration.

"On the 29 January 2003, a ceasefire was announced and hopes for long-term peace were raised. The ceasefire is not a peace and even five months after the peace talks have yet to begin in earnest. The deliberate delays and lack of urgency and even seriousness have increased the levels of distrust and uncertainty about the peace process. King Gyanendra's move on Oct. 4 to dismiss the elected caretaker government and seize executive power has undermines the Constitution and marginalized the political parties which have taken to the streets in protest. The tactical maneuvering for power between the Place-Army and the political parties has complicated the capacity and urgency to meet the Maoist challenge.

Confusion continues to prevail about the implementation of the code of conduct with continuing arrests and killings of 'suspected Maoists' and reports of extortion and intimidation in the Maoists control areas. Chairman of the Nepal Communist Party –Maoists, Prachanda, has appealed for displaced people to return

home. However with virtually two states authorities in place, it is not surprising that few of the displaced have begun the journey back though the out-movement has stopped. Media reports quote seasonal migrants to India feeling confident enough to return. However, reports of "hordes" of people "flooding to their homeland" from India are likely to be merely impressionistic (Kathmandu Post 17 Feb, 2003).

Moreover, with all but a minimal fraction of the IDPs in Nepal registered, thousands of IDPs remain virtually invisible and beyond policies and action that could assist in return and resettlement or integration. Some of the initiatives mentioned above are a beginning towards a concerted effort to pay attention to the situation of 150,000-200,00 IDPs in Nepal" (SAFHR June 2003, p. 21)

Many of the poorer IDPs likely to settle in their areas of displacement (March 2003)

- In the event of a stable settlement to the conflict 'some people will stay and some will return home.
- Factors influencing the IDPs decision 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

"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." (GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project, March 2003, pp. 12-13))

Return

Survey of IDPs in 14 districts shows only half would be willing to return (March 2005)

- 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.

"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." (WFP, March 2005, pp. 9-

"The truce declared by the Maoists and the government recently shows signs of positive response, as many displaced people are contemplating to return home in the insurgency-hit western and eastern hills of the country.

In fact, a small number of people has already gone back from the capital and some district headquarters, reports compiled here said. Many more from the western and eastern are in the process of leaving, but many more await further developments before making a final decision.

This is the picture painted by reports pouring in from several insurgency-racked districts in the hills, as well as the lowlands where many displaced villagers have settled after fleeing the violence.

'An overwhelming hope muffled us right after the declaration of cease fire. However, we are reluctant to return when we think of the Maoists' treatment during the cease fire last time,' said Krishna Kumar BC, the outgoing chairman of Haagi Gaon VDC in Dailekh district. BC has been taking refuge in Birendranagar with his family members for the past two years.

During similar cease-fire 16 months ago, the Maoists forcibly collected donations and tortured the villagers mentally, according to BC 'The Maoists should create an environment wherein the displaced families can return home and stay peacefully, devoid of economical, social and mental exploitation,' he said.

However, Pankha Bahadur Bista, the district chairman of the Nepali Congress (Democratic) of Kalikot is hopeful of returning home. He has been taking refuge in Birendrangar for the past three years.

Still some of the displaced families in Birendranagar are anxious over the fact that they have nothing to return to in their homes. Their houses were either destroyed or ransacked. "The Maoists looted all the things from our houses. The government has not given any compensation for us. So, we will have nothing to eat even if we returned," said a member of a victimised family who did not give his name." (The Kathmandu Post)

Some 28,000 villagers return home in eastern Nepal after Maoist lift attack threats (September 2004)

- Some 28,000 people who fled the threats of Maoist attack in eastern Nepal, started returning gradually after only a few days.

"Villagers in remote eastern Nepal began filtering home Thursday after Maoist rebels lifted a threat to attack the area and install a "people's government," police said.

"The people are gradually returning to their respective residences including government officials and businessmen and the buses have started rolling," said a senior police officer who wished to remain anonymous.

The army deployed heavy security in the remote eastern districts of Ilam and Panchthar after the Maoists, who have been waging a bloody eight-year battle to overthrow the constitutional monarchy, said they would attack September 8 and install a "people's government" in the area.

