



OCHA Nepal Situation Overview

Issue No. 1/ Feb-March

Kathmandu, 7 April 2006

Report highlights:

- Deepening of political differences and intensification of the armed conflict.
- Continued and low profile displacement of persons affected by the conflict.
- Avian Flu threat and preparedness.
- Efforts to improve coordination among the aid community.
- Progress in establishing mechanisms to improve access, advocate for adherence to the UN and Donor Basic Operating Guidelines and address violations.

This issue is the first one of a series of reports that OCHA, in collaboration with UN agencies and partner NGOs, will be producing monthly to inform donors and the aid community of the trends and issues affecting humanitarian and development work in Nepal. In order to enhance the report content and scope, OCHA is hoping to receive inputs from its users. A series of thematic reports exploring how the conflict is affecting the life of Nepalese is also under preparation.

1. THE CONTEXT

Main political developments

King Gyanendra's highly awaited address on 1 February reiterated the royal takeover as a means towards restoration of democracy and ignored the emerging alliance of the main political parties and the CPN-Maoist reached in November through a 12-Point Understanding.

During the reporting period, municipal elections were held on 8 February despite active opposition by the seven major political parties as well as intimidation and violence by the CPN-Maoist. Over 50% of the candidates were elected unopposed and the overall voter turnout was very low. Only some 20 percent of eligible voters participated compared to the general election held in 1999 when 66 percent voted. Many foreign governments expressed discontent over the elections.

February was also marked by the CPN-Maoist Chairman Prachanda's first public appearances in national and international media since 1981 to mark the 10th anniversary of the start of the insurgency. During an interview to the BBC, he reiterated his willingness to accept multiparty democracy but maintained the CPN-Maoist's primary demand of holding a constituent assembly election.

The landmark Supreme Court's ruling regarding the unconstitutionality of the Royal Commission for Corruption Control was immediately followed by the release of imprisoned former Prime Minister Sher Bahadur Deuba, who had been jailed for two years on corruption charges by the Commission last July.

A nationwide blockade called by the CPN-Maoist in the second half of March was withdrawn after a few days, reportedly to allow space for the Seven-Party Alliance to organise mass demonstrations against the government over four days from 6-9 April. The government moved quickly to block preparations for the demonstrations. On 23 March, the General Secretary of CPN-UML, one of the two largest mainstream parties, who had already been under house arrest since 19 January was taken from his home to a high-security detention centre in the outskirts of Kathmandu.

During the reporting period, the US Ambassador to Nepal made a series of public statements urging the Seven-Party Alliance to withdraw from the 12-Point Understanding with the CPN-Maoist and seek reconciliation with the King in order to restore democracy and counter the insurgency.

Escalation of the conflict

The widening political split coupled with the end of a CPN-Maoist 4-month unreciprocated ceasefire translated into an escalation and intensification of the conflict across the country.

UN OHCHR noted a sharp increase in violations of international humanitarian law. It concluded that in many cases the conflict had been drawn into civilian areas by the CPN-Maoist and that inadequate measures had been taken by both sides to protect the civilian population. In February and March, it documented a number of incidents where civilians were killed or injured, either from RNA bombing or indiscriminate shooting in the context of clashes or from improvised explosive devices (IEDs) planted by the CPN-Maoist.

OCHA's Incident Database for February and March shows 55 large-scale security incidents, spread across the five regions in the country, including in Kathmandu, Kavre and Dhading districts in the Central region.

On March 2, two IEDs exploded in the compound of the World Food Program (WFP) sub-office in Damak, Jhapa district in the Eastern region. Though no casualties were reported and no major damage of the office building was reported, security concerns led to the closure of UN offices in Damak for two weeks. The CPN-Maoist made a number of public statements apologizing for what they claimed was a 'mistake' and emphasizing that the CPN-Maoist was committed to friendly relations with the UN and had no policy of targeting its staff or assets.

According to a UNICEF report released in March compiling reported casualties due to victim-activated explosions in Nepal in 2005, proliferation of IEDs and UXOs has increased putting Nepal among the top ten countries affected by victim-activated explosions, between Angola and Chechenya.

http://www.un.org.np/reportlibrary/table_metadata.php?mid=373)

Advocacy and policy

The government released the **Surrender and Rehabilitation Policy 2062** (2006) to encourage CPN-Maoist fighters to surrender and disarm. The policy foresees financial compensation for the arms handed to the government.

The National Policy on Internally Displaced Persons was adopted by the government on 9 March.

