

**Internally Displaced Persons in Nepal:
More Issues, Less Heard**

Study Report

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Executive Summary

The main objective of this study is to carry out national level studies on existing legal frameworks, best practices and national plans that affect the aspects of the lives of Internally Displaced Persons.

Nature of Displacement

In a post conflict scenario, voluntary-forced dichotomy of displacement is blurrily seen in the Nepalese context. Internally displaced persons (IDPs) do not want to term themselves as IDPs because they have been excluded from various policies and programmes of both government and non-government sectors. Nepal is also exposed to several types of natural and human-induced hazards. A wide variety of physiographic, geological, ecological and meteorological factors contribute to the high level of hazards faced. Disaster induced displacement has been observed for the past 5-6 years as a growing trend. In 2008 an estimated 180,000 people were displaced by floods.

During the conflict period, Nepali organisations, involved in advocacy, relief and rehabilitation programmes, faced problems in ascertaining the actual number of IDPs and their specific locations of settlement. Varied number of IDPs as given by various institutions and organisations, which usually ranged from around 30,000 to 500,000 in number (IDMC, 2010), added further problems to figure out the actual number for relief packages. Since the Maoist movement was running underground, the displaced population on their side was hardly revealed.

Increase in the number of IDPs continues especially from 2007 onward when Madhesi groups in the Tarai region started to protest over the lack of progress in the implementation of the peace process and the lack of opportunities for political and social integration. The violence forced thousands of people, mostly Pahadis, from their homes (IDMC, 2011).

Most IDPs have chosen to stay in their area of displacement, mainly in urban areas (IDMC, 2010), where some have managed to integrate and to find jobs. Many others, including displaced children and women in particular, have struggled to find proper accommodation or access basic services in cities.

Legal Framework

The preamble of the Interim Constitution 2007 guarantees the basic human rights to every citizen of Nepal. "Right to Property" under Article 19(1) provides that all citizens of Nepal are guaranteed by the right to acquire, own, sell and otherwise dispose of property. The IDP provisions have been included in almost every peace agreement. Point 5 of the 12 point agreement between the then seven party alliance and the CPN –Maoist stressed to “create conducive atmosphere to allow all ..., who were displaced from home during the conflict, to return to their respective places with full respect.” According to the agreement, “Both sides [Maoist and Government] agree to maintain the peace in the society normalizing adverse situation occurred by the reason of the armed conflict... .”

In 2007, National Policies on Internally Displaced Persons, 2063 (2007) was updated from the draft of 2006 and which defined an IDP as “a person or family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights”.

Implementation of the laws and policies has been a major question in the interest of IDPs. Rounds of discussions and agreements were conducted, but implementation with a strict monitoring and evaluation mechanism remained a great question. Recently UCPN (Maoist) and other major political parties have agreed on a seven point deal to give the current peace impasse 'a sustained end'. One of the points agreed among the political parties is about the relief packages for the conflict victims (FFP, 2011). To what extent this recently held agreement can bring fate to the displaced people is yet to witness.

Return & Rehabilitation

The returned IDPs have not been rehabilitated properly and those still in the destination areas have to suffer with scarce resources. Lack of coordination among the stakeholders is another problem observed even after the formulation of the IDP policy in 2007. The MoPR itself is overloaded mainly with the political peace process. The issue of IDPs has been a very small part of its activities for the Ministry. The policy gives responsibility of overall coordination to the CDOs in the respective districts who are too over - burdened with other similar coordinating roles. Livelihoods and security concerns were the two main reasons behind the migration of a number of IDPs to their areas of displacement or of their re-displacement elsewhere. There is also a high number of people who have deliberately gone back to their areas of displacement where they were residing as displaced previously on the lookout for improved economic opportunities and who would then be considered as migrants. Those at most risk of re-displacement are politically active people considered by the Maoists as "village feudalists who can no longer dominate villagers". Some people also decided to go back to the urban areas where they first fled because they realise there is insufficient education and economic opportunities in their original homes.

The official data quote a total of seven thousand physical infrastructures damaged during the conflict. Of them, more than 2000 physical infrastructures destroyed during the ten years long conflict have been rebuilt (Republica, 2011). These include the reconstruction of police posts, schools, village development committee and district development committee buildings were carried out in the previous fiscal year by the Reconstruction Project under the Ministry of Peace and Reconstruction. However, no record has been made available by the government yet as how many the displaced persons' description of losses have been recorded and of them to what extent and how they have been compensated.

During armed conflict many IDPs lived in their places of destination with meagre resources for their basic necessities such as housing, food and clothes. And this still continues even after the peace process has started. Many IDPs still keep on visiting the places of origin expecting that they would get the land confiscated by the Maoist during the war. Both the Maoist and other political parties in power during the armed conflict in Nepal adhering to the spirit of the CPA (2007) have agreed not to seize the property of anyone except when mandated by the law. Accordingly, property held from individuals, organizations and that belonging to the government have, to a large extent, been returned. However, successful implementation of the returning of property remains to be seen yet. During the reporting period, Maoist cadres collected forced donations, held houses belonging to individuals and did not return all buildings and land held during the insurgency, as committed in the CPA. Similarly, reports of security forces not vacating the land used by them during the armed conflict for the safety of their camps have been often quoted and highlighted.

To, conclude, there is no apex body yet formulated to bring all the stakeholders together and have

discourse on the issues of IDPs, which could at least identify the issues of IDPs, and contribute to formulation/amendments in the existing policies and action plans. Such a body needs to be formed involving all the stakeholders, mainly the line ministries, respective departments, UN agencies, bilateral agencies, INGOs, NGOs and also academics who can contribute to the research based issues and discourses. Furthermore, such a body would have documentation on who is doing what; identify the resources, and gaps in them and ways to tackle the challenges. Such an authority could give some visionary inputs with some academic foundation and outcomes of the activism so as to give directives for effective resettlement, rehabilitation and reintegration of IDPs in the days to come.

Recommendations

1. The Interim Constitution of Nepal 2007 considers the right to property as one of the fundamental rights. The international documents like UDHR, and ICCPR have also recognized right to property as one of the fundamental rights. In this regard, the government should ensure the right to property to IDPs.
2. The newly emerged groups, the regional agitating forces also started to seize the property by following the precedent of UCPN (Nepal Crisis Group, 2010). The mutual solution has to be explored among the government and IDPs.
3. Implementation of the comprehensive national IDP policy and its procedural directives as well as guidelines should be the strict agenda of the government in collaboration and cooperation with UN agencies, multilateral and bilateral agencies and the civil societies. Unless and until the policy gets full implementation, the lives of the IDPs will not improve even after they get rehabilitated, returned or resettled.
4. The recently conducted seven point deal needs to be implemented sincerely and honestly. The parties need to find opportunities with newer avenues to convince the people and needs to remain committed towards lasting peace by developing a wider consensus on the draft of the new constitution. This deal should be able at least to announce the constitution without further delay.
5. Another need is for a more strategic research cooperation in the field of forced migration. Such cooperation should facilitate local researchers' exploration of the theoretical significance of the international research paradigms in IDPs and should assist in establishing linkages between local and international researchers. The burning issues like Madhesh movement, and other ethnic movements needs to be the priorities of the future researches in the context of Nepal.

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Internally Displaced Persons in Nepal: More Issues, Less Heard

1. Nature and Type

Like in other countries such as in Sri Lanka (Sanmughratnam, 2003)¹, voluntary-forced dichotomy is blurrily seen in the Nepalese context. Some of the internally displaced persons (IDPs) do not want to term themselves as IDPs because these displaced people have been excluded from various policies and programmes of both government and non-government sectors. People want to tag the conflict victims, mainly the IDPs, as "Naya Pauna" and "Bhaugauda".² Even the house owners of the IDPs in rent told them that "they [the IDPs] are the people to organise procession in the streets and they are 'bad people' so were displaced from the respective places of origin" (Khatiwada, 2010)³. More people have been displaced due to the political conflict than the occasional flood disaster as referenced in Box 1⁴. Earlier such a conflict induced displacement spiralled between the then Communist party of Nepal – Maoist (now UCPN) and the government, and later on a paradigm shift on displacement has been observed with respect to the growing number

Box 1: Koshi flood and displacement

On 18 August 2008, the Koshi river in the eastern region of Nepal broke through a retaining wall causing massive flooding of nearby villages as well as in the Bihar region of India. An estimated 107 000 people in Nepal were affected by the floods and about 70 000 were displaced. A number of agencies including supported the relief activities. However, this relief package was for a short term and could not contribute to the solutions to the problems faced by these flood victims.

