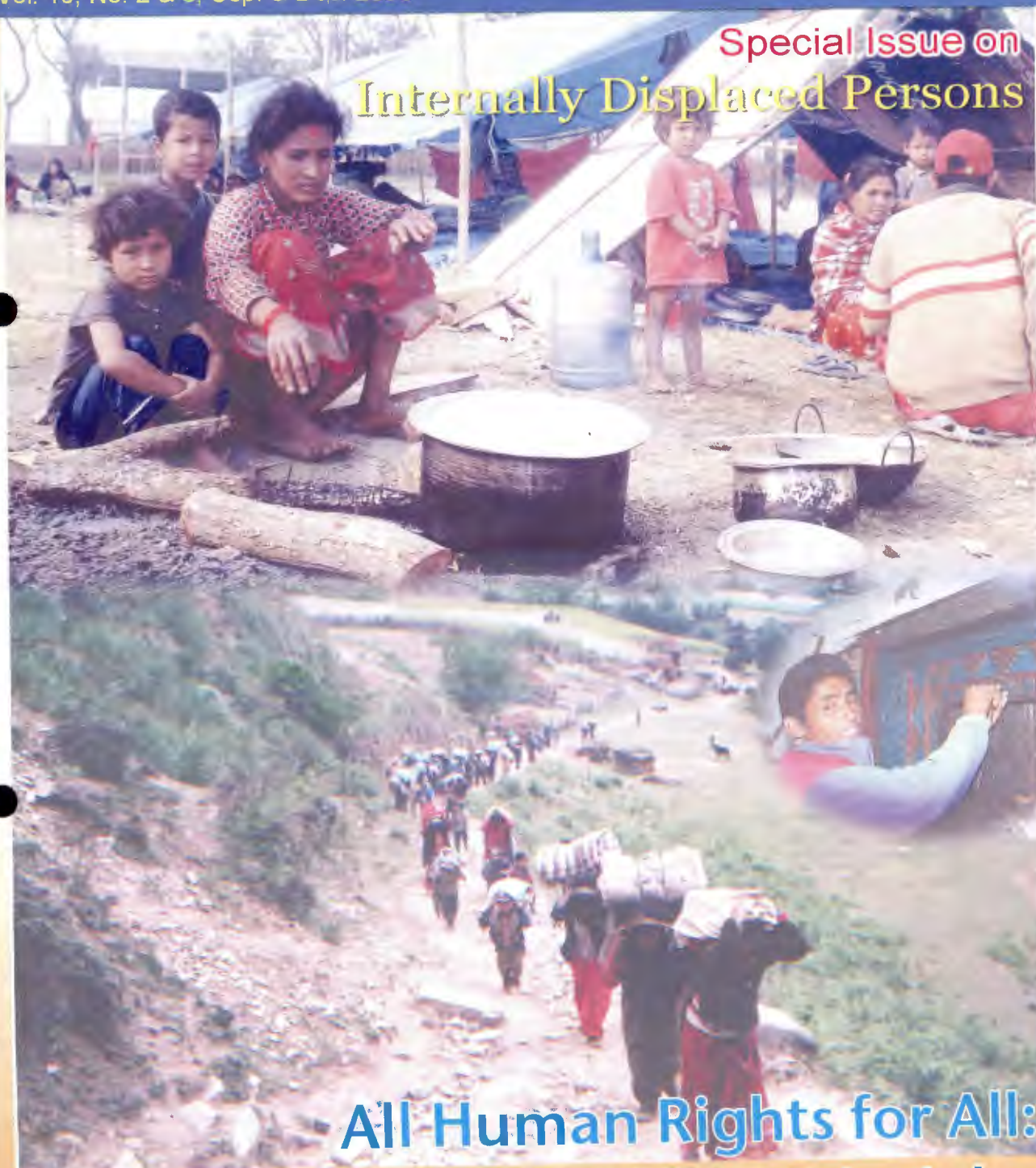


INFORMAL

Vol. 19, No. 2 & 3, Sep. & Dec. 2005

Special Issue on
Internally Displaced Persons



All Human Rights for All:
Respect the UN Guiding Principles
- Ensure the Right to Return Home

Editorial

Waiting for Returning Home

"The CPN (Maoist) has expressed its commitment to create an environment allowing the political activists of other democratic parties displaced during the course of the armed conflict to return to their former localities and live there with dignity, return their home land and property seized in an unjust manner and carry out their activities without hindrance."

The fifth paragraph of the twelve-point consensus between the Maoists and the seven political parties is sufficiently clear on the issue of conflict induced displacement. In fact a ray of hope has emerged in this regard. Thousands of displaced people through out the country are now searching for the real meaning of the consensus for them.

Conflict induced displacement has been a burning issue in Nepal for a couple of years now. Thus, the straight words of the twelve-point consensus have pushed Maoist towards a litmus-test. The consensus states in its sixth point - "Undertaking self criticism and self evaluation of past mistakes, the CPN (Maoist) has expressed commitment not to repeat such mistakes in future."

Furthermore the consensus admits the inappropriate acts of the parties carried out in the past. Both the parties of the consensus have expressed a commitment to investigate any objection raised by any party over such incidents, take action if found guilty, and to make the action public. Maoists and the seven political parties have acknowledged that an understanding has been reached to settle any problem emerging between the parties through peaceful dialogue at the concerned level or at the leadership level. In this context, we, the watchdog are observing to what extent the Maoists and seven political parties stand adamant and honest to their latest commitments.

As the armed conflict escalated violently after 2001, the problem of internal displacement started to spread all over the country. People from rural area were forced to flee their origins. They were forced to leave their homes as a result of intensified violent conflict, threats and extortions. In order to avoid the adverse impacts of armed conflict, situation of generalized violence, gross violation of human rights and human made disasters people began to migrate from their places. With the break down of seven month ceasefire between the state and Maoist in August 2003, the conflict further escalated resulting in frequent armed clashes and wide spread fear among general public. Until September 2005 the situation remained similar. Then, the unilateral ceasefire declared by the Maoists on 3 September 2005 changed the scenario. Whereas, the recent twelve-point consensus originated a new wave of aspirations in and around the country.

Recently, the media have reported that a senior leader of UML broke the padlock and opened the door locked by the Maoists long time ago in Sindupalchowk district. Local leaders of UML and Nepali Congress in Jajarkot returned to their homes. Some people who were in Solukhumbu district to their political beliefs returned home after years. Of course, these are good indications. The bad news also are not less either. Displaced persons in Sindhuli are still unable to return their homes.

As Maoists also have been vowing for respect of human rights and humanitarian law right from the beginning, it is worthy to note here that the UN Guidelines on IDPs are only the universally recognized principles related to Displacement. These Principles identify the rights and guarantee protection of the internally displaced in all phases of displacement. The principles provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although these principles do not constitute binding mechanisms, they are consistent with international human rights and humanitarian law. CPN (Maoist) should take account of such internationally recognized provisions, especially the no. 6 of the United Nations Guidelines on IDPs.

Nearly two years ago, the Global IDP Project had concluded it's in depth report with the words that only a breakthrough in the peace process and restoration of the democratic process will create conditions conducive to return of the displaced. Maoists have come forward with the peaceful solution from their part. The unilateral ceasefire, twelve-point consensus and extension of the ceasefire have certainly paved the way for the solution. Apparently the citizens displaced from their homes due to their disagreement with Maoists in the past, are waiting to return their homes. Maoists must be sincere enough to respect the will of these civilians fulfilling their own commitments expressed through the prominent twelve-point consensus.

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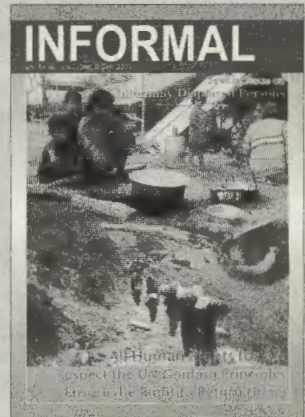
Cover Photo

IDPs in Tundikhel,

Kathmandu and

IDPs Returning

Home in Jumla



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State of Statelessness

A Critical Observation on Government Responsibility for Conflict-induced IDPs in Nepal

Prakash Gnyawali

ABSTRACT

Government has the prime responsibility to take care of its people in all situations. During crises, its role is expected to be more effective and efficient for protecting and assisting the affected people. As Nepal has been facing an internal armed conflict since 13 February 1996, larger scale of displacement has been on the rise. In this context, primary responsibility of the government is anticipated by larger section of people who are in emergency. Internally displaced persons (IDPs) are one of the most vulnerable groups of the conflict and they need effective government initiation on protecting and promoting their rights in all phases of displacement.

Based on these primary stances, an attempt has been made to look at Nepal government's efforts on addressing the problems of IDPs and constraints in dealing with the issue. For that end, some 12 key steps for government to take towards fulfilling national responsibility for internal displacement are critically observed in this article. Observation shows that the efforts of the government have been very limited. Through the bias definition of IDPs it has restricted those displaced by government security forces to come within the purview of the government assistance and they have been subject of unrecognized state of affairs. Similarly, government has no legal and institutional mechanisms to deal with this issue that has resulted in weak and haphazard implementation of though limited programmes announced through national annual budgets and relief packages. Allocation of budgets to the problem is very limited and some times nil. Still the problem has adverse effect on socio-economic and political sectors, the government has no preventive mechanisms, nor has it contributed for participation of IDPs in decision making process and supported durable solution of the problem. Government has failed in dealing with international community and establishing cooperation to strengthen national capacity. Political change of 1 February 2005 has further deteriorated the overall situation.