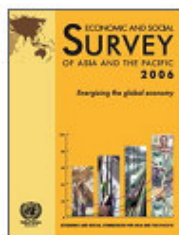
During its mission to Nepal in late March, **Amnesty International** again urged both parties to the conflict to be guided by their commitment to human rights, pointing out that ordinary Nepalese were suffering losses everyday due to the fighting and, women in particular, were the unrecognized victims in the conflict.

Twelve **international media advocacy groups**, which visited Nepal during the reporting period, condemned the increasing restrictions on the media, pointing out that Nepal has more journalists in detention than any other country.

2. IMPACT

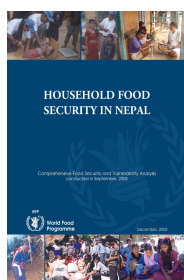
On 30 March, a new report by UNESCAP was released pointing out that the continuing conflict and economic slowdown has been pushing the Nepali economy into a difficult situation.

(<http://www.unescap.org/publications/detail.asp?id=1150>)



Food security and nutrition

A nutrition field assessment carried out by Terre des Hommes' partner NGO linked the ongoing conflict to the nutritional status of children. A total of 369 families that had been directly affected by the conflict (had experienced threats, disappearances, killings of relatives, loss of livelihood) in 10 Midwestern districts were visited by the NGO. Findings show that in every case the children under 3 years of age were malnourished. A number of factors including discrimination and isolation by the community, emotional stress, fear or increased responsibilities as care givers were identified as contributing to malnutrition among children.



WFP's Comprehensive Food Security and Vulnerability Assessment released during the reporting period found high levels of under-five malnutrition—18% acute malnutrition (wasting) in the Terai (compared to 11% countrywide average in 2001) and 64% chronic malnutrition in the mountains (compared to 51% countrywide average in 2001). The study was conducted on 1,676 households across 43 rural districts.

(<http://vam.wfp.org/main/country.jsp?code=524>)

In March, a senior official with the Child Health Division of the Ministry of Health and Population claimed that Nepal has made significant gains in the fight against malnutrition in recent years despite the ongoing conflict. At an orientation programme for media professionals on the role of nutrition for the attainment of Millennium Development Goals, he said that Nepal is one of the seven developing nations, which is all set to meet the target of Millennium Development Goals in the field of child health.

During the reporting period, over 3.5 million vitamin A capsules were sent out from the MOH Regional Stores to all 75 districts. According to UNICEF, arrival of the capsules has

been confirmed in 66 districts. The next nationwide vitamin A distribution will take place in April.

Education

During the reporting period ANNISU-R, CPN-Maoist student wing, continued to threaten community schools across the country in an effort to either force the government to reverse its decision to hand the management of the schools over to the communities, or close them down.

According to OCHA's database covering reports from November to February, 166 schools across the country that have been handed over to the community are either fully (classes and school administrations) or partly (only school administrations while classes are running) closed due to CPN-Maoist opposition. In late March, an OCHA mission to Udayapur district in the Eastern region found that 44 of the 45 community schools in the district were closed. Teachers and community leaders questioned the communities' ability to support and manage schools under the current situation of conflict.

During the reporting period OCHA visited District Education Officers in Kaski, and Bardiya. Both confirmed that bandhs – shutdowns – and curfews had led to the loss of 50 percent of school days in the last academic year (2004-05).

On a positive note, the withdrawal of the March CPN-Maoist blockade of district headquarters relieved more than 330,000 students who started their SLC (nationwide Class Ten) exam on 27 March.

Health

Following reports of two Avian Influenza outbreaks in India in February and March, Nepal is on alert. A number of suspected outbreaks in Morang district were dismissed after samples tested negative for the H5N1 virus. Six districts (Jhapa, Morang, Parsa, Chitwan, Rupandehi and Banke) have been selected by government health authorities, WHO and FAO for comprehensive surveillance because of their high levels of population movement and the open border with India. Each of the six districts is considered a key transit point for trade (including poultry import) with India.

In March, the government approved the National Avian Influenza and Influenza Pandemic Preparedness and Response Plan; \$15.1 million is sought from international donors for the next three years. During the reporting period the UN system established three subcommittees covering the areas of prevention, containment and surveillance, humanitarian assistance and communication to support the government response to a potential outbreak. A World Bank pre-assessment mission is due to visit Nepal 2-7 April to review the national plan, identify gaps and assist the government to further develop a detailed action plan suitable for financing. UN agencies and INGOs are either part of the mission or consulted. USAID, ADB, AusAid, EU/EC are joining the WB team.

UNICEF and WHO-supported Polio campaigns (SNID) were successfully conducted in 15 Terai districts of Eastern and Central Regions January 21-22 and February 21-22.