It is estimated that about 50 % of the displaced persons were under the age of 18. Although agencies like UNICEF have provided relief materials with a focus on shelter materials, water purification products, hygiene kits, insecticide bed nets and school library sets.

Psycho-social counselling support to distressed children and families was the prime needs to these people which could not be done in a systematic manner.

The Nepali Government's coordination mechanism for the relief operation at the national and district levels almost failed when the flood victims launched several protests saying that their genuine issues were neglected.

Source: Royal Norwegian Embassy Kathmandu, 2008

¹Shanmugaratnam, Ragnhild Lund and Kristi Anne StØlen (2003). *In the Maze of Displacement: Conflict, Migration and Change*. Norway: Norwegian Academic Press.

²Though not in formal documents expressed like that, but the IDPs themselves have expressed their realities in such tone. *Naya Pauna* has been the common term especially in the conflict affected areas of Nepal and this word signifies the presence, activities and movement of Maoist leaders, cadres and supporters. *Bhaugauda* on the other hand is the term for the police and army personnel who were forced to resign from their respective posts during the armed conflict and were displaced.

³Khatiwada, P.P. (2010). *Conflict Induced Migration in Nepal: A Social Inclusion Perspective*. A PhD Thesis Submitted to the Office of the Dean, Faculty of Humanities and Social Sciences, Tribhuvan University (Report online: www.socialinclusion.org.np/researchdetail-220.html).

⁴Royal Norwegian Embassy Kathmandu (2008). Report on Koshi Flood. <http://www.reliefweb.int/rw/dbc.nsf/doc108?OpenForm&rc=3&emid=FL-2008-000104-NPL>, accessed 15 January 2009.

of regional conflicts, especially in the Tarai area (INSEC, 2010)⁵.

Similarly, more than 110,000 Bhutanese refugees are staying for the past two decades who are now in the process of getting settled into the third countries. Almost half (more than 50,000) of the Bhutanese refugees have been resettled into eight different countries⁶ and of them more than 42000 have been welcomed by the United States of America (The Himalayan Times National Daily: 17 August 2011)⁷. Similarly, an estimated 30,000 Tibetan refugees are said to be taking shelter in Nepal and each year, approximately 1,000 Tibetans transit through Nepal (UNHCR, 2007⁸; UNHCR, 2011⁹). Nepal does not have a significant number of recorded asylum seekers.

1.1 Nepal: A Highly Disaster Prone Country

Nepal is a country exposed to several types of natural and human-induced hazards. A wide variety of physiographic, geological, ecological and meteorological factors contribute to the high level of hazards faced. Various demographic factors such as rapid population growth, improper land use, slow economic development and the conflict situation helps increase the population's vulnerability (UNDP, 2004)¹⁰. Major types of hazards in Nepal include: floods, earthquakes, droughts, landslides, hailstorms, disease epidemics, glacial lake outburst floods (GLOF), and fires. Among them, floods and landslides are the most recurrent, causing yearly significant material and human losses in the country, whereas earthquakes although are less frequent when they occur they cause huge loss of life and property (MoAC/UNDP, 2004)¹¹. So far, Nepal has not faced serious problems of displacement due to development projects.

Disaster induced displacement has been observed for the past 5-6 years as a growing trend. Several reports like IDMC (2011)¹² have shown that in September 2008 an estimated 180,000 people were displaced by floods. Up to 70,000 families in 47 districts were reportedly affected by floods and landslides during 2007. A total of 18,000 houses were completely destroyed by the June 2007 monsoon rain and 16,000 people were

⁵Informal Sector Service Centre (INSEC). 2010. Protracted Peace Process in Nepal: A Window through IDPs. *Informal* Vol. 30, No. 2, April –June 2010. (Available online: <http://www.insec.org.np/pics/1281096723.pdf>).

⁶United States of America (which has welcomed 88% of the resettled), Australia, Canada, New Zealand, Denmark, Norway, and the Netherlands.

⁷ The Himalayan Times National Daily: 17 August 2011.

⁸UNHCR (2007). *Refugees, Asylum-seekers, Internally Displaced Persons (IDPs), Returnees (refugees and IDPs), Stateless Persons, and Others of Concern to UNHCR by Country/Territory of Asylum, end-2006*, (Tables 1 &11), www.unhcr.org/statistics/Nepal/Table1.11 (accessed 25 October 2007).

⁹UNHCR (2011). *UNHCR Country Operations Profile – Nepal Working Environment*. <http://www.unhcr.org/pages/49e487856.html>. accessed 17 November 2011.

¹⁰ UNDP (2004). *Reducing Disaster Risk: A Challenge for Development*. New York: UNDP.

¹¹ MoAC/UNDP (2004). *Disaster Risk Reduction in Food and Agriculture Sector: Implementation Manual*. Kathmandu: Ministry of Agriculture and Cooperatives and UNDP.

¹²IDMC (2011). *Around 50,000 people remain displaced (July 2010)*. [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/1949E98C81942B55C12571FE004D8821?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/1949E98C81942B55C12571FE004D8821?OpenDocument) (accessed 2 November 2011).

displaced. Monsoon floods and landslides displaced thousands of people in the mid and far western region in August-September 2006 and left 14,000 families in need of assistance. Heavy rains in July 2004 resulted in widespread flooding and landslides in eastern and central Nepal causing an estimated 37,000 families to be evacuated. Up to 68,000 houses were destroyed and many schools damaged (IDMC, 2011). Box 2¹³ highlights further detail about this heavy floods and the displacement scenario due to this.

Box 2: Flash floods and displacement in Western Nepal

Heavy rainfall followed by severe flash floods from 19-21 September 2008 affected more than 200,000 people throughout the far west and mid west regions of Nepal. While Kailali and Kanchanpur were the worst-affected districts, other districts were adversely impacted by the heavy rainfall including Bardiya, Dadeldhura, Kalikot, Doti, Bajhang, Mugu and Dang. The flood water receded quickly in many areas, enabling families to return to their place of origin. However, they returned to damaged homes with varying degrees of impact from the flash floods, including loss of food stocks, goods, crops and livelihood options. A significant number of people remain displaced and vulnerable in terms of health, sanitation, hygiene and nutrition.

In Kailali district, Nepal Red Cross Society (NRCS) estimates 160,000 people (23,571 households) were affected by the flash floods. This includes around 45,000 children under the age of 15. While the whole district was affected, the most affected Village Development Committees (VDCs) were Dasinhapur, Narayanpur, Tikapur, Khailad, Lalbojhi, Bhajani and Thapapur. The landslides in the hilly areas combined with bad road conditions constrained access to relief services for affected people, in particular in Sugarkhal and Pandaun VDCs.

The floods in **Kanchanpur district** affected 30,733 people (5,961 households). The disaster claimed 14 lives. This data is being verified by the DDRC. Eighteen VDCs and Mahendranagar Municipality were affected by the flash floods. The worst affected areas were Dekhatbhuli, Shankarpur VDCs and Mahendranagar Municipality. Other severely affected VDCs include Krishnapur, Parasan, Dodhara, Rauteli Bichawa, Rampur Bilaspur and Raikawar Bichawa.

Source: SAAPE, 2010.

1.2 Conflict Induced IDPs: A Protracted Issue

Conflict induced forced migration mainly in the form of internal displacement has been emerging as a knotty problem in Nepal, especially in the form of an internal displacement. Due to this, the social harmony and social settings have not only been in disarray, but it has also created problems in social inclusion. Persons displaced from the place of origin have to face many problems relating to social, economic, cultural and other aspects. The rural areas, the places of origin of the overwhelming majorities of the Nepalese, remained under the hegemony of the conflicting parties. As the armed conflict escalated over years, people in rural areas were compelled to leave their places of origin in fear of being killed, tortured, abducted and/or arrested by the parties in conflict. Around 16,000 people were killed, more than 1,000 disappeared, and thousands were suffered from torture in connection with the 10 year long Maoist insurgency. Similarly, numerous physical public infrastructures were destroyed. Destruction of the private

¹³ SAAPE (2010). *Poverty and Vulnerability in South Asia*. Kathmandu: South Asia Alliance for Poverty Eradication.

property and public properties led the country towards regressive development (NHRC, 2010)¹⁴. Frequent acts of atrocity by the conflicting parties led to the movement of the people to safer places.