They warned people to leave to avoid getting hurt.

Some 10,000 villagers in Ilam fled their homes after the threat and at least 18,000 people from Panchthar left, local human rights activist Yogesh Kharel Kharel said. Other residents had locked themselves inside their homes.

Villagers started returning home Thursday after the Maoists telephoned a human rights group, the Informal Service Sector Centre, giving them permission to return." (AFP, 9 September 2004)

HUMANITARIAN ACCESS

General

Government restrictions on international staff and dialogue with the Maoists limit assistance to the displaced (June 2005)

- In the absence of a dialogue with the Maoist, to which the government is firmly opposed, the safety of the expatriate staff cannot be guaranteed. This is hindering the deployment in the field and assistance to the displaced.
- Limit of one international staff by INGOs imposed by the government is also hampering the effectiveness of the humanitarian response.

"(...) Operations have also been hampered by the Government's insistence on no dialogue with the CPN/M, without which staff safety and security cannot be guaranteed.

During a three-day visit to the Terai (India/Nepal border) in the far west of the country, only one resident international UN staff member was seen. The large majority are in Kathmandu. The mission heard repeatedly about the challenges faced by national staff in the field, especially security and access concerns due to suspicions and demands for concessions from all parties. Agencies need to urgently increase international staff field presence wherever possible in order to strengthen representation and improve monitoring of the situation and project implementation.

The Government places severe restrictions on the 46 international NGOs in Nepal, limiting them to one international staff member each. These restrictions as well as difficulties of humanitarian access complicate delivery of services to IDPs. Local NGOs are numerous, widespread and active, but they need stronger international support, especially in the field. OHCHR's planned field presence will be crucial in this respect, as could OCHA's." (IDD, 2 June 2005, p. 4)

Many aid agencies suspend their work in rural areas under Maoist pressure (June 2004)

- Until recently, Maoists have not represented an obstacle to the conduct of aid or development activities and no systematic dialogue has therefore been engaged with them.
- In recent months, insecurity and requests from Maoists to aid agencies asking these to register with them in areas where they operate has made it increasingly difficult for projects to be implemented.
- In May, SNV, DFID and GTZ were forced to suspend their education and health work in Kailali district in the Far-Western region. Following attacks and threats on their offices in the north-west of the country, several NGOs issued a statement that they would suspend their work in these districts.
- Following the collapse of the ceasefire in August 2003, MSF, who was conducting health projects in the Mi-Western region, was forced to severely limit its activities under threats by the Maoists and unacceptable demands.

"4.1 Up to now the United Nations has not engaged in systematic dialogue with the Maoists on access-related issues, partly for lack of an identifiable interlocutor, but also because the Maoists, until recently, were not unduly impeding activities.

4.2 In recent months, however, UN agencies and NGOs have found it increasingly difficult to operate in Maoist-controlled areas. In addition to the risk of armed clashes breaking out unexpectedly, agencies are now confronted with unacceptable demands from the Maoists for control over programmes and resources, backed by implicit threats of violence. While such demands are still sporadic they are clearly on the rise and have already caused donors and agencies to suspend rural public works and food security programmes benefiting some 55,000 people." (OCHA/IDP Unit June 2004, p. 3)

"The Maoist insistence that aid agencies stop working with the local government and sign agreements with them instead has forced some to suspend basic health and education programs in rural areas.

Last month, the Dutch aid agency, SNV, Britain's DfID, and Germany's GTZ suspended their programs in Karnali Zone and Kailali district. More than 55,000 people are directly affected.

Now, Swiss Development Cooperation (SDC) is considering terminating work in areas where rebels are insisting that the agency formally recognise the Maoist local administration. SDC works in 54 of Nepal's 75 districts with basic health, forestry and education and many of its projects are regarded as models for cost-effectiveness, sustainability and local participation.

'Wherever we go in these places, someone shows up and asks us to recognise their administration,' says Joerg Frieden, SDC's Kathmandu-based director who has just returned from a fieldtrip himself. 'How can we have double standards by recognising both the government and the rebel administration?' This is exactly the same question other donors are asking.