Protection and human rights (source: OHCHR)

The main human rights concerns documented by OHCHR during this period included: serious violations of international humanitarian law by both parties to the armed conflict; short periods of unacknowledged detention, torture and ill-treatment of individuals accused of links with the CPN-Maoist before transfer to police custody or prison; continued arbitrary detentions under the Terrorist and Disruptive Activities

Ordinance (TADO) and the mass detention of political and civil society activists under the Public Security Act (PSA).

The authorities confirmed that more than 3,000 political and civil society activists were rounded up throughout the country in January and February and held in preventive detention under the PSA. By the end of March, all but seven had been released. OHCHR considered their detention to be arbitrary and illegal.

OHCHR is particularly concerned both about the use of children in the conflict and also that a number of the victims were children. Numerous civilians, particularly administrative officials, were abducted by CPN-Maoist mostly for short periods. There were a small number of allegations of the execution of members of the security forces and of CPN-Maoist members after capture; those cases are under investigation.

All of OHCHR's regional offices documented cases of CPN-Maoist suspects held in unacknowledged detention and allegedly tortured or ill-treated during this period before being taken to police custody or prison. OHCHR also began an assessment of the use of TADO in order to identify irregularities in the cases of those detained, including juveniles. Conditions of detention remained a matter of concern in many places, particularly access to lawyers and medical care. Some progress was noted in Sundarimal interrogation centre where conditions were particularly poor. By the end of March only a handful of detainees remained there and all minors had been transferred or released.

No cases of long-term disappearances following arrest in 2006 have been reported to OHCHR so far. Relatives of the disappeared, civil society activists and OHCHR continued to raise the issue of the whereabouts of those who disappeared over the past years with no progress reported in clarifying their fate.

Special attention was paid to vulnerable groups such as women, children and dalit communities. Among the violations investigated were sexual violence mostly by unidentified armed groups in the Eastern region, threats, intimidation and abduction, and the use of children in armed groups. OHCHR also monitored the arrest and detention of some 30 *metis* (transgender individuals) most of them during a police round-up in Kathmandu in March. All but three were released on bail at the end of March.

Mine Action

Between 1 February to 20 March, 26 civilian casualties (deaths and injuries) due to victim-activated explosions were reported. During these two months, two meetings were held by the MRE (Mine Risk Education) Working Group, a network of 12 organizations coordinated by UNICEF. A working group was established on 'Terminology and Definition' with the participation of the ICRC and seven NGOs, to help ensure uniformity and clarity in the terms used in English and in Nepali. MRE tools were developed, including a prototype 'emergency kit', for preparedness and post-engagement risk education. UNICEF also inserted an MRE component into its Meena comic book on accident prevention, also for use in the emergency kit.

Training courses began on the ethical reporting on children, particularly those affected by armed conflict. The courses, for members of the Federation of Nepalese Journalists, include a major MRE component.

Population Movements

The open border with India and the absence of reliable information and monitoring systems of population movements in the country continue to raise concern.

According to OCHA's NGO partners, during the reporting period, isolated and small groups of internal and external displacements took place in all regions, including 2000 freed Kamaiyas that have migrated to India due to the conflict and lack of housing facilities. However, during a recent OCHA mission to Bajhang district in the Far Western region, villagers mentioned a decrease in the numbers of community members migrating to India due to CPN-Maoist restrictions on movement.

In February, District Development Committee (DDC) officials told OCHA that in some VDCs in Kaski, as many as 90 percent of the economically active population had moved out either to urban centres, Kathmandu, or India, and those left in the district were young children, elderly and women who had stayed behind to take care of them.

An OCHA mission to Dhankuta (18-21 Feb) was briefed about two public executions by CPN-Maoist in 2004, which had led to a high number of displacements, especially among the land-owning high castes and political workers.

Following the 12-Point Understanding between the CPN-Maoist and Seven-Party Alliance last November, increasing numbers of political workers displaced from their villages began to return. This was reported to OCHA teams in Bardiya and Dhanu district. In Taplejung district, in the Eastern Region, human rights activists have reportedly facilitated the return of 30 displaced families to a number of VDCs.

3- OPERATIONAL SPACE

Access

The increasing militarization continues to reduce space for development. According to UNDP, with 90% of VDC Secretaries displaced from their VDCs and with many Chief District Officers (CDOs) living in RNA barracks, programme implementation through government structures and systems is extremely restricted.