As a result, numbers of IDPs in Nepal grew tremendously especially after the imposition of the state of emergency (SoE) announced by the government for the first time in Nepal on 26 November 2001. Although incidences of IDPs were observed prior to the SoE, with the start of the Maoist 'People's War' in 1996, the figure as well as the pattern of internal displacement increased unexpectedly after 2001 when the government, with the imposition of the SoE, labelled the Maoist rebels the 'terrorists', and promulgated Terrorist and Disruptive Activities: Control and Punishment Ordinance (TADO) and deputed the then Royal Nepalese Army (RNA) for the operation against the rebels (INSEC, 2003)¹⁵.

1.3 Figuring out IDPs: A Hurdle for Humanitarian Aid

During the conflict period, Nepali organisations, involved in advocacy, relief and rehabilitation programmes, faced problems in ascertaining the actual number of IDPs and their specific locations of settlement. Varied numbers of IDPs as given by various institutions and organisations, which usually ranged from around 30,000 to 500,000 in number, added further problems in ascertaining the actual number for relief packages. Since the Maoist movement was running underground, the displaced population on their side was hardly revealed (IDMC, 2010)¹⁶.

After 10 years of armed conflict, which caused the displacement of almost 300,000 people (Caritas Nepal, 2005)¹⁷, Nepal proceeded to the peace process in 2006. Still people talk about the peace process, which has been the rhetoric of almost all political party leaders and the stakeholders. This sluggish political scenario suggests that the problems of conflict induced IDPs have not been resolved. An estimated 50,000 people displaced by the ten years of civil war remain unable to return to their homes (IDMC, 2011). A recent record of the Relief and Rehabilitation Division of Peace and Reconstruction Ministry shows that 89,171 IDPs of 22,863 families have applied for the relief packages announced by the government (GON, 2011)¹⁸.

Increase in the number of IDPs continue especially from 2007 onwards when Madhesi

¹⁴NHRC (2010). *Conflict induced IDPs: Return and Reintegration Situation and Way Forward*. Paper Presented by Uma Joshi, 22 November 2010.

¹⁵Informal Sector Service Centre (INSEC), 2003, *Human Rights Yearbook 2003* (Kathmandu: INSEC).

¹⁶ IDMC (2010). Failed Implementation of IDP Policy Leaves Many Unassisted. [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000) (accessed 5 November 2011).

¹⁷Caritas Nepal (2005). *Caravan of IDPs*. Kathmandu: Caritas Nepal. Available online: http://idps-nepal.org/index.php?option=com_docman&task=cat_view&gid=42&limit=5&limitstart=0&order=name&dir=ASC&Itemid=57.

¹⁸GON (2011). *Report of IDP Registration at Relief and Reconstruction Division*. An Unpublished Documentation Report of MOPR.

groups in the Tarai region started to protest over the lack of progress in the implementation of the peace process and the lack of opportunities for political and social integration. The violence forced between 6,000 and 8,000 people, mostly Pahadis, from their homes. Of these 4,000 were sheltered in IDP camps, while the rest stayed with family members (OHCHR, 2008¹⁹; IDMC, 2008²⁰, Khatiwada, 2009²¹).

Most IDPs have chosen to stay in their area of displacement, mainly in urban areas like Kathmandu valley, Nepalgunj, Birgunj, Hetauda, and others, where some have managed to integrate and to find jobs. Still they cannot be treated as the resettled because they want to return to their places of origin but they have not got the environment yet. Many others, including displaced children and women in particular, have struggled to find proper accommodation or access basic services in cities. Children are exposed to a variety of threats, including trafficking, sexual exploitation and child labour. Displaced women, particularly widows, suffer from significant discrimination, making them highly vulnerable to further impoverishment and forcing many to resort to prostitution (IDMC, 2010)²².

2. Existing Legal Frameworks

After “the 19-day peaceful and non-violent movement [in 2006] turned successful and restoration of democracy was made by restoring the sovereignty of Nepal inherent to the people and reinstatement of the then House of Representative” (MoPR, n.d.)²³, several dialogues were held between the parliamentary political parties and the UCPN- Maoist to strengthen the peace process. In these dialogues, the issue of IDPs was raised and was given prime focus.

The preamble to the Interim Constitution of 2007 guarantees the basic human rights to every citizen of Nepal. "Right to Property" under Article 19(1) provides that all citizens of Nepal are guaranteed the right to acquire, own, sell and otherwise dispose of property. The state shall not except in the public interest, requisition, acquire or create any encumbrance, on the property of any person, and this should be just, fair and reasonable and not be arbitrary but by rule of law only (Article 19 Sub-Article 3). Other provisions

¹⁹Office of the High Commissioner for Human Rights (OHCHR) (2008). *Human Rights in Nepal one year after the Comprehensive Peace Agreement*, <http://nepal.ohchr.org/en/PressRelease.html> (Accessed on 15 June 2008).

²⁰IDMC (2008). Livihoods of people living in rural areas in the Far- and Mid-Western Hills and mountains most affected by conflict (October 2007). [http://www.internal-displacement.org/8025708F004CE90B/\(httpEnvelopes\)/F28B9C53F5D7509FC125736A0048158A?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpEnvelopes)/F28B9C53F5D7509FC125736A0048158A?OpenDocument) (accessed 14 November 2011).

²¹Khatiwada, P.P. (2009). *Even the Displaced Have a Good Luck to Shape*, Spotlight, September, 2009.

²²IDMC (2010). Failed Implementation of IDP Policy Leaves Many Unassisted. [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000) (accessed 5 November 2011).

²³Ministry of Peace and Reconstruction (MoPR, n.d.), <http://www.peace.gov.np/admin/doc/Histroy%20of%20Peace%20Talk-eng-web1.pdf> (Accessed on 25 June 2010).

under the Constitution include the right to earn and use one's property and the right to choose one's place of residence. Moreover, the Constitution enshrines that the State has a responsibility to conduct programs to rehabilitate the displaced and provide relief for damaged private properties (Article 33) (GON, 2007)²⁴.

2.1 Onset of the Peace Process: A Ray of Hope for IDPs

The peace process initiated in 2006 was itself a ray of hope for every victim of conflict in Nepal including the IDPs. They had at least thought that the peace process would help realise their eagerly awaited dream of returning home. Those who could not return had expected that they would be resettled and their dignity would be restored. Those who were staying on at the destinations to which they have been displaced to, were slowly changing character as voluntary/economic migrants and were also starting to take part in their own political or occupational activities. Unfortunately, the ongoing peace process has not been satisfactory to some IDPs including other types of victims of conflict. Those who returned did not get an opportunity to claim all of their properties. They were not treated as equal citizens of Nepal. They were rather forced to donate further to the parties and the regional forces.

2.2 Provisions for IDPs in the Peace Process

What provisions have been made so far to address the problems of IDPs, is a matter of interest to everyone. The IDP provisions have been included in almost every peace agreement. Point 5 of the 12 point agreement between the then seven party alliance and the CPN –Maoist, stressed to “create conducive atmosphere to allow all ..., who were displaced from home during the conflict, to return to their respective places with full respect” (Nepal Research, n.d.)²⁵. The then CPN – Maoist further agreed to “return the houses and physical properties of the people and the party cadres seized unjustifiably.” The then Maoist further showed commitment to create an environment for all the people to “take part in political activities without any hindrance” (ibid).

After “the 19-day peaceful and non-violent movement [in 2006] turned successful and restoration of democracy was made by restoring the sovereignty of Nepal inherent to the people and reinstatement of the then House of Representative” (MoPR, n.d.)²⁶, several dialogues were held between the parliamentary political parties and the UCPN- Maoist to strengthen the peace process. In these dialogues, the issue of IDPs was raised with prime focus. The Comprehensive Peace Accord signed between the then CPN-Maoist and the

²⁴GON (2007). *Interim Constitution 2007*. Kathmandu: Government of Nepal.

²⁵ Nepal Research, n.d., *Unofficial English translation of the 12-point agreement between the seven parties and Maoists*, http://www.nepalresearch.com/coup_2005/papers/maoists_parties_agreement_051122.pdf (Accessed on 25 June 2010).