This article is based on the benchmarks presented in *Addressing Internal Displacement: A Framework for National Responsibility*, by Erin Mooney, The Brookings Institution-University of Bern Project on Internal Displacement, Washington, DC, April 2005.

INTRODUCTION

Internally Displaced Persons (IDPs), as defined by the United Nations' *Guiding Principles on Internal Displacement*, 1998, are 'those persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border'.¹ This definition itself sets forth that the primary responsibility for protecting and assisting the IDPs rests within the national government as a duty-bearer. In accordance with established principles of international law, it is first and foremost the responsi-

bility of the governments concerned to meet the assistance and protection needs of their displaced populations² as they do not cross the state border.

Of course, there is debate on many situations of displacement that have not recognized by the state authorities, but the prime concern over the situation cannot be neglected. As these are the persons from particular groups, state should not be reluctant on fulfilling its responsibility of protecting and guaranteeing their rights in all of the phases—before, during and after displacement addressing all needs from all levels of government and in all affected areas as pointed out in the internationally recognized *Guiding Principles*. The Principles clearly set forth—'national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally

displaced persons within their jurisdiction (Principle 3.1).¹ Receiving protection and assistance from government authorities is not just a duty of the state based on a trickle-down approach but the rights of the IDPs to receive them. Principle 3.2 of the *Guiding Principles* clearly underscores that—'internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request'.

Most of the displaced in the world are living as a neglected category of people. Those are the most vulnerable ones who are internally displaced within their own state border without any recognized status. These people often fall into a vacuum where state responsibility for their welfare is derogated due to the loss of control of vast areas of a country.³ There are 25 million people throughout the world displaced within their own countries due to conflict and human rights violations. In 2004, three in four IDPs—more than 18 million people—could not count on the authorities in their country for the provision of adequate assistance. In 14 countries, with a total of over 12 million IDPs, governments reacted with hostility or, at best, remained indifferent towards the need of protection of the internally displaced. Even worse, in at least 13 countries, including Nepal, the governments responsible under international law for protecting their citizens were themselves behind forced displacement and attacks on IDPs, either directly or through militias.⁴ This shows the fact that most of the IDPs in the world are neglected and deprived of government assistance and are living in critical situations.

Nepal has been experiencing conflict-induced internal displacement since the outbreak of CPN-Maoist's 'People's War' in 1996, particularly because of the widespread violations of human rights and international humanitarian laws. There are estimates of 50,000 to 600,000 IDPs; however, the working figure of IDPs 100,000 to 200,000 is internationally recognized as of end-2004. Nepal has been experiencing new displacements every year continuously after the outbreak of the 'People's War' and now it is labelled as the world's one of the worst displacement situations. There is lack of humanitarian assistance and protection to the IDPs in the country. Similarly, it has not experienced UN involvement in assisting these people.⁵ It has further escalated the conflict and fuelled the problems caused by the regular phenomenon of internal displacement.

GOVERNMENT RESPONSIBILITY

Nepal government's role on fulfilling its responsibility on internal displacement has been elaborated through some 12 key steps as pointed out below:

1. Prevent Displacement and Minimize Its Adverse Effects

Armed conflict has an adverse effect on the public

life. Grave human rights violations and increased brutality have created widespread 'culture of violence' in a larger scale. Public life in the rural areas has turned into full of miseries, difficulties and frustrations. There is no security even for a non-combatant civilian. Both the warring sides are engaged in frontline battle which has created a pile of difficulties to the civilian populations. People have been caught between the armed confrontations. These behaviours have put enormous problems that the people have to escape from only being displaced from their places of origin. The risk of violence and collapse of services in conflict-affected areas forced people to flee to safer areas.⁶ Government's reluctance towards improving widespread economic crisis and shortage of basic services, neglect for resolving the crisis and absence of state mechanisms in rural areas have also been the major factors for displacement of the people.

Right after one and a half year of the initiation of the Maoists' 'People's War'; government had received recommendation on focusing the issue of conflict-induced internal displacement and its adverse effects. A working committee to study 'Maoists' Activities and Solution', formed by the government on April 1997 had submitted a report in August the same year with one of the recommendations that the government should bring out its positive concepts regarding rehabilitation of the persons displaced due to the 'People's War'.⁷ But that was not properly translated into practice so the trend of displacement intensified day by day. There is no any early warning system that gives the government appropriate advise so as to limit the widespread effects of the ongoing conflict resulting in mass exodus throughout the country.

Similarly, there is no policy, program or any state mechanism made responsible to minimize the multifaceted effects of displacement such as economic hardships, social disintegration, and cultural isolation. There are commitments and programs of governments announced in the Five Year Plan and annual budgets for reducing adverse effects of conflict and the implications of internal displacement, proper implementation mechanisms have not come into existence as yet. Lack of political will and visions to settle the problems have resulted in the rise of displacement and its deepening consequences.

However, the government has identified displacement as an issue of greater concern for the present day Nepal in a broader sense. It has accepted that the conflict-induced internal displacement is on the rise and recognized that the number of people displaced from their place of normal residence, leaving behind their property, economic and social activities, due to either physical and mental injury caused by violent activities or due to fear and terror, has been rising.⁸ It has also pointed out the need of increasing government investments and enhancing institutional capability to undertake measures to prevent displacement and to properly

address the basic needs of the displaced people and their rehabilitation.

But there is just a play of words. No remarkable steps have been taken to lessen displacement and address the problems. The government has not developed particular strategy to resolve the present conflict rather fuelled the civilian conflicts through backing vigilante groups in many districts. Political conflict has now being transferred to be civilian conflict with the engagement of various actors in the local level. Similarly, political conflict has been changed to be tripartite—government-Maoists-Political parties since the royal takeover on 1 February 2005. On the other hand overall development efforts have been weakened and the people have only been taken as passive beneficiaries and unable to address the root causes of conflict and displacement.

2. Raise National Awareness of the Problem

Government has not prioritized awareness raising strategies regarding conflict-induced internal displacement rather it has emphasized immediate relief assistance activities in stated programmes. Its actions are limited within providing some allowances, medical facilities and scholarships for the education of children of IDPs though in a very limited manner. These efforts are not linked up with awareness raising activities rather implemented in a very one-sided model that does not cover up of sharing and self-motivation of IDPs in national efforts.

Some of the NGOs are involved in awareness raising activities though with a small working area. Translation of the *Guiding Principles* into local language, developing handbooks on working with IDPs, conducting interactions with IDPs, researches on situation of IDPs in various districts and regional centres, and facilitation for their return and reintegration to the places of origin are some of the highlights of NGO initiatives. Due to the lack of resources and environment, NGOs have not covered the larger strata of IDPs and most of such activities are limited to research and awareness raising level. On the other hand, NGOs are, in recent times, facing direct threats from the warring sides in local level that has caused withdrawal of their programmes.

3. Collect Data on the Number and Conditions of IDPs

Government has no particular system for collecting number and conditions of IDPs; neither has it formed any mechanism for that end. This has multiple effects on working with IDPs such as lack of problem identification, programme formulation and implementation in government level. Even estimates on the number of IDPs by government offices widely vary to each other. For instance, the Ministry of Home Affairs

(MoHA) figures 7343 people registered as IDPs as of February 2003 while a Task Force on IDPs formed by the government estimated more than 100,000 in August 2004. The Minister of Finance, while addressing a donor conference, stated that the number of IDPs was estimated to stand between 300,000 and 600,000 in May 2005.⁹ It shows the discrepancy on government data on IDPs.

This figure indicates two major realities: one, the government has not been able to assess the number of IDPs. Even the National Census in 2001, which was the best opportunity for the government to incorporate certain mandates on this very issue, did not consider the fact of internal displacement. And the next, all of the government programmes targeting IDPs lack baseline the information so as to make them effective. It has resulted in the inadequacy and failure of such programmes and relief packages.

There are some reasons for variation on the number of IDPs. Firstly, there is no government mechanism to keep the records of IDPs. MoHA and District Administration Offices (DAOs) have some sort of records of only those who registered themselves with these offices. Only registering those who come to the government offices is not sufficient for assessing the number and condition of IDPs. Government authorities have no alternative programmes either to increase voluntary registration or assess the exact figure and conditions of IDPs. On the other hand, all of those displaced from government security forces have been left unrecognized due to the government's bias definition. Secondly, there is not any government agency that regularly monitors and documents population movements due to various reasons such as economic earnings, seasonal employment, education, natural and man-made disasters, and to avoid the effects of armed conflict. Thirdly, the government has not yet conducted a nationwide assessment of IDPs. Fourthly, there are no camps except in two/three districts and many IDPs usually stay with their relatives and friends. Fifthly, there is no government initiative to register or take into consideration those who have been displaced by the Maoists and residing at other places than district headquarters.