This is the first time local Maoist cadre demanded that aid agencies work through them. Earlier, it used to be threats against Nepali staff and extortion. On 10 May, a consortium of donors including SNV, GTZ and DfID put out a statement through the media saying that their projects in Nepalganj and Dhangadi had been threatened, their offices bombed and staff intimidated. They said they were closing activities in Karnali's Mugu, Humla, Jumla and Dolpa districts where they had supported the Rural Community Infrastructure program. GTZ and DfID also suspended their support for the Freed Kamaiya Food Security program.

The situation has worsened in the past month, according to one European aid worker. Now it is not just the NGOs who are being threatened—even the representatives of the donor agencies are under increasing pressure.

Asked if they are not playing into the Maoist's hands by stopping their activities, another donor official in Kathmandu admitted it would be Nepalis most in need who were going to suffer, but staff security could not be jeopardised. 'Also, recognition of the local Maoist government is just not acceptable until the rebels give up violence,' said the official.

The Maoists, for their part, are hoping that by forcing out what little development is still going on in the rural areas, they will further discredit the government that is already non-existent in large parts of the country. But it is clear that the biggest losers will, as always, be Nepal's increasingly desperate villagers." (Nepalnews June 2004)

"The majority of deaths in the war have taken place in the Mid-west and the bulk of those have occurred in the past two years. The ability of people to move between government and Maoist areas - even medical patients - is restricted by the Maoist demand for written permission to move, and the ever-present army patrols.

The import of medical supplies into the highly-affected districts, and the distribution of them out to Health Posts is controlled, not by health officials, but by the Chief District Officer (CDO). The government's fear of the Maoists looting medical supplies is inhibiting the ability of the population to receive medicines. Health workers fear harassment from both sides, from the Maoists, who force them to treat their cadres anywhere, anytime, and from the security forces who, under draconian seize and interrogate laws, can hold anyone without trial for up to three months. Tragically, health workers are often accused by the security forces of working for the Maoists, when in fact they have been compelled by the insurgents to treat their colleagues. According to Amnesty International, Nepal has one of the highest rates of political disappearances in the world; officially over 250 have been registered since the start of the war, but unofficially people say over 500 people have disappeared for political reasons. The Mid-west has the highest incidence of disappearances in the country. Life in the region has always been difficult, but the mounting intensity of the conflict has made it doubly so.

The Mid-west is the antithesis to Kathmandu, it is an area on the edge of survival; a region where people eke an existence from a difficult land. It is a place of tension; district capitals sieged by insurgents, rural areas controlled by sometimes lawless local commanders. The Mid-West suffers from the worst health statistics in the country and no-one seems to care.

Following assessment visits to Nepal in 2002, the decision was made to start working in conflict-affected Mid-West area. In January Médecins Sans Frontières opened a primary health care project in Rukum, and my colleagues there are now providing hands-on medical support, drugs and other materials to the 20-bed district hospital as well as a network of clinics in the mountains. I arrived here six months ago to establish a project in Jumla, with the aim of providing medical support to the whole district of 95,000 people.

However the Jumla project has been plagued with difficulties. The labyrinthine Nepali bureaucracy has stalled Médecins Sans Frontières' national registration process. The lack of legal status as an NGO has inhibited our ability to import drugs and medical equipment in the country. Logistics and human resources problems delayed the team setting up the base outside of the Jumla district capital. But most significantly the breakdown of the ceasefire between the Maoists and the government on 27 August 2003 led to the restriction by the insurgents of all NGOs working in their areas. The primary health support structures that had initiated in the district were effectively out of touch to us. Médecins Sans Frontières tried many times to contact higher level commanders in the district to negotiate access back into the area, but eventually this led to Doctor Ricardo Aguilar, myself and two Nepali staff being held by the Maoists against our will. Threats were made - we were to be taken to the jungle for five years to treat Maoist soldiers - and eventually we were forced to sign a set of preconditions by which Médecins Sans Frontières could work in the area. We escaped by moonlight at 4am the next day. The prerequisites we were required to acknowledge are unacceptable as they wholly limit Médecins Sans Frontières' ability to operate freely. Since the incident we have had to limit our activities to providing assistance to the health posts through a remote-control system and assisting the district hospital which is in Jumla town itself. But no matter how many setbacks have occurred we continue our efforts to engage the Maoist command in discussions on the health needs of the population under their control." (MSF 2004)

NATIONAL AND INTERNATIONAL RESPONSES

National response

National response to displacement: discriminatory and insufficient

Government response

Since the beginning of the conflict, the government has to a large extent ignored its obligation to protect and assist IDPs. Its response can be described as inadequate, discriminatory and largely insufficient.