²⁶Ministry of Peace and Reconstruction (MoPR, n.d.), <http://www.peace.gov.np/admin/doc/Histroy%20of%20Peace%20Talk-eng-web1.pdf> (Accessed on 25 June 2010).

parliamentary political parties representing the state on 21 November 2006 has been the major basis for proceeding to peace process till now. Based on this agreement, several political decisions have been made. The Point No. 5.2.4 of the CPA document highlights thus,

“Both sides [Maoist and Government] agree to maintain the peace in the society normalizing adverse situation occurred by the reason of the armed conflict and to carry out relief work for, and to rehabilitate people victimized and displaced by the war to constitute a National Peace and Rehabilitation Commission to perform the business related to it” (MoPR, n.d.)²⁷.

In 2007, National Policies on Internally Displaced Persons, 2063 (2007) was made and finalized which was in fact the updated and revised version of the 2006 IDP policy document. The then policy document had not recognized the IDPs caused due to mainly the state controlled security forces. This updated version has defined the conflict induced IDPs as,

“a person or family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights” (MoPR, n.d.)²⁸.

2.3 Policy Intervention: A Knotty Problem

Nepal's peace process has come up with a number of ups and downs. Rounds of discussions have been held and from time to time an almost equal number of decisions have also been made. However, the lack of effective implementation with a strict monitoring and evaluation mechanism is the major problem faced by the Nepali people. This hard fact is also applied in the IDPs' situation. Appropriate implementation of these policies has not been made effective by playing a crucial role between or among the political parties and their stakeholders. For example, the IDP Policy document of 2007 reiterates, thus,

“...to rehabilitate the internally displaced persons or families with respect, safety and voluntary basis and assist in reconstruction of physical infrastructure and adopt preventive as well as sustainable measures with re-socialization in order to prevent the re-emergence of such situations in future.”²⁹

2.4 Row over Recent Seven Point Deal

²⁷MoPR, n.d., *Comprehensive Peace Accord Concluded Between the Government of Nepal and The Communist Party of Nepal (Maoist)*, http://www.peace.gov.np/admin/doc/CPA_eng-ver-corrected.pdf, Accessed on 25 June 2010).

²⁸MoPR, n.d., *National Policies on Internally Displaced Persons, 2063 (2007)*,

²⁹MoPR, n.d., *National Policies on Internally Displaced Persons, 2063 (2007)*, <http://www.peace.gov.np/admin/doc/IDP%20Policy-2063.pdf> (Accessed on 25 June 2010).

Recently UCPN (Maoist) and other major political parties have agreed on a seven point deal to give the current peace impasse 'a sustained end'. Civil societies in Nepal have cautiously welcomed the seven point deal reached between the political parties of Nepal on 1 November 2011. Although this agreement has brought out some confusion and has already channelised confrontations and disagreements within and between the parties, CSOs are of firm belief that at least such a new agreement has been made after the election to the Constituent Assembly (CA). The earlier agreements after the CA election concentrated mainly on forming a new government or reshuffling it. This deal is the second most important agreement after the comprehensive peace accord (CPA) in 2007 (FFP, 2011)³⁰.

One of the points agreed among the political parties is about the relief packages for the conflict victims. According to the agreement, relief packages would be made available without discrimination to the kin of those killed and disappeared, maimed, displaced and those whose properties were damaged in the armed conflict. The relief packages to be distributed after the signing of the Comprehensive Peace Agreement would be provided equally and without discrimination (The Republica National Daily, 2011)³¹. To what extent this recently held agreement can bring faith to the displaced people is yet to be witnessed.

3. Best Practices

During the armed conflict and especially after the peace processes was initiated, IDPs from different places and different forums have been identified by joint programmes, interactions and demanding from the government, political parties and others concerned the relief and rehabilitation packages. Although the Maoist Victim Forum was made during the armed conflict and is still active, the leaders of the forum sympathised with the displaced people's cause due to the states oppression. In many of the interactions and programmes, incidences of joint activities have been observed in the past. Some disaster victims have also initiated such forums. After the heavy flood disaster in Kailali and Kanchanpur in 2008, many of the settlements of the IDPs formed committees and approached district authorities collectively to make their problems known and have them addressed. They mainly desired to have a small piece of land and not vulnerable to further natural disaster.

In Kanchanpur, the displaced groups seem active and have undertaken agitation programs, such as encircling the DAO and blocking the road. Kailali groups have not undertaken agitation activities as such; however, several delegations from different settlements met with district and central authorities, including the Ministry of Home Affairs and Ministry of Forests and Soil Conservation which pledged to examine their requests (SAAPE, 2010).³²

³⁰ FFP (2011). *Views of Civil Society on the Recently Agreed Seven Point Deal Among the Political Parties of Nepal*. An Unpublished Documentation of Friends for Peace.

³¹ The Republica National Daily (2011). *The Seven Point Peace Deal*. 2 November 2011.

³² SAAPE (2010). *Poverty and Vulnerability in South Asia*. Kathmandu: South Asia Alliance for Poverty Eradication.

4. National Plans

The issues of relief and rehabilitation of IDPs has been still the slogan of the political parties. Although some progress has been seen in distributing the relief packages to the IDPs, it has not been completed and all the IDPs have not got such relief programmes. The rehabilitation of the IDPs remained always the priority of the government but not fully implemented. Many times they have committed for returning, rehabilitating and managing the resettlement of the IDPs, those still incapable of solving their problems, but these commitments have not been fully implemented. As a result, the political parties in the recently announced seven point deal have reiterated their commitment to work for the unsolved problems of IDPs. As they have quoted in the agreement that an environment will be created for the displaced people to return and rehabilitate, especially "those whose properties were damaged in the armed conflict" (The Republica National Daily, 2011).³³

According to the personnel interviewed in MoPR, they will initiate developing a national strategy on establishing a Rehabilitation Centre for Conflict Affected Persons with Disabilities, which will aid taking up future projects that are currently at the stage of conceptualization. Since adopting the National IDP policy in February 2007, the government has made only minimal efforts to ensure that those displaced by the conflict or by ethnic unrest in the Terai since 2007 receive proper protection and assistance to enable them to achieve durable solutions (IDMC, 2010)³⁴.

Box 3: Facts about government's return and relief package

- Transportation expenditure: Per person Rs 300 to Rs 1000.
- The administration office will provide plane fares where there is no road access.
- Refreshment (snack) cost: Per person Rs 500 for lodging and food while returning.
- Livelihood cost: Per person Rs 60 per day for 4 months.
- House maintenance and reconstruction cost: Per family Rs 7,500 for maintenance and Rs 20,000 for reconstruction of your house.
- Educational relief: Per student Rs 2400 as a one time support.
- Loan support without interest: Rs 10,000 to purchase seeds and raw materials and Rs 10,000 to buy cattle, industrial equipment and trading materials; possible total of Rs 20,000.

Source: NRC, 2008; IDMC, 2010.

5. Return & Rehabilitation

As an aftermath of the peace process initiated in 2006, there was a belief that all the IDPs would easily return to their respective places of origin. Some of the agencies/organisations also initiated attempts to help return the displaced people. A national policy was made and some relief packages were brought into effect by the

³³ The Republica National Daily (2011). *The Seven Point Peace Deal*. 2 November 2011.

³⁴ IDMC (2010). Failed Implementation of IDP Policy Leaves Many Unassisted. [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/165DEC64D0375862C12576B6005058F6?OpenDocument&count=10000) (accessed 5 November 2011).

government. Some progresses has also been seen, a positive outcome to the policy. However, all the problems regarding IDPs have not been solved. Those returned have not been rehabilitated properly and those still in the destination areas have to suffer with scarce resources and they mainly lack human dignity. Lack of coordination among the stakeholders is another problem observed even after the formulation of the IDP policy in 2007. The MoPR itself is overshadowed mainly with the political peace process. The issue of IDPs has been a very small part of the activities of the Ministry. The policy gives responsibility of overall coordination to the CDOs in the respective districts who are overloaded with their other dozens of similar coordinating roles.

5.1 Lack of Livelihoods and Security Concerns

Livelihoods and security concerns were the two main reasons behind the return of a number of IDPs to their areas of displacement or their redisplacement elsewhere. There is also a high number of people who have deliberately gone back to their areas of displacement on the lookout for improved economic opportunities and who would then be considered as migrants. Those at most risk of re-displacement are politically active people considered by the Maoists as "village feudalists who can no longer dominate villagers". Some people also decide to move back to urban areas where they first fled because they realise that there are insufficient education and economic opportunities in their original homes (IDMC, 2009)³⁵.