Even there is no accurate data on the number of people who have crossed the Indian border. Government is responsible for measuring such important population flow; but still it has not publicized its report on this aspect. As Nepal has specific geo-political situation due to the open border system with India, there are some logics for taking those displaced to India as IDPs. According to these logics, if the border was not open with India, number of IDPs in Nepal would be much greater than it is at present. If the government records and publicizes the number of such flow of people, it would be easier to estimate the intensity, and identify the possible factors that have to be minimized

Success Story Starts from Surkhet Finally They Are At Home

Finally people of Jumla, who were compelled to leave their homes and land and lead a miserable life as IDPs in the open field of Birendranagar, Surkhet, for failing to join Maoists, have returned home. Those displaced after the Maoist's notice for 'one house one person' recruitment in their militia or donation of the excessive amount beyond their capacity and living a pitiable life in Birendranagar for 10 months have returned home their homes in the initiation of INSEC and financial support of DFID.

It was the rainy black night of September 9, 2004, 280 persons of 52 households of Birat and Botamalika VDCs of Jumla carried their children and lifetime belongings and reached Gumgadhi after walking through the jungle and steep hills at the border of Jumla and Mugu districts. Most of those displaced persons marched to Birendranagar. Of them, 70 persons of 11 households returned to their village after arriving at Gumgadhi, but the subsequent days for those who made their way to Birendranagar was not easy though.

Though 80 displaced persons of 12 families living in tents at the open land in front of the Red Cross build-



(IDPs Returning Jumla by an Aircraft from Surkhet)

ing at Birendranagar either went to other place or returned to their homes, 87 persons of 24 families of Majhbuda, Birat VDC-2; 21 persons of 4 families of Botamalika VDC and 3 persons of one family did not return. Either they feared to be killed on returning home or they felt that life would be further miserable back home. They had a hard time in such dilemma.

As they had to live under the open sky they suffered from different diseases during the cool days of winter, during rainy season and due to the heat of summer season in Surkhet. They were compelled to starve in their initial days following the apathy of the government. In the early days they threatened to commit joint suicide rather than returning home before the initiation of peace talks. But with the start of year 2062 BS they had been appealing to INSEC, other human rights organizations and journalists to take initiation to take them back home.

It is not that human rights organizations did not take initiation in this regard from the time they arrived here. INSEC had been taking initiative to enable them to return to their domicile since a long time, but the differences and dilemma among them (whether to return or stay) and the lack of financial source had entangled them.

After the talks with Maoists and financial arrangements, INSEC started to return 111 displaced persons of three VDCs of Jumla from May 27, 2005. INSEC General Secretary Kundan Aryal initiated the process giving *tika* to them at the Surkhet airport. Different security officials, journalists and human rights activists were present at the programme.

After taking them to Jumla district headquarters via helicopter of Yeti airlines on May 27 and 28, a team of human rights activist and journalists accompanied them to their houses.

After a tough two-day walk from Khalanga- district headquarters of Jumla passing Karnali technical school on May 29, these displaced people were sent back to their home by organizing a programme in the house of Kunne Buda at Majhbuda of Birat VDC-2. On the occasion, Puskar Pandey of INSEC mid-western regional office stressed that Maoists, who have been making commitment to respect International Humanitarian Laws, should stop acting against it.

Stating that the weakness of some cadres against the party policy, people of other areas also had to suffer like of Majhbuda, "Power" security committee coordinator of Jumla-Kalikot, area number 8 made his commitment that Maoists would allow the returned persons to stay in the village fearlessly.

In the programme, Laxu Buda of the team appealed the concerned party not to trouble the villagers as they did in the past.

After the programme, the team of human rights activists and journalists unlocked their houses in their presence. On unlocking the house, it was found that property; utensils, clothes and even beds of many families were looted. However even with losing physical assets, they were happy to be at home again.

- Durga Thapa

so that they find conducive environment in their own places and spend their potentiality for the sake of their own country. It is more important once the conflict is resolved and the peace process begins. Rehabilitation of IDPs in appropriate places is the responsibility of government but the reality is not so. Thousands of people have left their place which has created a kind of imbalance in national population but still the government is in a deep sleep.

A national coordinating body with equivalent bodies at the regional, district and if possible Village Development Committee (VDC)/Municipality level is needed to look after internal displacement. Its effectiveness can only be seen when it consists of human rights organizations, journalists, political parties and NGOs as well. Such mechanism can more impartially register and cover most of displaced persons including those by government security forces, and assess their number and conditions as well.

4. Support Training on the Rights of IDPs

Government seems reckless on the rights of IDPs. Though the *Guiding Principles* set forth the responsibility of governments to raise awareness and provide necessary trainings on rights of IDPs, Nepal government has not taken into consideration it so far. The government, in the past, had announced skill development and income-generating training package to female IDPs but they could not come into practice. It would be more effective if government encourages community groups, social and human rights organizations to work on this issue jointly in cooperation with government authorities at the local level. But the reality is not so. Even the government authorities have harassed such organizations while carrying out IDPs-focused activities charging them to be Maoist sympathizers.

Present government has announced that those affected by conflict and the Maoists who have surrendered can receive trainings for employment¹⁰, but closed the space for others particularly those from its too limited political definition of victims. Similarly, the government has announced providing free of cost vocational training to conflict affected IDPs to enable them for employment or self-employment opportunities.¹¹ But, these trainings do not incorporate the issues of rights of IDPs. It would be rather effective if the government has simultaneously supported awareness raising initiatives on the rights of IDPs that can cover members of host community, social workers, journalists, government officials, security personnel and the IDPs themselves. Taking into consideration only those who have surrendered to the authorities and the Maoist-victims without specific categories is not appropriate method to incorporate the whole issue in government responsibility.

Majority of IDPs want to get involved in trainings if any organization or authority offers.¹² But, none of the mechanisms and practices existed in this run. Though the government, in 2004, announced a programme through its annual budget to provide skill development and income generation trainings to female member from conflict-victim families, it was not implemented effectively. Such initiatives are in question after the political change of 1st February 2005.

5. Create a Legal Framework Upholding the Rights of IDPs

There is absence of legal framework for protecting and promoting the rights of IDPs in Nepal. Due to lack of political will and contradictions in dealing with the issue of conflict-induced internal dis-

placement, governments remained reluctant though much deeper the intense the problem is.

Government had received a recommendation to make a concrete concept on the issue of conflict-induced displacement in Mid-1997 but it did not work for that reason rather announced some relief packages with the vague and bias definition of conflict-victims. It has resulted in the lack of concern over legal protection of IDPs and absence of any efforts for that end.

The *Guiding Principles on Internal Displacement*, the *Universal Declaration of Human Rights (UDHR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, the *International Humanitarian Laws*, and the *Constitution of the Kingdom of Nepal, 1990* can be taken as the key instruments for formulating legal framework to protect the rights of IDPs. But, the government has not developed any basis for that purpose besides mentioning the issue of rehabilitation and repatriation of IDPs in its Tenth Five Year Plan (2002-2007) and National Human Rights Action Plan (NHRAP).

Though the *Guiding Principles* have no legal binding obligations, there are examples, the countries like Angola, Burundi, Colombia, Liberia, Peru, the Philippines, Sri Lanka etc. have included its references in their domestic laws or policies, and many other countries follow its provisions. There are progresses in Sudan, Uganda, Kosovo, and Bosnia Herzegovina in terms of creating certain frameworks for protecting the rights of IDPs.¹³ Similarly, Indonesia's strategy¹⁴ for return, local integration and resettlement of IDPs, though having weaknesses in terms of continuity of state programmes, is also an example of government initiation for addressing internal displacement.

But, Nepal government has neither incorporated the *Guiding Principles* into domestic law nor respected the rights of IDPs as envisaged in the Principles in any phase of displacement. Similarly, it has not yet made any coping strategy on this issue.

If the government had certain mechanisms to ensure the rights of IDPs, and policy and programmes under that broader framework it would have assisted in four ways: firstly, to identify priority issues; secondly to formulate appropriate programmes in accordance with the rights of IDPs; thirdly, to assess capacity and select appropriate institutional mechanisms; and fourthly, to maintain link-up with government actions for effective implementation.

6. Develop a National Policy on Internal Displacement

Though it is informed that the Nepal government is in the process of developing a new IDPs policy,¹⁵ it has not been public yet. In contrary to developing a national policy on internal displacement, the government has been talking about setting up a mechanism

for institutional protection and development of conflict-affected persons, and waiving the land tax for their relief¹⁶ first. This is the latest example of inconsistency on government initiatives. Unless there is a broader policy covering the issues nation-wide, proper implementation of such announcements is in question. Past experiences have also shown that the lack of national policy on internal displacement has resulted in misdirecting though limited efforts.

Nepal government has come to realize the problem and it has announced some occasional package programmes for assisting them in emergencies. Instead of developing national policy on internal displacement, government has been following its traditional routine of announcing some policy issues in a national annual budget, pointing out major areas to be taken into consideration and allocating some amount in a generalized manner. There is an increasing trend of conflict-induced internal displacement for more than nine years in the country, but the government has not created any policy either with a broader solution of the root causes of displacement or particularly to address the options for IDPs—to return to places of origin, to integrate them into the community from which they have been displaced, or resettle them to new locations—whatever the possibility may be.