Although the government established several compensation and resettlement funds for victims of the conflict, most dried up after a relatively short time. Also, government assistance has only been provided to people displaced by the Maoists. Authorities have not encouraged 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 has 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 have also been indications that funds have been arbitrarily disbursed and that only those with the right political connections have been able to access these them (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 breadwinner 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.

Since the royal takeover, the government has 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).

It remains to be seen if these promises will be fulfilled at a time when the government appears to be accountable to no one but itself and does not seem even willing to assist those it considers as the only legitimate IDPs – those forced from their homes by the Maoists. In April, the government pledged that it would respond quickly and efficiently to the needs of those displaced by the Maoists (Kathmandu Post, 6 April 2005). However, two months later the police brutally ended a peaceful demonstration of displaced

people asking for food and shelter. Some 150 IDPs were detained on the charge of shouting anti-government slogans (IRIN, 7 June 2005).

National organisations working with the displaced and providing assistance

The **Nepal Red Cross Society** [\[Internet\]](#), which has maintains a network in Nepal's 75 districts has been assisting IDPs since the conflict started. During 2004, it assisted a total of 8,000 families in the mid-western and far-western regions by distributing relief material to them. (See annual report 2004).

INSEC [\[Internet\]](#), is Nepal's largest human right NGO. In addition to its human rights monitoring and advocacy activities, INSEC has also been active in [assisting the displaced return](#) to their home during 2004.

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](#).

See also:

"Maoist victims demand internal refugee status", The Kathmandu Post, 14 August 2004 [\[Internet\]](#)

"Maoist victims restart campaign", BBC, 3 August 2004 [\[Internet\]](#)

"Deuba urged to revive displacement allowance", The Kathmandu Post, 24 June 2004 [\[Internet\]](#)

"Govt withholds victims'aid, proffers cash crunch excuse", The Kathmandu Post, 15 November 2003 [\[Internet\]](#)

International response

International response: slowly shifting in response of IDPs

In the obvious absence of an appropriate response from the government, one could have expected the large international aid community already present in Nepal to react swiftly to fill the assistance gap left by the national authorities. However, it is only recently that the seriousness of the IDP problem seems to have been acknowledged by the international community, which seems now willing to take a more proactive role and accept more responsibility for the displaced.

Many UN agencies and international NGOs have been in Nepal for numerous years providing development-oriented assistance, but almost none provide humanitarian relief or target their assistance at IDPs. Instead, most agencies have preferred to assist conflict-affected areas mainly through already existing development programmes. However, since the intensification of the conflict in 2001, many aid programmes have been hampered or stopped by poor security conditions in rural areas. In 2004, many organisations had to suspend their activities due to an intensification of the fighting and restrictions imposed by both sides (Nepalnews, June 2004; OCHA/IDP Unit, June 2004, p.3). Faced with this reality and the deterioration of the conflict and human rights situation, more agencies seem now ready to shift their focus from development to humanitarian aid.

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 have 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 have during the past year assisted the UN Resident/Humanitarian Coordinator, responsible at the field level for the strategic coordination of protection and assistance to IDPs. The IDD mission further encouraged all agencies to step up their activities towards meeting the needs of the displaced, pointing out that many agencies were still too development-focused and entrenched in a "business as usual" attitude. Donors were also strongly encouraged to support the shift from development to humanitarian action (IDD, 2 June 2005, pp.3-6).

Clearly, more efforts are still needed by both the government and the aid community to effectively address the needs of the displaced.