5.2 Compensation for Losses

Returning of captured land and property is one of the necessary parts of rehabilitation. According to the International Guiding Principles on Internal Displacement (United Nations, 1998)³⁶, competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

A clearly mentioned point in the National IDP Policy is that the state shall make necessary arrangements to return such physical properties which were forcefully seized at the time of conflict. However, the commitment of the peace process has not been implemented on the issues of returning the properties to the IDPs (Free Library.com, 2011)³⁷.

³⁵ IDMC (2009). *Lack of Livelihoods and Security Concerns Make Returns often Unsustainable*. [http://www.internal-displacement.org/8025708F004CE90B/\(httpEnvelopes\)/0EFAAFD078988A9FC125768D00591CE2?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpEnvelopes)/0EFAAFD078988A9FC125768D00591CE2?OpenDocument) (accessed 14 November 2011).

³⁶United Nations (1998). *Guiding Principles on Internal Displacement*. New York: United Nations.

³⁷ Free Library.com (2011). Dilemma of Right to Property and IDPs in Nepal. <http://www.thefreelibrary.com/Dilemma+of+Right+to+Property+and+IDPs+in+Nepal-a01074224464>

According to the official data, a total of seven thousand physical infrastructures were damaged during the conflict. Of them, more than 2000 physical infrastructures destroyed during the ten years long conflict have been rebuilt. These include the reconstruction of police posts, schools, village development committee and district development committee buildings which was carried out in the previous fiscal year by the Reconstruction Project under the Ministry of Peace and Reconstruction (Republica National Daily: 6 Nov 2011)³⁸.

However, no record has been made available by the government yet as to how many the displaced persons' description of losses have been recorded and of them to what extent and how they have been compensated. The Maoist wing farmer's association has clearly stated that the "property of feudalists won't be returned (Box 4).³⁹

Box 4: Property of 'feudalists' won't be returned

The public and private property seized by the party during the decade-long insurgency will not be returned even though Prime Minister and party vice chairman Dr. Baburam Bhattarai has ordered the party's organisations to immediately start the process of returning the property.

The All Nepal Farmers' Association (Revolutionary), Nawalparasi, which is affiliated to the Maoist party and close to Baidya faction, has said that land seized by the party from "feudalists" and distributed among landless squatters and farmers won't be returned at any cost.

The association instead accused the government of turning a blind eye to the problem of landlessness in the country by instructing return of the property of feudalists and landlords seized during the decade-long armed conflict.

The party's farmers' wing made its position clear on the very day PM Bhattarai instructed his party and government bodies to start the process of returning property seized during the armed conflict period on Tuesday.

Talking about returning the seized property, but not implementing sweeping land reforms is not the solution to the problem faced by millions of landless peasants in the country, the association said, and demanded an independent commission to look into the problems vexing the landless squatters and farmers.

Source: *nepalnews.com*,

5.3 Land Rights

Land is the primary resource for agrarian economics, and Nepal is no exception to it where more than 85 per cent of the population live in rural areas. More than 60 per cent of the economically active population has agriculture as their primary occupation (Subedi, 2003)⁴⁰. Data on agricultural land is not available in Nepal based on the census. So far only Land Resource Mapping Project (LRM) 1978/79 and Japan Forest

(accessed 10 November 2011).

³⁸ The Republica National Daily (2011). *The Seven Point Peace Deal*. 2 November 2011. The Republica National Daily, 4 November 2011.

³⁹ Nepal News.Com (2011). *Property of 'Feudalists' Won't be Returned*. www.nepalnews.com. 6 November 2011.

⁴⁰ Subedi, B. P. (2003). Population and Environment: A Situation Analysis of Population, Cultivated Land and Basic Crop Production in Nepal in 2001, *Population Monograph of Nepal* (Kathmandu: CBS), http://www.cbs.gov.np/Population/Monograph/volume2_contents.htm (Accessed 13 February 2009).

Technology Association (JAFTA) 2000 have given a concrete picture of the state of agricultural land in all 75 districts of Nepal. However, these two sources are also not comparable (Ibid).

During the armed conflict, many IDPs lived in their places of destination with meagre resources for their basic necessities such as housing, food and clothes. This still continues even after the peace process has started. Many IDPs still keep on visiting to the places of origin expecting that the land confiscated by the Maoist during war would be returned to them.

Both the Maoist and other political parties in power during the armed conflict in Nepal adhering to the spirit of the CPA (2007) have agreed not to seize the property of anyone except when mandated by the law. Accordingly, property held from individuals, organizations and that belonging to the government has, to a large extent, been returned. However, successful implementation of the CPA remains to be seen. During the reporting period, Maoist cadres collected forced donations, held houses belonging to individuals and did not return all buildings and land held during the insurgency, as committed in the CPA (NHRC, 2010)⁴¹.

Similarly, reports of security forces not vacating the land used by them during the armed conflict for the safety of their camps have been often quoted and highlighted (NHRC, 2010). The recently signed seven point deal also mentions the points of agreement regarding the return of the land and property. It says,

"...The UCPN (Maoist) would take an official decision to return the private and public properties seized by the party during the armed conflict to the rightful owners for their use by Nov 23. Due compensations would be paid to the owners for the loss caused by the seizure of properties. ... The rights of the peasants would be guaranteed as per the letter and spirit of the Comprehensive Peace Agreement, Interim Constitution 2007, and scientific land reforms" (The Republica, 2011)⁴².

However, this agreement has already been defied by another lobby of the Maoist. They have said that " Property of 'feudalists' seized during insurgency won't be returned", as reported by Baidya faction Maoist (Box 4).

The government of Nepal and its allies do not have proper records of the extent of land and other properties confiscated by the Maoists and neither do they make these details public. In many of the seized public lands, offices and places, the Maoist wing Young Communist League (YCL) have established their offices and captured all the properties within them. The victims of the private land owners have filed complaints at the district administrative offices of conflict affected districts in Nepal. However, no hearings have

⁴¹NHRC (2010). *Conflict induced IDPs: Return and Reintegration Situation and Way Forward*. Paper Presented by Uma Joshi, 22 November 2010.

⁴² The Republica National Daily, 4 November 2011.

taken place yet to give fair justice to the victims.

5.4 Rights to Livelihood

Nepal has shown commitment to almost all international instruments including all big treaties - ICCPR, ICESCR, CEDAW, CAT, CRC and ICERD. Nepal has ratified 17 of such UN conventions. These instruments can help a lot to reduce the present ongoing conflict if the conflicting parties adhere to these instruments on moral ground, seeing the sensitivity of massive human rights violations. Furthermore, international humanitarian laws like Common Article 3 of the Geneva Conventions⁴³ are mandatory for the non-state actors as well.

As compiled by IDMC (2011), various results of the assessment show that much of rural Nepal was significantly affected by the conflict. The conflict impacted employment and trade, civil and social relations, food availability and production, access to markets, gender roles and personal security. These in turn affected household livelihoods and food security. In general, districts with the most severe conflict impact are located in the Far- and Mid-Western Hills and Mountains. This area also has some of the lowest development indicators in terms of food security, accessibility, poverty and malnutrition. Districts in the Central and Eastern Hill Regions and some areas in the Eastern Terai have also been heavily affected by the conflict. From a food security and livelihood perspective, priorities for assistance include small scale irrigation schemes, drinking water schemes, training in income generation activities, and rehabilitation and (re)construction of infrastructure such as roads, bridges, VDC buildings, agricultural service centres and health posts (IDMC, 2007)⁴⁴.

When women are strengthened through awareness raising, advocacy on women friendly instruments, policies and laws and other training and education programmes, women can redress the incidents of human rights violations in their own effort which will ultimately contribute to the good governance and sustainable peace in the long-run. There are certain bases for launching these activities. Many instruments, policies and laws have been formulated so far which have contributed a lot to protect and promote human rights of women. However, women themselves are unaware of these instruments. Even those women who have reached the policymaking levels or significant posts of political parties are unaware of these instruments. Nepal, as a member state of the United Nations has

⁴³ Which provides provisions to abide by both of the parties in conflict such as Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ' hors de combat ' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. Available online: <http://www.icrc.org/ihl.nsf/WebART/375-590006> (Accessed on 20 January 2012).