Lack of a national policy on internal displacement has direct relation with the failure of overall implementation of the announced programmes. The Government has taken all the issues under a broader definition of 'conflict-victim', which resulted in problems on identifying priority areas in micro-level. 'Ganesh Man Singh Peace Campaign' – announced on 23 September 1999 though emphasizing some relief and rehabilitation packages – can be taken as an instance of the poor and misleading state of implementation.

There are also some positive developments in terms of incorporating the issues of IDPs in the national periodic plans, political agenda of the government, and commitment of political parties. On-going Tenth Five Years Plan (2002-2007) has incorporated the issue in one of its strategies to rehabilitate conflict-victims including those displaced and affected by violence.¹⁷ Though it has crossed mid-term of implementation, still such strategies do not seem to be materialized. In absence of proper institutional mechanisms and programme schemes as well as silence of the government in formulating adequate policies have created obstacles for implementation of the existing plan.

NHRAP, released by the government through the Office of the Prime Minister and Council of Ministers in April 2004, identifies 12 priority areas—including conflict management for protection and promotion of human rights in Nepal. One of its objectives is to rehabilitate and resettle the victims of the conflict and reconstruct the physical and social infrastructure damaged during the conflict. Similarly, it has the objective of protecting and assisting victims of and those dis-

placed by the armed conflict for their repatriation and rehabilitation.¹⁸ For that end, the plan has considered launching long-term rehabilitation programmes from the first year onwards its enforcement. MoHA, Ministry of Women, Children and Social Welfare (MoWCSW), National Human Rights Commission (NHRC), DAOs, local bodies, human rights organizations and civil society are taken as cooperating agencies to achieve this objective. MoHA is identified as the 'Implementing Ministry'. It has not taken into consideration other ministries such as Ministry of Local Development (MoLD), Ministry of Health (MoH), Ministry of Labour (MoL) etc. which are responsible for many activities while assisting IDPs for repatriation and rehabilitation. Similarly, there is absence of local bodies with people's representatives for three years; human rights organizations and civil society have been totally neglected by the government at present. In this context, implementation of the NHRAP is in question.

The government had raised the issue of displacement and highlighted its commitment to give high priority to the efforts for rehabilitation of the victims and displaced people in its 'Concept of Forward-looking Reforms in the State Mechanism' during the peace talks with Maoists on 17 August 2003. Similarly, it brought a '25-point Commitment on Implementing Human Rights and International Humanitarian Laws' on 26 March 2004, and stated that the rights of IDPs to return their homes and rights to return to their domicile or to the place of their choice will be guaranteed.¹⁹ Such concept and commitment have not been implemented so far through a national policy on internal displacement.

It is to be noted that Common Minimum Programme (CMP) of the four political parties—Nepali Congress-Democratic, Communist Party of Nepal-UML, Rastriya Prajatantra Party and Nepal Sadhwawana Party—in the then Deuba Government in 2004, had taken into consideration the issues of rescue and relief of conflict-victims and the IDPs as a special scheme and provisioned for rehabilitation of displaced people with high priority.²⁰ It was later approved by the government as its policy. But, still there are shortcomings on linking up the agenda of political parties with the policy and programmes of the government that could address the problem in more realistic way.

7. Designate an Institutional Focal Point on IDPs

There is no institutional focal point solely responsible for IDPs in Nepal. Though the state is not totally reluctant on this issue it has been neglecting the demands for establishing institutional focal point to coordinate the actions of government as well as non-governmental agencies to support the conflict-victims, including IDPs. Neither there is certain coordination mechanism within the government level for this end. Various ministries have been given some responsibilities to implement the government programmes but

these are not effective and efficient. One of the major reasons behind it is lack of particular mechanism or institutional focal point on this issue. It has also resulted in an ambiguity on defining 'conflict-victims' and 'IDPs' that has entire effect on assistance and protection efforts.

Approving the report of the Task Force to Prepare the Relief Package including Work Plan for Internally Displaced People, government decided to make arrangement of an identification committee in coordination of Chief District Officer (CDO) with representation of Local Development Officer (LDO), district Chiefs of Army, Police and National Intelligence, and an advisory committee in coordination of District Development Committee (DDC) President with representation of other legitimate party leaders to assist the identification committee in the district level.²¹ But these committees have not yet come into being.

There are two major reasons for its irrelevancy: one, these committees are just aimed at identifying the persons displaced due to Maoists; and the next, the advisory committees seem not to exist at all in this situation particularly because of the absence of people's representatives at the DDC.

NHRAP has one of its objectives to establish mechanism for peaceful and democratic resolution of armed conflict during a long term implementation.²² National as well as district level Conflict Management Coordination Cell (CMCC) is to be established/operated as one of the major actions for achieving this objective. As it has a broader mandate for dealing with the resolution of armed conflict, the specific issues of internal displacement has not been the major agenda. Similarly, objective of the establishment of such Cell is not different than overall dealing with a particular issue of internal displacement.

There are NHRC, Human Rights Protection Centre (HRPC), High Level Human Rights Committee (HLHRC), National Peace Secretariat (NPS) etc. already existed but the government is still reluctant to designate an institutional focal point on IDPs that would be a coordinating body as well. What the government has done in the past is duplication in the mechanisms for human rights. Quite similar mandates have been given to all of them. For example, working areas of NHRC and HLHRC are said to be almost similar. On the other hand, the HRPC is also working within the same broader framework of assisting the government for peace building initiatives. Similarly, it is not clear whether the NPS was established under the NHRAP's objective to work as a CMCC. If it is so, outline of district level cell is still unclear. Likewise, if the Cell is to be established as expected by NHRAP, what the mandate will be for that the NPS, already established under such general mandate. These ambiguities and duplications are also some of the major causes for the failure of these institutions.

Nepal government can see its South Asian neigh-

bour — particularly Sri Lanka — which has not only incorporated the *Guiding Principles* into domestic laws but also set up national institutions and welfare centres to provide food to the internally displaced people in both government and rebel-held areas, invited in international aid in support of its national efforts²³ and take appropriate initiatives which can better address the problems.

It would be more effective if the government would have designated different focal points for separate issues such as conflict-induced internal displacement, voluntary migration, torture, disappearance, etc. rather establishing many institutions for a similar purpose and with a similar mandate.

8. Encourage National Human Rights Institutions to Address Internal Displacement

Actually, what the government of Nepal is doing is not fair not to criticize at all. State responsibility is not just a lip service. Facts show such bitter reality of neglecting the issue.

There are some institutions such as NHRC, HLHRC, HRPC, NPS etc. which have broader mandates for protecting and promoting the rights of the people. Under that framework they can play different roles that avail for the rights of IDPs. But the government's actions indicate that it has no interest on this. Otherwise, there would have been proper cooperation and coordination by the government. Lack of interest of the government and absence of mechanism are not encouraging factors rather this is the situation from which government itself discourages existing institutions from addressing internal displacement.

The NHRC formalized its positive initiation by incorporating internal displacement within its Strategic Plan (2004-2008) as a key priority under the first strategic objective. To contribute to the peace building process, it took one of the key priority issues for studying, investigating and documenting disappearances, human rights violations, internal displacement and follow up. This objective expected that the government of Nepal plans and implements resettlement of displaced people.²⁴ Moreover, the commission organized interactions with government officials, political parties and representatives of civil society so as to contribute peace building and resettlement of displaced persons. But these expectations and efforts have not yet been resulted as stated in the strategic plan.

This is because the government lacks motivation for encouraging national human rights institutions to work on internal displacement. The issue has been identified in the national plans but efforts of the government are contrary to that. This trend can be found in government's approach towards the national human rights institutions as well. What the government always expects from the human rights institutions is just a praise of its actions. If they are critical to the gov-

ernment exposing its shortcomings, then it starts to be totally negative and does not even pay attention on its own responsibility of encouraging these institutions. There are obstacles for human rights institutions to work with IDPs fairly due to the narrow and one-sided working definition of the government. If they want to cover the issue of those displaced by the government security forces into their programmatic framework, it does not accept and recognize such initiatives just because accusing them to be Maoist sympathizers. Entirely, these principal demarcations on defining IDPs have resulted in hindrances discouraging human rights institutions.

Even some mechanisms are established for sensitization on human rights within the government itself, they are not functioning at all. Recently on 11 August 2005, the government formed three new human rights committees namely—National Coordination Committee for Protection and Promotion of Human Rights (NCCPPHR), Human Rights Public Relations Sub-Committee (HRPRSC) and Directorial Sub-Committee for Human Rights (DSCHR)²⁵—dissolving all the previous ones—Human Rights Protection Committee (HRPC), Directorial Committee for Human Rights Promotion (DCHRP), and National Human Rights Action Plan Implementation and Evaluation Committee (NHRAPIEC)—functioning under different ministries and government agencies.²⁶ However, it is not clear yet how the new committees will function and contribute for sensitizing and coordinating to benefit IDPs.

Unless and until the government's psychology is changed to become liberal in terms of listening about its shortcomings and weaknesses and being serious to correct them simultaneously, an environment for encouraging national human rights institutions to work on internal displacement may not be effective.

9. Ensure Participation of IDPs in Decision-Making

Studies show that IDPs' issues have not been the priority of either the government or until now many of the humanitarian or development organizations.²⁷ They do not have particular organization in dealing with their issues. Of course, there is an Association for Sufferers of Maoists, Nepal (ASMN) but it is alleged of being politically bias, leaving many IDPs from its organization as it is basically formed to organize those who have been victimized by the Maoists. On the other hand, there is no government mechanism that looks after the issue solely. These backgrounds are the major factors for which IDPs have not been able to speak out for their rights.