The government, which has the primary responsibility to assist its displaced citizens, has to establish a non-discriminatory and comprehensive IDP policy, for which the UN Guiding Principles on Internal Displacement can serve as a valuable guiding tool. The government accepted in April the setting up of a human rights monitoring operation by the UN Office of the High Commissioner for Human Rights. The mission will monitor and report on human rights abuses as well as provide advisory services to the government (UNOHCHR, 11 April 2005). Although the government was clearly reluctant to see the UN monitor more closely its war against the Maoists and only accepted under pressure during the last session of the Commission on Human Rights, this is nevertheless a positive step towards increasing scrutiny of human rights abuses and making both the government and the insurgents accountable for their actions.

The international community needs to agree on an IDP strategy and a clear action plan for meeting the protection and assistance needs of the displaced. In July 2005, a Consolidated Appeal Process (CAP) workshop took place in Nepal. The CAP Nepal, which will be launched in early September, will help agencies establish a common understanding of the humanitarian priorities and hopefully lead the way to an improved assistance to IDPs.

International NGOs working with the displaced

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.

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. [\[Internet\]](#)

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

See here an [updated list of organisations](#) assisting the displaced in Nepal

Reference to the Guiding Principles on Internal Displacement

Global IDP Project conducts a two-day workshop on the Guiding Principles on Internal Displacement (March 2003)

- Workshop on the UN Guiding Principles on Internal Displacement conducted by the Norwegian Refugee Council/NHRC and held in Nepal in March 2003 called for the enactment of legal provisions and formation of a comprehensive plan and policy for the rehabilitation and resettlement of IDPs.
- Attendees to the workshop were representatives of many NGOs and INGOs, the home ministry, UN and the Municipal Association of Nepal.

"A two-day workshop on Internally Displaced Persons (IDPs) concluded with a call for the enactment of legal provisions and formation of a comprehensive plan and policy for their rehabilitation and resettlement.

The workshop which was held at Dhulikhel was jointly organised by the Global IDP Project of the Norwegian Refugees Council (NRC) and the National Human Rights Commission (NHRC).

'Even though we have conducted research in many districts it would be very hard to verify the exact number of displaced people within the country,' said Sushil Pyakurel, a commissioner for NHRC.

Pyakurel was trying to dispel earlier talk about government statistics and those provided by the NHRC which were miniscule when considering the propensity of the civil conflict and the toll it has had on Nepali lives in the last seven years.

'Our major aim is to provide training and support to governments and NGOs in conflict areas and to raise awareness,' said Bjorn Peterson of the Norwegian Refugees Council. Attendees to the workshop were representatives of many NGOs and INGOs, the home ministry, UN and the Municipal Association of Nepal. Addressing the closing session of the workshop, Pyakurel said that the commission would undertake necessary steps to ensure that the recommendations of the workshop were implemented. 'It is important to resolve the issue of IDPs judiciously to translate the present truce into a lasting peace,' he said. On the occasion, it was also decided that the Global IDP project would include Nepal in its database that contains information on the situation of IDPs in more than 50 countries." (The Himalayan Times 6 March 2003)

ABBREVIATIONS AND ACRONYMS

AFP	Armed police Force
CDO	Chief District Officer
CPN (Maoist)	Communist Party of Nepal (Maoist)
CPN (UML)	Communist Party of Nepal (United Marxist Leninist)
CWIN	Child Workers in Nepal Concerned Centre
DDC	District Development Committee
DSC	District Security Committee
GTZ	Gesellschaft für Technische Zusammenarbeit
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
INF	International Nepal Fellowship
ISCP	Information System for Contingency Planning for Nepal
ISPD	Integrated Security and Development Plan
Kamaiyas	Bonded agriculture labour
NC	Nepali Congress party
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NRC	Norwegian Refugee Council
Panchayat	a political system of non-party rule
RNA	Royal Nepal Army
RPP	Rastriya Prajatranta Party (National Democratic Party)
Rs	Rupees, Nepali currency
SC-UK	Save the Children-UK
SJM	Samyukta Jana Morcha, United People's Front
SNV	Netherlands Development Organisation
TADO	Terrorist and Disruptive Activities (Control and Punishment) Ordinance
TCA	Torture Compensation Act
UN	United Nations
UNDP-RUPP	United Nations Development Programme - Rural Urban Partnership Programme
VDC	Village Development Committee
WFP	World Food Programme

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