⁴⁴ IDMC (2007). Livelihoods of people living in rural areas in the Far- and Mid-Western Hills and mountains most affected by conflict (October 2007). [http://www.internal-displacement.org/8025708F004CE90B/\(httpEnvelopes\)/F28B9C53F5D7509FC125736A0048158A?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpEnvelopes)/F28B9C53F5D7509FC125736A0048158A?OpenDocument) (accessed 14 November 2011).

actively participated to finalise, sign and ratify these instruments⁴⁵. The Constitution of 1990 has also clearly explained that men and women are equal irrespective of any variables like age, caste, social norms and values (HMG, 1990)⁴⁶.

Although women's activism has heightened in Nepal in the recent days, this is not enough. There has not been much community activism to overcome the major gender problems like trafficking, domestic violence, educational discrimination and dowry. By raising awareness of both men and women that gender consideration is important in the major policies and programmes of government and political parties, through such considerations being included in the policies, protection and promotion of human rights, good governance and sustainable peace can be achieved. The tools for this are advocacy, education and training. To start with, women involved in politics are to be targeted for their capacity building through empowerment programmes like need based trainings and other capacity building activities. Once they have the knowledge, skills and tools to protect their own rights, they can be successful in asserting them and achieving peace. According to a recent research conducted for the Jagaran Nepal⁴⁷ women involved in politics do not know what are human rights, treaties, resolutions and so many other issues, which they need to know for the social justice of women. The increased political participation of women involved in decision-making level would not only help correct their positions but also frame or amend women friendly policies and laws.

Simultaneously, activities for the grassroots level are also necessary because on the one hand, women involved in political parties are not aware of human rights, good governance and peace-building issues, on the other hand the local level women are more victimised. More victimised during a war period are the women and children who are already in a vulnerable situation when a conflict begins and who have to witness and face all kinds of violence and victimisations. Unless they are made the target groups of training and awareness/empowerment, whatever the efforts and ways to a solution from the top level can be futile. A kind of cross marriage between the local level issues of the women and the regional and national issues is the thrust here.

⁴⁵Among these major conventions, which are also known as big six treaty bodies, are International Covenant on Civil and political Rights (ICCPR, 1966), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), Convention on Elimination of All Forms of Discrimination against Women (CEDAW, 1979), Convention against Torture (CAT, 1984), Convention on the Rights of the Child (CRC, 1989) and Convention on Elimination of All Forms of Racial Discrimination (CERD, 1969). Prior to these six major conventions, two important principles have also been made – The Universal Declaration of Human Rights (UDHR, 1948) and 4 Geneva Conventions (1954).

⁴⁶HMG (1990). *The Constitution of Kingdom of Nepal*. Kathmandu: His Majesty's Government of Nepal.

⁴⁷Jagaran Nepal (2011). *Update Survey on Women in Politics*. Kathmandu: Jagaran Nepal.

6. Conclusions and Recommendations

6.1 Conclusions

As the National IDP Policy has not been implemented properly and the Procedural Directives 2007 of National Policy Relating to Internally Displaced Persons, 2007 is still pending, various issues are yet to be resolved. The IDPs who wanted to resettle at their present place of living are unable to receive compensation as it is only for returnees, although the National IDP Policy clearly entitles every displaced person to integrate in to their current place of displacement or resettle elsewhere in Nepal.

Land attraction caused many of the displaced in Nepal. The returning of captured land and property has become a political agenda at present and the every property is connected with mainly the displaced leaders/cadres of the political parties other than the Maoists. Therefore, returning of the captured land and property has been the major demand of the political parties which has caused deadlock of current crisis (Refugee Watch Online, 2010).

The capturing of land is still continued by various armed groups and political parties in different parts of the country. Unified UCPN (Maoist) and its sister organizations are continuing to capture private and trust-owned land in various places even as months have elapsed since the signing of the (CPA). The rule of law is weakening and people are unable to claim the right of land and property.

Repeated Maoist commitments to return confiscated houses and land are yet to be honoured in several districts, and IDPs from non-Maoist political parties have found it particularly hard to recover property. The government return package has been limited to those officially registered, and in many districts, up to half of IDPs have been unable to register for assistance. The post-war economy is depressed and there is limited access to basic services in rural areas, so many returnees have had to go back to towns and cities again in search of work (IDMC, 2010).

One of the major reasons for not implementing all the agreements, policies and laws made for the protection of IDPs is connected with the issue of delaying the promulgation of the new constitution. Unless and until the new constitution is promulgated, the entangled problems of IDPs remain unsolved because it seriously lacks accountability.

Finally, there is no apex body yet formulated to bring all the stakeholders together and have discourse on the issues of IDPs which could at least identify the issues of IDPs, and contribute to formulation/amendments in the existing policies and action plans. Such a body needs to be formed involving all the stakeholders, mainly the line ministries, respective departments, UN agencies, bilateral agencies, INGOs, NGOs and also academics who can contribute to the research based issues and discourses. Furthermore, such a body would have documentation on who is doing what; identify the resources, and gaps in them and ways to tackle the challenges. Such an authority would give some visionary inputs with some academic foundation and outcomes of the activism so as to

give directives for effective resettlement, rehabilitation and reintegration of IDPs in the days to come.

6.2 Recommendations

1. The Interim Constitution of Nepal 2007 considers right to property as one of the fundamental rights. The international documents have also recognized the right to property as one of the fundamental rights. In this regard, the government should ensure the right to property to IDPs.
2. The newly emerged groups also started to seize the property by following the precedent of UCPN. A mutual solution has to be explored among the government and IDPs.
3. Implementation of the comprehensive national IDP policy and its procedural directives as well as guidelines should be the strict agenda of the government in collaboration and cooperation with UN agencies, multilateral and bilateral agencies and the civil society. Unless and until the policy gets full implementation, the lives of the IDPs do not improve even after they get rehabilitated, returned or resettled.
4. Implementation of the recently conducted seven point deal needs to be implemented sincerely and honestly. The parties need to find opportunities with newer avenues and environment to convince the people and remain committed towards lasting peace by making a wider consensus on the draft of the new constitution. This deal should be able at least to announce the constitution without further delay.
5. Another need is also for a more strategic research cooperation in the field of forced migration. Such cooperation should facilitate local researchers' exploration of the theoretical significance of the emerging international research paradigms and should assist in establishing linkages between local and international researchers. The burning issues like Madhesh movement and other ethnic movement needs to be the priorities of the future researches in the context of Nepal.

Annex 1: Organizations engaged in or responsible for IDP related activities within the country, with their contact details

SN	Organisations	Main areas of activities	Contact details	Remarks
	Ministry of Peace and Reconstruction (MoPR)	Formulation of IDP policies; Programme coordination with agencies; Record maintenance of IDPs; Coordination for relief and rehabilitation.	Ministry of Peace and Reconstruction Singha Durbar, Kathmandu, Nepal. Tel: +977 1 4211189, 4211090, 4211176, 4211092 Fax: +977 1 4211186 and 4211173 email: info@peace.gov.np url: http://www.peace.gov.np	The Ministry deals with the overall issues related to ongoing and post conflict.
	Nepal Peace Trust Fund (NPTF)	Reintegration and Rehabilitation project since 2007	Ministry of Peace and Reconstruction Peace Fund Secretariat Nepal Peace Trust Fund Tel: 01-4248144, Fax: 4228261 www.nptf.gov.np Babar Mahal, Kathmandu	
	National Human Rights Commission (NHRC)	Gave forum for IDPs to share their problems Commitment to protection of their human rights amidst the challenging situation during conflict. condemned the atrocities of the conflicting parties towards IDPs. Workshops, seminars on IDP issues.		