Government has to uphold the demands of IDPs; and their rights to request and receive protection and humanitarian assistance is to be guaranteed. But, Nepal government has always negative approach on the IDPs. It has not only restricted them from demanding

protection from the government but also arrested and kept in custody brutally intervening peaceful demonstrations of IDPs while asking for food and shelter. Arrest of some 150 IDPs—including children and women—who were living in temporary sheds at Ratnapark of Kathmandu, destruction of the sheds without early warning and confiscation of their possessions on 26 May 2005 are one of the latest examples of government atrocities against IDPs.

Government's attitude is not positive from the very beginning of the larger scale conflict-induced internal displacement in Nepal. And, it had not even let IDPs to stay any more at the place of their first arrival compelling them to leave the places of temporary destinations. In August 1999, around 85 people left their village in Jajarkot for Surkhet district of Mid-western Region, fearing Maoist reprisal but the Surkhet DAO did not allow them to stay there, and they were sent further to Dang district.²⁸ Similarly, in June 2000, some 265 people from 12 districts of Far-western Region were forced to move in an organized way to seek the internal refugee status from the government. They had tried to settle as squatters first in the government land in Kailali district but were not permitted by the local authority. This made them to march from Kailali district to the capital city of Kathmandu.²⁹ They conducted series of demonstration and staged hunger strikes, met members of parliament and ministers, and submitted an 11-point demand to the government. But the government dismissed their demands, alleging that they were simply trying to take advantage of the Maoist 'People's War'.³⁰ The government neither recognized them as 'internal refugee' nor provided with land for settlement. What the government has been doing is restricting IDPs from organizing themselves and raising their voices. In this context, expectation from the government for ensuring let IDPs to take part in decision making process seems just a vain.

IDPs are unable to enjoy their political rights such as right to participate in political activities, right to take part in government and public affairs, right to vote and so on. Even if participate, they do not get chances to be elected in upper positions of political and government bodies. Most of the IDPs are of the opinion that they have been excluded from various political rights only because they are displaced from other places and come to live in others'; they are unable to exercise their rights on the same grounds as that of those local people. Many IDPs think that there is no meaning of their own citizenship certificate.³¹ It is one of the instances of exclusion of IDPs in decision-making process. They are deprived of their civil and political rights simultaneously economic, social and cultural ones; dislocated and dispossessed from all of these strata, and lost their identity as the citizens of Nepal.

On the one hand, they have no socio-political and cultural platform enabling them to speak for their rights. On the other, the government discourages their

organization which can take responsibilities to advocate their rights in an institutional capacity. Similarly, neither there is any policy nor plans to ensure participation of IDPs in decision-making process from their direct representation, nor the government has established any cooperation with NGOs working in the similar field. In this backdrop, participation of IDPs on decision-making process is doomed.

10. Support Durable Solutions

Government has duty to ensure that IDPs have access to durable solutions of their problems. In other words, it has to make every possible effort to facilitate the return or resettlement of IDPs in accordance with their rights.³² But, Nepal government is ignoring the very responsibility of establishing conditions and providing appropriate means to allow their safe and voluntary return to their places of origin or to resettle in other parts of the country. What the IDPs have been doing is at their own capacity to choose the places, expect employment and means of survivals and if not, move to other places with the same hope. When there is no any possibility to find alternatives for survival in the host localities, many IDPs cross the Indian borders.

On the other hand, human rights organizations and journalists have facilitated the return of IDPs to their places of habitual residence after holding series of negotiations with the CPN-Maoist due to which they had left their places. Return of some 111 IDPs from Surkhet to Jumla district of Mid-western Nepal in the last week of May 2005 after INSEC's initiation is one of the successful stories.

On 1 October 2004, the government had decided to establish rehabilitation centres for conflict-victims in all of the five development regions³³ but it has not yet been implemented.

The government has also not implemented its commitments on 26 March 2004, for guaranteeing the rights of the displaced persons to return their homes and ensure the right to return to their domicile or to the places of their choice. It has neither established cooperation with NGOs and human rights organizations that are important in negotiating with the Maoists so as to make an appropriate environment for returning and reintegration in the places of origin, nor facilitated reintegration to enable them to rebuild their lives in its own capacity. Earlier the government, during the peace talks with the Maoists, had incorporated the priority issues of rehabilitation of the victims and displaced³⁴ and stated that the rights of the displaced persons to return their homes shall be guaranteed. It has even forwarded its concept that the rights to return to their domicile or to the places of their choice shall be ensured.

These commitments have not yet been translated into practice. Government has to provide alternative shelter and means of survival to those displaced from their places of origin. Attention towards the vulnerabil-

ity of IDPs, especially women, children and elderly persons is the prime concern. But, they have rather been subject of discrimination and disregard while providing government assistance.

On the other hand, the government—particularly after 1 February 2005—has not made its commitment for durable solutions of the present armed conflict and other causes of displacement, rather it has announced for voluntary surrendering of the cadres of CPN-Maoist³⁵ which has negative consequences on peace negotiation. Neither the government has paid attention on addressing the social, economic and political disparities which are the root causes of the conflict, nor opened up an environment to incorporate those issues raised by the warring side. Rather, especially after 1 February move, the state mechanisms have become much autocratic following their traditional way of ruling which closed the possible options for peaceful resolution of the conflict.

11. Allocate Adequate Resources to the Problem

IDPs are taken under the broad definition of conflict-victim in all of the assistance packages of the government so that it is hard to assess the total amount spent for IDPs, except some daily allowances. Besides, there is no effort undertaken at the legal and policy level that has entire connection with the implementation of the programmes.

Some funds for assisting IDPs were allocated in the national budgets and announced in some package programmes. Initially the government of Nepal decided daily allowances to the IDPs under the 'Ganesh Man Singh Peace

INSEC Experience of Mid-west: IDPs Find Their Way Back Home

In the mid-western region a total of around twenty-three thousand people have been displaced and they have scattered through out the district



including the district headquarters of the region. Among the displaced most of the people are from, Jumla, Mugu, Jajarkot, Kalikot, Humla, Dailekh districts and some even from the urban areas

of Surkhet and Nepalgunj. Among them some households were displaced in September 2004 from Jumla and were living inside the premises of District Red Cross Office, Surkhet under plastic tents. They were displaced from Jumla following the Maoists' threat. The Maoists had threatened them to join the Maoist party.

Seeing the need that the IDPs should be sent back to home, we talked to them to know if they were willing to return their home. Their reaction was negative. They said that they did not trust Maoists and the Maoists would again trouble them. They even said that Maoists were "like a bad son-in-law who always repeated promise with mother-in-law to deal in good manner with her daughter, but would always beat his wife".

We then started interacting and negotiating with the IDPs and Maoist leaders in the different levels (local, district and regional) since the last six months. Finally our continuous effort paid off and the Maoists leaders also realized their mistake and assured us that they would now behave firmly with the IDPs and not trouble them in the future. And when we talked to the IDPs they also agreed to return home. They were also seen eager to return their homes they had left months ago.

Basically the problems of IDPs are:

- Problem of reintegration.
- Problem of shelter and foods.
- Lack of social security like education to the children, maternity and other health care facilities to all displaced people.
- Malnutrition.
- Misbehavior, exploitation and anxiety.
- Drug abuse, prostitution.
- Feelings of revenge.
- Deprivation from cultural practices, entertainment and discrimination.

JUMLA A SUCCESS CASE-STUDY

INSEC took initiative to repatriate one hundred eleven IDPs of 29 households of Jumla district. All the people who were displaced in groups from their native land on September 12, 2004 following the Maoists threat have returned to their homes in the financial support of DFID and DDC Surkhet and in the initiation of INSEC. Most of the IDPs were living in plastic tents inside the premises of Red Cross office since the month of September 2004.

The IDPs living under the assistance of different organizations in Surkhet district were seen ecstatic to return their home whereas some were haunted with fear that Maoists would again attack them.

Among the IDPs 8 persons were from Birat VDC; 21 persons were from Botamalika VDC and 3 persons belonged to Kanaksundari VDC of Jumla district. Around 48 persons were children under the age of 15 and 6 persons aged above 60 years. Among the IDPs were 28 women, 35 men, 28 boys and 20 girls. Most of the IDPs were not willing to go back to their home fearing the threats and terror of the Maoists. They also remembered their dejected moments during their stay at Surkhet district. One of them explained about his dilemma because of complete indifference shown by the state and the oppression of the Maoists. The IDPs also complained the apathy of the government during their 10 months stay at Surkhet. They also blamed the government for not being serious about the problems facing the IDPs. "We have been declared as non-citizen of the country that's why it is worthless to leave homes and live as IDPs", said an IDP.