During the reporting period district officials told an OCHA mission in Kaski that all the newly elected officials in Lekhnath municipality left for Pokhara before dark everyday due to security concerns. In addition, 49 VDC Secretaries out of 54 had been displaced. In Dhankuta, DDC officials told an OCHA mission that only five VDCs (of 34) had their secretaries in the villages and DDC officials could travel to only 10 VDCs. Visiting Bardiya district in the Mid Western region in late February, OCHA was also told by senior administrative officials that only a couple of VDC secretaries could work out of their duty stations.

During the reporting period OCHA, supported by at least 15 UN, donor organisations and NGOs launched a mapping exercise aimed at documenting thoroughly the displacement of VDC Secretaries throughout the country over the past 10 years. It also initiated a comparative study of the presence that NGOs working throughout the country had in 1996 and 2006 in order to evaluate their level of access to districts.

Basic Operating Guidelines

(<http://www.un.org.np/basic.php>)

According to OCHA's database, 19 BOGs violations were reported during February and March.

(http://www.un.org.np/reportlibrary/table_metadata.php?mid=375)

Interference in programmes by the CPN-Maoist continued to disrupt UN, NGOs and donor activities in some districts. However, more fluid and solid communication channels established with the CPN-Maoist during the reporting period have translated into an increased capacity to resolve incidents. Government authorities continued to be suspicious of NGOs and agencies that are able to work freely in areas with strong CPN-Maoist presence. A number of related incidents of harassment of NGOs by local authorities were reported.

During the reporting period it was noted that in the Mid- and Far Western Regions pressure from the CPN-Maoist for donations and registration has decreased but demands for 'consultation and coordination' have mounted and even led to temporary suspension of activities. In the Eastern region, the CPN-Maoist explicitly warned UN agencies that government offices were legitimate military targets, discouraging staff from working in government offices. In some Eastern and Central districts NGOs have faced more pressure to register and pay donations.

On the other hand, a range of interruptions and blockages to both UN and donor programmes have been resolved during the reporting period through UN channels.

In mid-March, the Donor BOGs Group appealed to the CPN-Maoist to ensure greater adherence to the BOGs by field level cadres.

During the reporting period UNDP, DSS and OCHA made significant progress in the development of a comprehensive BOGs programme. The programme establishes a system for systematic application of BOGs through regional focal points. It also includes major training, dissemination and advocacy projects to promote awareness, understanding and acceptance of BOGs in order to secure and expand development and humanitarian space.

4- COORDINATION

On 9 March, the **Inter Agency Standing Committee (IASC) Nepal** was formed with the participation of FAO, UNICEF, UNDP, UNHCR, UNFPA, WFP, WHO and OCHA; standing invitees are ICRC, IFRC, OHCHR, World Bank, Action Aid, Save the Children US, Terre des Hommes, Action Contre la Faim. IASC is the primary mechanism for inter-

agency coordination of humanitarian assistance and a forum involving the key UN and non-UN humanitarian partners.

On 2 March, OCHA formed the **Contact Group for Nepal**, bringing together UN agencies, donors and NGOs to discuss operational space for development and security. The second Contact Group meeting which took place on 22 March briefed the group on the security situation in the country; introduced the IASC and cluster approach concepts (as defined in the Humanitarian Response Review conducted in 2005) and conducted a presentation on avian influenza planning and preparedness in Nepal and a brief by Terre des Hommes on their study of impact of the conflict on child nutrition.

The Joint Inter Agency Mission Report on IDP to Mid-Western Region 9 -16 December 2005 was presented to the UNCT on 9 March. As recommended in the report, needs assessments are to be conducted in the Eastern and Far Western regions and in the Kathmandu Valley.

The much awaited national policy on IDP adopted by the government during the reporting period is currently being analysed by OHCHR, UNHCR and OCHA to identify gaps and potential areas of support from the UN.

Formal discussions to clarify roles and responsibilities between OHCHR, UNHCR and OCHA in relation to the protection of IDPs in conflict began during the reporting period. Also, the first IDP Protection Working Group, co-chaired by OHCHR and UNHCR, was established.

CAP UPDATE

Nepal's first CAP, which got underway in October 2005 and runs through December 2006, requires over \$63 million for 25 different organizations. By the end of the reporting period, 44 percent of the CAP projects have been funded.

CONTINGENCY PLANNING EXERCISE – 17-19 April 2006 - Kathmandu

As a follow up to the UN contingency planning exercise on complex emergency conducted in May 2005, a workshop, supported by OCHA Regional Office, Bangkok, will look at updating the existing plans, develop contingency plans for natural disaster (e.g. earthquake in the Kathmandu valley and avian flu) and look at lessons learnt from the Pakistan earthquake assistance. IASC Nepal members, INGOs and donors will participate in the exercise.