	UNHCR	Expressed in 2007 the number of IDPs being 200,000 and of them maintained record keeping of 100,000.	The UNHCR Representative in Nepal Street Address Dhara Marga-1, Anil Kuti, Maharajgunj, Kathmandu P.O Box 2374 Telephone +977 1 441 2521 Facsimile +977 1 4412853 Email nepka@unhcr.org	Now no concentration for IDPs seems to be in priority.
	OHCHR	Concerns raised from time to time.	Museum Road, Chhauni, G.P.O. Box 24555, Kathmandu Telephone +977 1 4280164, 4280326, 4280542 Fax +977 1 4670712, 4670713, 4671256 (security) Email registry.np@ohchr.org	Such as: Representatives of victims and internally displaced persons (IDPs) should be included in all district level decision-making processes that address their situation, including resettlement and compensation. Source: http://www.nepalbiznews.com/newsdata/Biz-News/ohchrofficenews.html
	Save the Children (the then US)			
	Informal Sector Service Centre (INSEC)	Maintained data keeping of IDPs in earlier phases. Assisted returning of IDPs after the peace accord.	Informal Sector Service Center (INSEC) Syuchatar, Kalanki, Kathmandu, Nepal G.P.O. Box: 2726, Kathmandu, Nepal Tel.: +977-1-4278770 Fax: +977-1-4 270551 E-mail:insec@insec.org.np Website: www.inseconline.org; www.insec.org.np	
	GIZ, the then GTZ			
	Caritas Nepal			
	UNFPA			
	ILO/CWIN			
	ADB			
	EC & RRN			
	The Luthran World Federation Nepal (LWF)	Peace, Reconciliation and Human Rights	Marceline P. Rozario Sangeeta Rijal Country Representative The Lutheran World Federation Nepal E-mail: rep@lwf.org.np	Overall development goal: Displaced, marginalized, oppressed and vulnerable people empowered to enjoy their rights and live a peaceful and dignified life

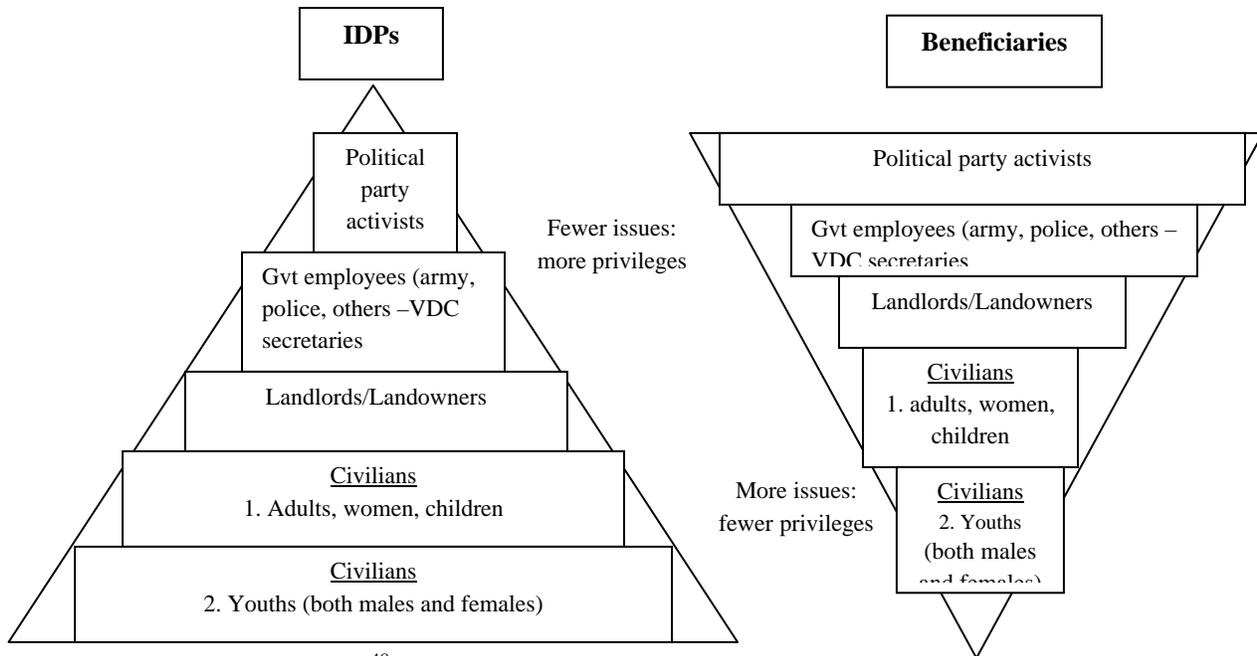
	Global IDP Project & IDMC	Data base		
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Annex 2: Some Study Models Related to IDPs

A2.1: Relationship between Issues of IDPs and Beneficiary IDPs

Khatiwada (2007) argued that there is a big gap between the types of IDPs and the benefits obtained by them. Those who are fewer are getting more benefits because they have better access to resources and those who are many have fewer resources.

Relationship between Issues of IDPs and Beneficiary IDPs



Source: Khatiwada, 2007⁴⁸

As a result, more political party activists are in the centre: urban areas. Government employees including doctors, army, police, and even VDC secretaries are reluctant to stay in the rural areas. Landlords/landowners are turning into economic migrants in the cities. Civilians (adults, women, and children) are compelled to stay in destination places with hardship. Civilian youths (both males and females) are compelled to seek foreign labour, join rebels' militia, involve in crime, and so many others. Therefore, employment of youth civilians inside the country is the major concern.

A2.2: Spatial Movement of IDPs in Nepal

HimRights (2005) developed a model showing the flow of displaced people, which clearly indicates that Nepalese forced migration due to conflict, is centralised to the urban cities (Figure 3.2). From the rural areas which are usually the remote mountain and hill VDCs, people tend to

⁴⁸ Khatiwada, P.P. (2007). *Internally Displaced Persons in Nepal: A Policy Perspective*, Paper Presented at Nepal Institute of Development Studies (NIDS), 15 August 2007.

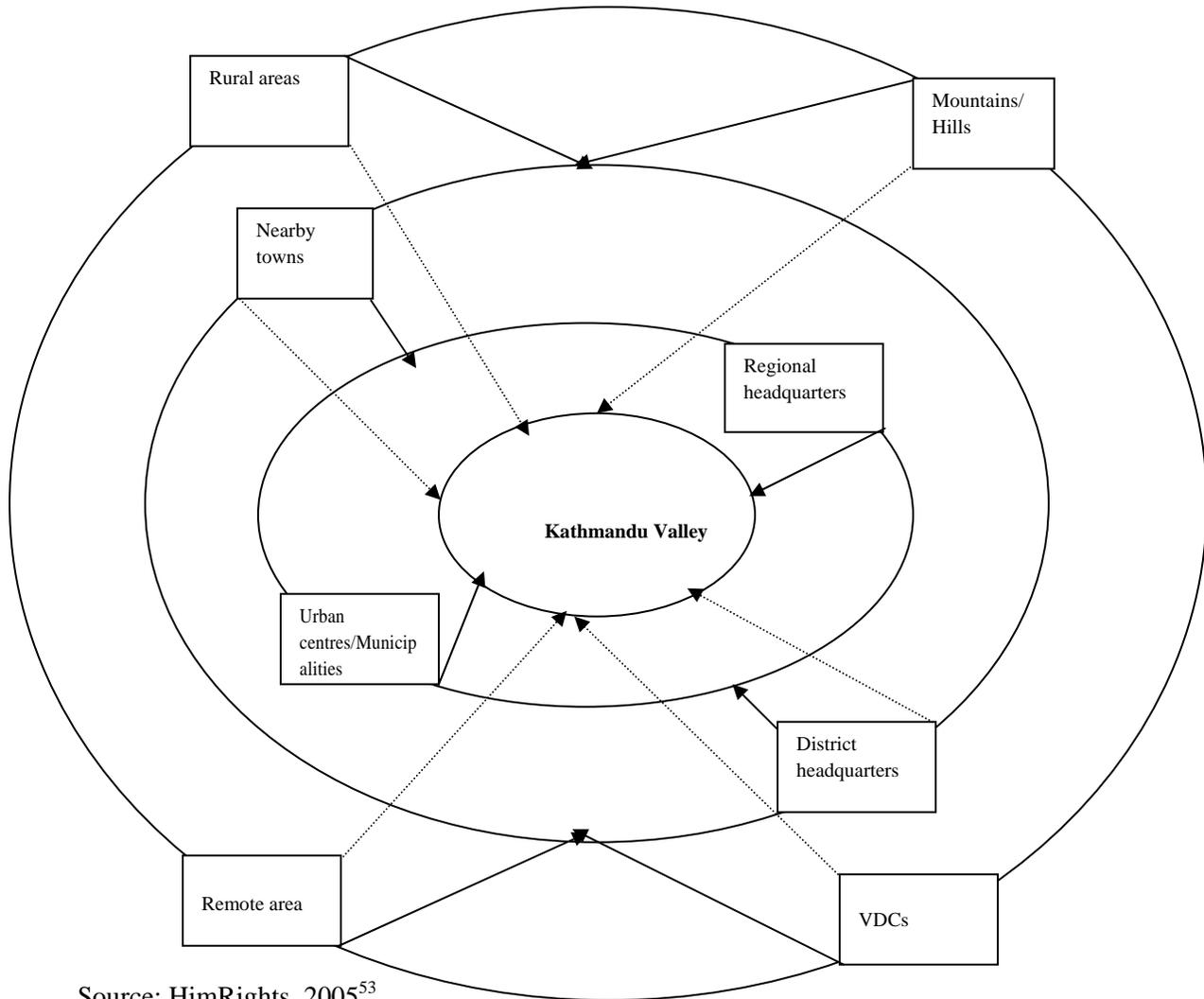
move to the nearby towns⁴⁹ when they find themselves insecure to live in or are forced by the conflicting parties to leave the place. Although this sort of migration is forced by nature, it takes a same course as migration theorists like Ravenstein (1885; 1889)⁵⁰ and Lee (1966)⁵¹ described. When displaced people once leave their places, they search for better place where they could be more secure and are comparatively facilitated by better resources and opportunities. So from the towns, displaced people tend to move to the regional headquarters and the urban centres – the municipalities. Some may remain in the respective towns, district headquarters, regional headquarters and municipalities whereas some others may decide to come to the Kathmandu valley depending upon the networks they have such as political parties or any other access they make.