Before taking the IDPs back home, Secretary General of INSEC Kundan Aryal and INSEC Mid-western Regional Coordinator Bhola Mahat addressing the programme appealed the concerned parties and authorities to create a suitable environment for the homecoming IDPs by respecting the humanitarian norms and values. Rohit Odari of DFID and Shanker Kumar Paudel, Local Development Officer of Surkhet appreciated the work of INSEC



(INSEC's General Secretary Kundan Aryal Greeting to IDPs Returning Home, Jumla)

to facilitate the return of the IDPs to their home land. Shyam Thapa, Chief of Shree No 4 Barrack Surkhet; Colonel Raju Khadka; Superintendent of APF Jeet Bahadur Pun; District Superintendent of Police Yogendra Bahadur Katuwal including journalists and human rights activists were present in the homecoming programme.

A team of eight human rights activists including journalists reached Jumla taking the IDPs with them in the aircrafts. After two day's walk from the district headquarters of Jumla finally they reached Botamalika and Birat VDCs. The team members of IDPs homecoming programme were Puskar Pandey, coordinator of peace program; Madan Paudel, officer at INSEC regional office Nepalgunj; Bimal Chandra Sharma, supervisor at INSEC central office Kathmandu; Surkhet district representative Durga Thapa and Jumla district representative Rajendra Mahat. Others present in the team were Moti Paudel, reporter of Kantipur daily; Nirajan Sapkota, local journalist of Surkhet and Min Bahadur Mahat, lawyer at Jumla district.

The team also negotiated with the Maoists' local level leaders for the future security of the repatriated IDPs of Jumla. The local level Maoist leaders also assured the homecoming IDPs for their protection in the future. The

Maoists assured for the betterment of their life in the coming future. In a short talk programme organized there, a local level Maoist leader *Power* made the commitment to the human rights activists for the protection and promotion of human rights in the future. He also made commitment that the homecoming IDPs would not face any problem from the Maoists in the coming future.

Now the first basic thing what the homecoming IDPs need is food for at least three months until they harvest for themselves. Other basic needs are education for children and clothes for the winter. Though the IDPs have been assured by the Maoists for no future intervention, there are chances that the Maoists may re-victimize them in the future as their commitment and reality has been contrary in the past. So there is monitoring mechanism as well.

As per the INSEC's experience to provide IDPs with alternative places is not an easy task. Moreover it is neither sustainable, nor a pragmatic solution. However, if done honestly it is not impossible to rehabilitate the IDPs at their home land.



(IDPs in an Interaction Programme on The Occasion of Their Returning Home in Presence of Local Maoist Leader at Jumla)

NECESSITIES AND RECOMMENDATIONS FOR REHABILITATION

The team of human rights defenders and journalists, during their visit to Jumla with the IDPs, observed the situation of the villages of IDPs. They are the most vulnerable groups and there is the need to protect their rights. People of Birat, Botamalika and Kanaksundari need to be empowered and taught about their rights. All these VDCs are located in the western part of Jumla district and are the most Maoist affected areas. We should also aware the Maoists about the people's rights and the values of human rights and humanitarian law. Giving human rights education and monitoring the villages regularly by human rights defenders can help to build harmony among the political parties and villagers.

Next thing is that the season of cultivation has almost ended in Jumla. Most of the lands of IDPs are uncultivated and they can only farm buck-wheat and millet in their lands in this season. These crops will be harvested during September/October 2005. So the team recommends for the support of foods till three months, educational support to their children and warm clothes for coming winter season. Likewise, most of the IDPs had lost their cattle while leaving their homes. They also need cattle to plough their lands. Providing financial assistance to buy cattle will be appropriate support for their sustainable resettlement.

RICE, OIL AND SALT DISTRIBUTED TO THE IDPs

Most of the lands of the IDPs have not been cultivated. So, food has been the first essential need for them for

at least three months. In the beginning on June 8, 2005, they received 21 kgs rice per head, oil and salt for their daily needs under the financial help of DFID and DDC Surkhet.

AFTER RESETTLEMENT

- IDPs have entered their own homes after 10 months.
- Reconciliation with family members, relatives and neighbors.
- The root causes of displacement were traced and discussed with the conflicting parties. They assured for the security of homecoming IDPs.
- The issue of rehabilitation of IDPs is being raised all over the country as a campaign.
- The conflicting parties have been pressurized to respect human rights and humanitarian law.
- Issues of rights of IDPs highlighted nationally and internationally. Advocacy and lobby going on for the rehabilitation IDPs.
- This task established a hallmark that IDPs could be returned to their origins.



(INSEC Volunteers Escorting IDPs to Their Home)

THE MESSAGE

Many people are being forcibly displaced due to the ongoing conflict. In the beginning, cases of IDPs were not taken seriously by the concerned authorities. The government might have thought that the displaced people would protest against the Maoists and that would defame them. At the initial phase nobody was serious about the rights of the IDPs and there were no proper research to locate the numbers of IDPs. This is why today it has been difficult to find the exact data of the IDPs through out the country.

This incident has proven that with small effort from the human rights defenders hundreds and thousands of displaced people can be repatriated. Everyone are still amazed to learn that it is possible to send back home to the displaced people.

This particular incident can be taken as a first step in repatriating the displaced people home and there is a need that it should be taken throughout the country as a campaign.

- Pushkar Pandey

Campaign' in September 1999. The Campaign aimed at providing Rs. 100 (\$1.3) per day per person for a family of three members, and if a family had more than three members to provide Rs. 100 (\$1.3) to two members of that family. Though decided in 1999, actual disbursement began in the Fiscal Year (FY) 2001/02.³⁶ Many districts despite having significant presence of IDPs did not receive any fund.³⁷ Most of the money was spent by July 2002. It means that the daily allowance was provided not more than for one year.

By February 2003, an amount of Rs. 15.07 million (nearly \$2,01,040.5) was distributed to IDPs in various districts—Rs. 4.22 million (\$56,296.7) in the FY 2001/02 and Rs. 10.85 million (\$1,44,743.9) in the FY 2002/03—under the MoHA.³⁸ Until October 2004, a sum of Rs. 2.61 billion (nearly \$34, 87,203.6) was disbursed for daily allowances for IDPs and other relief packages under the Campaign.³⁹ But, because of haphazard distribution, the money did not reach most of the IDPs. Similarly, there is no systematic records of disbursements; neither coordination on implementation.

Government set up a 'Victim of Conflict Fund', allocating an amount of Rs. 1 billion (nearly \$1,334,044.8) under the 'Ganesh Man Singh Peace Campaign' in July 2001, that aimed to provide financial, educational and medical assistance to victims of the conflict. But the fund was not specifically directed towards IDPs in as many words.⁴⁰

In 2002, government produced an 'Immediate Relief Package Program' for displaced persons.⁴¹ It was aimed at providing interest free loans of Rs. 5,000 (\$66.7) for 200 women, educational materials for 1000 orphans from 18 districts, and Rs. 1,000 (\$13.3) per child per month for food, shelter and education especially for IDPs through the MoWCSW. Similarly, skills training for 25 women from affected areas were to be provided through MoL. Moreover, government had also announced to send one member each from 545 displaced families to foreign employment.

In 2003, the government announced 'IDP Rehabilitation Program' under the broader category of conflict-victim assistance. An amount of Rs. 50 million (\$667,000) was allocated for the overall assistance but it is not known whether the money was disbursed. Similarly the government announced the fund for 'Immediate Compensation and Relief to the Victims', in 2004 and allocated additional Rs. 50 million (\$667,000) but it had also the same problem of definition and covering areas. The next package announced by the government in 2004 was a '15-point Relief Package' which was identified in a proposal submitted by the Task Force to Prepare the Relief Package including Work Plan for Internally Displaced People and approved by the meeting of Council of Ministers on 1 October 2004. The package provisioned for free education for children of IDPs to study in lower secondary and secondary level education in public schools as well as one time

expense of Rs. 1,000 (\$13.3) for monthly fee and education materials. Similarly, Rs. 300 (\$4.0) per month for displaced persons above 60 years and Rs. 5,000 (\$66.7) maximum, as per invoice, to elderly citizens who are displaced and requiring support for hospitalized treatment, were included in the package. It also incorporated income-generating trainings to female members of IDPs.

However, the government says that these allocations are made for IDPs, but the reality is different. It is seen that these funds have not only focused on IDPs but covered compensation to the dependents of civilians and families of security personnel killed by the Maoists, and other types of expenses such as compensation for lost properties, treatment of conflict-victims and so on.

Almost all programmes until 2004 could not come into operation. The Task Force formed by the government in 2004 identifies that the foreign employment as an exception, other programs have not been in operation for the displaced people.⁴² Even, the programme for foreign employment of IDPs has also not been implemented in a systematic manner. Because of the narrow definition of IDPs ('People who have left their villages due to terrorist activities, and moved to other places and other districts...') these programmes could not address the problem. As noted in a five-point guideline issued to CDOs in August 2002, the government defined 'IDPs' to include only those displaced by Maoists and thus excluding those displaced by the government's own security forces.⁴³

Recently in July 2005, government pronounced to make an arrangement for the unobstructed availability of basic public services to the displaced citizens, provide vocational trainings to IDPs, establish mechanisms for protection and development of affected children, give priority to IDPs in labor intensive public construction works, waive land revenue for the registered affected people and provide loan for foreign employment.⁴⁴ But, the government has not mentioned the sum of amount for this assistance. It also reveals the fact that the implementation is in question from the very beginning of the announcement of programmes.