⁴⁹Some people however may tend to come to the city areas directly depending upon their accessibility such as contacts, relatives, political affiliation and so on as the dot-mark arrows indicate in the figure.

⁵⁰ Ravenstein, E.G., 1885, 1889, "The Laws of Migration", *Journal of the Royal Statistical Society*, Vol. 48, No. 1, pp. 167-235.

⁵¹ Lee, E.S. 1996, "A Theory of Migration", *Demography*, Vol. 3, No. 1, pp. 428-445.

Nature of Conflict Induced Internal Displacement in Nepal⁵²



Source: HimRights, 2005⁵³.

Due to the conflict and in some cases other contributing factors as well, upsurge of population in the major cities of Nepal mainly in the Kathmandu valley has been unexpectedly increasing. One may have to wait for another five years for the national population census to figure out the skyrocketing population growth of the Kathmandu valley because of mainly the internal displacement. However, it is estimated that more than 2.5 million people reside in Kathmandu

⁵²Ecologically, Nepal is divided into three zones – Mountain, Hill and Tarai. By place of residence, it is divided as rural and urban. For administrative purpose, Nepal has been divided into five development regions, 14 zones, and 75 districts. Districts are further divided into village development committees (VDCs) and into municipalities (urban centres). A VDC consists of nine wards while the number of wards in a municipality depends on the size of the population as well as on political decisions made by the municipality itself. As stipulated in the figure above, VDCs, remote areas, and rural areas are synonymous. Therefore they are put in the same layer. Although many VDCs are also located in the Tarai (plain area), they are comparatively less remote and less rural than hills and the mountains.

⁵³HimRights (2005). *IDPs Dynamics in the Kathmandu Valley: Auditing of Conflict Induced Internal Displacement*. An Unpublished Research Report Jointly Conducted by Plan International and HimRights.

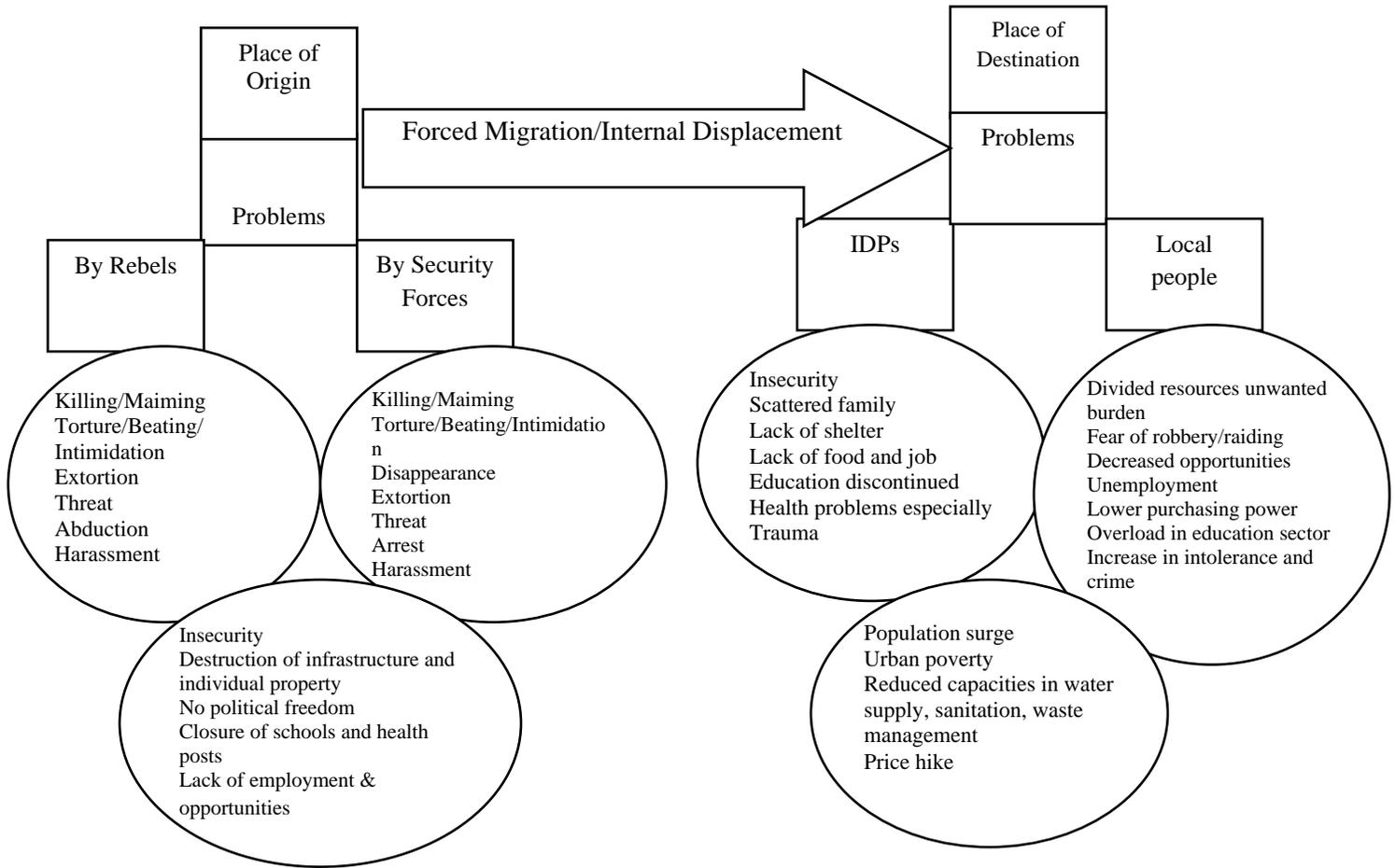
valley⁵⁴. This also shows the urgency of conducting a research on this burning issue – conflict-induced migration.

A2.3: Problems of IPDs due to Armed Conflict in Nepal

Khatriwada (2004) presented a problem analysis of conflict-induced displacement in Nepal (Figure 3.3). Due to internal displacement in Nepal IDPs both at the places of origin and the places of destination are facing problems. The figure attempts to present these problems and their main causes appeared in these places due to the armed conflict in Nepal. Although many of the ‘wealthier IDPs have been able to find shelter in the cities and may expect to return to their homes when conditions improve or may settle in the destination as voluntary migrants’, the middle and low class people are facing severe problems of shelter and food in the cities and the district headquarters. The wealthy people who have been targeted by the rebels are reportedly buying land and building house in the cities and the district headquarters. Therefore, their problems are less severe than those of the people who lack resources. However, it cannot be underestimated only because even a landlord faces several kinds of challenges such as threat of being killed.

⁵⁴ Based on a report on IDP Assessment in Kathmandu Valley conducted by the HimRights in 2005.

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Source: Khatiwada, 2004⁵⁵.

⁵⁵ Khatiwada, P.P. (2004). Internally Displaced Persons (IDPs) in Nepal: Problems and Challenges, in Lok Raj Baral et al (eds) *Nepali Journal of Contemporary Studies*, Vol. V, No. 2. Nepal Centre for Contemporary Studies (NCCS).