Government's funds and programmes have not been able to bring out a successful result in solving the problems of IDPs. Response to IDPs is criticized as discriminatory, lacking direction, insufficient and sometimes non-existent.⁴⁵ Even those who are registered under the restricted eligibility criteria of victims of Maoist violence, complain that they have not received any compensation.⁴⁶ The allowance could not reach to the real IDPs rather than those who are well-connected with the politicians at the district headquarters, bureaucrats and their near and dears. It has two consequences: (a) most of the IDPs are excluded from the assistance, and (b) many have not attempted to register with the authorities. Similarly, compulsion of 'IDP cer-

tificate' from DAO avoided most of them to be qualified for government allowances and other assistance.

There are three major weaknesses so that these programme failed in attracting IDPs - firstly, there is no clear plan; secondly, these are very scant and could not cover even those who need emergency assistance; and lastly, there is very poor management for identifying the beneficiaries and utilizing the allocated resources. Assistance process adopted by the government is not scientific. Providing money at the first step rather than providing emergency relief materials and raising awareness on the issue is not appropriate. IDPs are solely treated as passive receivers, not as active rights-claimers.

12. Cooperate with the International Community when National Capacity is Insufficient

Though the national capacity is insufficient, Nepal government has hardly approached for international cooperation. Neither has it made priorities of standards and mechanisms that can be the first bases for such initiation.

A few steps taken by the government are key developments in the field of cooperation with the international community. An agreement between Nepal government and the United Nations High Commissioner for Human Rights (UNHCHR) for strengthening national human rights institution is an example. The government signed on a Memorandum of Understanding (MoU) with the UNHCHR aiming to facilitate and establish the conditions for the provision of technical assistance to the NHRC of Nepal on 14 December 2004. This agreement opened up an opportunity to receive support on technical assistance and advisory services to strengthen its institutional capacity and human resources for carrying out nationwide monitoring and investigations, in an independent, impartial and credible manner.

Another important development took place on 10 April 2005 when the government signed a MoU with the UNHCHR for setting up of a human rights monitoring operation in Nepal. It has important role in identifying the issues related to conflict-induced internal displacement simultaneously as it has mandate of monitoring the observance of human rights and international humanitarian law, advising the authorities of Nepal on the formulation and implementation of policies, programmes and measures for the promotion and protection of human rights in Nepal, and providing advisory services and support in the areas of its competence to representatives of civil society, human rights non-governmental organizations and individuals.⁴⁷ It has promoted the possibilities of future cooperation and appropriate environment for internal agencies, including the UN, to work on conflict-induced internal displaced in a more competent and coordinated man-

ner.

Similarly, Nepal government has invited the Special Representative of United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Prof. Walter Kälin, to visit the country from 13 to 22 April 2005 to assess the human rights situation with regard to IDPs. The visit was requested by Kälin in October 2004.⁴⁸ His recommendations to the Nepal government to draw up a comprehensive strategy and create a framework to respond to the human rights and humanitarian needs of IDPs, including prevention of displacement, during displacement and with regard to finding long-term solutions on behalf of displaced persons⁴⁹ is notable in this context.

Though there are some positive initiatives on cooperation with international community; some major underlying issues are in the fore which has direct connection with such relations. For example, technical assistance to NHRC is threatened by the activities of government even within hardly a year of agreement. OHCHR has clarified that the continued effectiveness of the technical assistance provided by the office to the NHRC depends on a satisfactory resolution of two major problems—concerning effective access by NHRC monitors to places of detention throughout the country, and the expiration of the terms of commissioners of the first tenure.

Giving reference to the legal complexities and the political sensitivities surrounding the appointment of new commissioners, OHCHR clearly recommended the extension of the terms of the then commissioners, including the Chairperson, until such time as there is a Parliament in place. It also warned that a situation must be avoided where the quality or independence of the commissioners is compromised; the credibility of the Commission is undermined by the procedure followed in addressing this problem; or the Commission's membership is allowed to lapse, leaving a secretariat with no leadership, authority or direction.⁵⁰ But the situation is totally different than the expectations of the OHCHR. On the one hand, political system has been changed and on the other, the tenure of the then commissioners is not extended rather the new commissioners, along with the erstwhile Chairperson, were appointed by the King after changing the recommendation committee by amending the Human Rights Commission Act, 1997 through an ordinance. A lot of questions are being raised against the present formation of the NHRC. In this context, implementation of the MoU is in question that has direct connection with the cooperation on assisting the Commission.

Similarly, the royal takeover on 1 February 2005 has negatively affected international cooperation with Nepal in all sectors. The move of the King has directly weakened the government capacity in dealing with the issue of conflict-induced internal displacement. Though the situation is deteriorating day by day, the

Highlights of Nepal's State Commitments and Programs on Conflict-induced IDPs

Working Committee to Study 'Maoists' Activities and Solutions', 1997

- Recommendation for government concepts regarding rehabilitation of displaced persons.

Ganesh Man Singh Peace Campaign, 1999

- Victims of Conflict Fund, 2001; Immediate Relief Package Programme, 2002; and IDP Rehabilitation Program, 2003

Tenth Five Year Plan (2002-2007)

- Strategy to rehabilitate conflict victims including those displaced and affected

Code of Conduct, 2003 (During the Talks with Maoists)

- Assisting return to respective homes and peaceful rehabilitation of displaced

Concept of Forward-looking Reforms, 2003 (During the Talks with Maoists)

- High priority to the works related to the rehabilitation of the victims and displaced people; guaranteeing the rights of the displaced persons to return their homes or to the places of their choice; and setting up monitoring body to determine whether rights of the IDPs are being respected

25-Point Commitment, 2004

- Guaranteeing rights of the displaced persons to return their homes and ensure right to return to their domicile or to the places of choice

NHRAP, 2004

- Protection and assistance to the victims of and those displaced by armed conflict for their repatriation and rehabilitation

Common Minimum Programme, 2004

- Programme of rehabilitation of violent conflict-affected and displaced persons and reconstruction of physical infrastructures will be implemented with high priority
- Special package of rescue and relief of those violence and conflict-victims and displaced persons will be carried out

Budget of Fiscal Year 2004/05

- Immediate relief to the displaced suffering from the problems of food and shelter
- Effective rescue and compensation to the displaced families
- Forward systematic settlement for homeless and inhabitants living in the vulnerable places
- Prompt rehabilitation of IDPs

Relief Package, 2004 (Approved by the Meeting of Council of Ministers on 1 October)

- Free education up to secondary level, Rs. 1,000 (\$13.3) for materials for displaced children
- Skill development and income generating training for one female member of displaced family
- Cash reimbursement of medical bills up to Rs. 5,000 (\$66.7) for displaced people over 60 years of age for treatment in government hospitals
- Trainings in respective District Headquarters; one time small cash allowance before participating trainings or engaging an employment; soft loans after the training
- Rs. 300 (\$4.0) monthly allowance for displaced elderly who don't have anyone to support

21-Point Programme, 2005

- Those affected by conflict and those (Maoists) that have (and desire to) surrender(ed) will be trained and prepared for employment at home and abroad

Budget of Fiscal Year 2005/06

- Vocational training to IDPs
- Mechanism for protection and development of affected children
- Arrangement for the basic public services to the displaced
- Priority to IDPs in labor intensive public construction works
- Waiving of land revenue for the registered conflict affected people

government is not willing to consider the harsh reality, rather it is moving on its own direction neglecting basic rights of the people. This direction has been diminishing the possibility of cooperation with international community to deal with problems of IDPs.

CONCLUSION

State of dispossession, dislocation and identity crisis are the major results of conflict-induced internal displacement in Nepal. IDPs entirely want to regain their lost identity, possession and location by returning to their homes or moving to better places, and by fulfilling future expectations. Until there is peace and security, and the real presence of state mechanisms and service delivery systems, return of IDPs to their places of origin remains a desperate waiting.

There is lack of response to the problems of IDPs. Plan, programmes and commitments of the government in terms of internal displacement have not yet been translated into reality rather they have been objects of mere lip services. Absence of options on preventing displacement and lack of initiatives for minimizing its adverse effects, lack of awareness on the problem, absence of institutional mechanisms for collecting data on the number and conditions of IDPs, lack of proper plans and actions to support IDPs, absence of legal framework for upholding the rights of IDPs, and government's reluctance on this matter are major concerns that have direct relation with the critical condition of IDPs throughout the country.

Similarly, there is neither a national policy nor an institutional focal point on IDPs. Existing national human rights institutions have not been encouraged to address internal displacement rather harassed by the

government. There are overlaps on working mandates on some institutions. They lack coordination and collaboration. IDPs have no prospect for participating in decision-making process rather they have been suppressed by the government from being organized and violently discouraged from speaking out for their rights to request for protection.

There is absence of government support for durable solutions of the problem. On the one hand, the government has ended up the possibility of peace building process, and on the other, it has no mechanisms and initiations for cooperating non-governmental sector to facilitate return and resettlement of IDPs. Government's negative attitude on peaceful resolution of the on-going conflict, and actions against NGOs, particularly after 1 February 2005, are the major hindrances in this aspect. It has resulted in significant escalation of displacement and increase of grave human rights violations.

Though the government has been launching some package programmes for assisting IDPs since 2001, they are insufficient, discriminatory, mishandled, hopeless and sometimes non-existent. Government's discrimination is legitimized through the bias and a very narrow definition of IDPs and conflict-victims as well as the lack of domestic standards and mechanisms. Though the government's capacity is very poor it has not made proper cooperation with the international community. Agreements with UN body for strengthening national human rights institution are also in question after the 1 February 2005 royal takeover. This political change has adversely affected overall international support and cooperation in Nepal which has directly weakened the government capacity for taking into consideration of internal displacement.

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Research Report

Eastern Nepal Plight of Displacement

During a study of IDPs in eastern part of the country between February 2 to March 16, 2005 it is found that about 82 per cent of Internally Displaced Persons (IDPs) are from eastern hilly and mountainous districts while 18 per cent are from inner terai and terai regions. Fifty-seven per cent of the displaced population was male while remaining was female. Out of total families displaced, 95 per cent families had male heads of the household and five per cent families had female heads of the household. Likewise, the main reason (40 per cent) for displacement was due to fear and threats and 30 per cent of the displaced population attributed their displacement to seizure of property. Similarly, other reasons for the displacement were accusation of being spy, refusal to give the donation and physical torture.

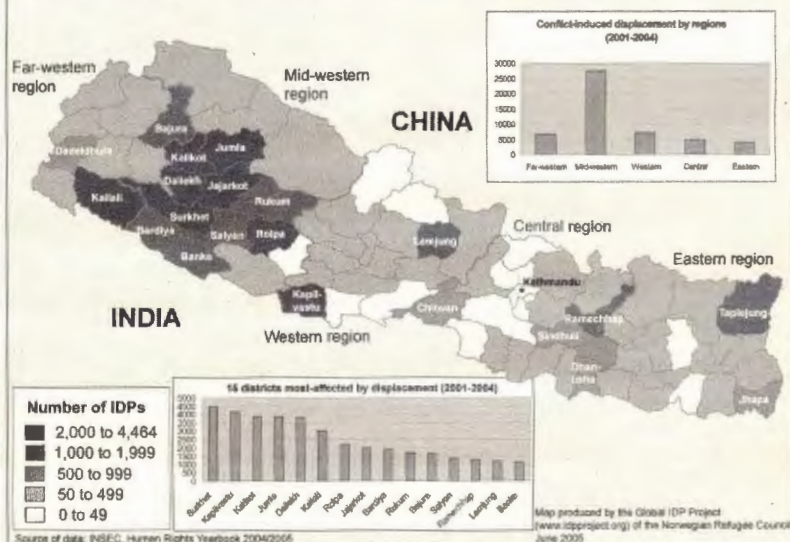
Out of 56 families studied, 48 per cent had managed to build their own houses, 41 per cent of families were staying in rented rooms while 11 per cent of them were in their relatives' place.

Main problem faced by the displaced families was the deprivation of basic needs including education, health, shelter, food and clothing while 39 per cent of families had troubles because of unemployment. Among the total, 12 per cent said they had no financial problems. This shows that most of them or 88 per cent had no employment and their basic needs are not fulfilled.

Likewise, while looking at the trend of displacement, 30 per cent of the families were displaced in 2001 and in the next year it was 23 per cent. This shows that the people have displaced in 2001 during the state of emergency and ceasefire.

This study focused on the displaced persons currently living in Biratnagar and its surrounding area so it does not cover all

IDPs in Nepal: most-affected districts (2001-2004)



Source: Internal Displacement Monitoring Centre (IDMC), www.internal-displacement.org

the displaced persons. Even in Biratnagar, all the displaced persons have not been covered. The families studied were those whose full addresses were available. Those whose only names and addresses were available, were excluded.

OBJECTIVES

In 1995, five years after the restoration of democracy, a discontented group launched armed conflict against the prevailing suppression and exploitation in the country. The group identified itself as Nepal Communist Party (Maoists). The conflict has claimed 11,358 lives according to INSEC figure till February 2005. Thousands of people have become disabled and dependent. The conflict has affected significant number of women and children. Mothers have lost their children and wives have lost their husbands while the children have been orphaned. Along with this, the ongoing conflict has deprived thousands of children of basic

The conflict has created yet another serious problem in Nepal- the people have been forced to leave their place and thereby to live a difficult life. Such people are known as Internally Displaced Persons (IDPs).

health care and education.

The conflict has created yet another serious problem in Nepal- the people have been forced to leave their place and thereby to live a difficult life. Such people are known as Internally Displaced Persons (IDPs). The people are displaced because of several reasons. Among them, fear and threats from both sides of the warring parties is the main one. Besides this, killing of a family member, obstruction to follow own religion, culture and tradition and pressure to quit the job they were holding. The IDPs hesitate to introduce their status, as they are afraid of the revelation that their identity might harm them. The main problems the IDPs facing are unemployment, lack of access to food, shelter, clothes and children's education and women and children's basis health care.

The idea of conducting a study to find out the condition of the IDP in Biratnagar was conceived in an interaction program between the Eastern Resource Centre of Action Aid Nepal, United Nations Coordination Committee and Eastern Regional Office of Informal Sector Service Centre (INSEC). On its basis, an agreement was signed between Action Aid and Eastern Regional Office of INSEC. The study has shed light on the condition of the IDPs living in Biratnagar and its surrounding areas.

The main objectives of the study were to identify the IDPs, their condition, to study the different aspects of the IDPs and to analyze the current problem of the IDPs.

SIGNIFICANCE

It was the first study to be conducted about the IDPs of the region. The study focused on the minimization of the pain of the real displaced, forced to leave their homes because of the armed conflict. Likewise, the study advised government for the long-term solution of the problems about education and health that the children are facing because of the displacement of their guardians. Along with this, the study would be helpful in the future to search for the IDPs and to devise long-term and short-term policies regarding IDPs.

The study was limited to the families, forced to live a life of displaced giving up their houses, profession, jobs and political affiliation because of the conflict. The universe of the study comprised of Biratnagar Sub-municipality and the surrounding areas.

METHODOLOGY OF STUDY

Selection of The Universe

Biratnagar Municipality was selected on the basis of the fact that IDPs were staying here taking it as the safe place because it was a city and also the district headquarters. Being the second largest city of the country, Biratnagar is considered a safe and accessible place.

That's why the people, displaced from hilly districts of eastern region and also from the villages of Morang district, are staying in the city. Biratnagar was thought of as a proper place to conduct the study for it was first of its kind in the region.

Sampling

It is really difficult to conduct intensive study of the displaced persons. However, it is focused on the area where the displaced families were staying. It is limited to the people who were claiming to be IDPs.

Collection of the Data

Though, the collection of the data was difficult, several methods have been used for the purpose. Interview of the displaced persons with the help of their relatives and information provided by the displaced persons themselves were used for the study. Data of 56 families were collected and eight case studies were also prepared.

While collecting information from the displaced persons, in depth interview was adopted. The attempt to contact state body in connection of the people displaced because of the state parties was failed due to the changed political situation. Only those people displaced because of Maoists are covered in the study. But, the study includes details of the people displaced after being trapped between the warring sides.

Report on Displaced Persons

During the study period, several methods were used to collect the data. The data were collected from direct interaction with 56 families. During this process, discussion with people of different professions and jobs was held. An analysis is prepared on the basis of the discussion and the study:

Condition of the Displaced Persons on the Basis of Profession

During the study, IDPs were categorized on the basis of sex and profession in an attempt to analyze the categories with highest and the lowest numbers.

Table 1

Sn	Profession	Sex		Total	Total (%)
		Male	Female		
1	Agriculture	30	1	31	55
2	Teaching	16	1	17	31
3	Student	3	1	4	7
4	Others (Job, business)	4	-	4	7
Total		53	3	56	100

Source: Survey of the Displaced, 2001, Biratnagar

According to the table, most of the IDPs were farmers. The second in the table were teachers. Most of the displaced in this category are male. According to the table above, in a total of 56 families, 95 per cent had male head of the family while five per cent had female head of the family. Fifty-five per cent of families were involved in agriculture while 31 per cent were teachers. Likewise, in student and others, and jobs, it was per cent each.

Number of IDPs in District Basis

According to the table 2, the IDPs were categorized on the basis of districts. The study showed that most of the displaced hailed from hilly and mountainous districts of eastern Nepal and that they were staying in Biratnagar while some were staying at district headquarters. During the study, 58 families of eight districts had come into contact.

Table 2

Sn	Districts	No. of Displaced	(%)	No. of Displaced		Total	Total (%)
				Male	Female		
1	Terhathum	14	25	46	38	84	29
2	Khotang	14	25	46	36	82	28
3	Morang	7	13	19	17	36	13
4	Sankhuwasabha	6	11	19	12	31	11
5	Okhaldhunga	3	5	11	8	19	7
6	Bhojpur	5	9	11	8	19	7
7	Solukhumbu	4	7	5	2	7	2
8	Udaypur	3	5	5	3	8	3
Total		56	100	162	124	286	100

Source: Survey of the Displaced. 2001, Biratnagar

It is found in the study, that among the IDPs, 25 per cent each were from Terhathum and Khotang while the lowest numbers were from Udaypur and Okhaldhunga which was five per cent each. The total number of IDPs was 286 out of which 5 per cent is male. The number of displaced from Terhathum is 29 per cent while from Khotang it is 28 per cent. Lowest is from Udaypur and Solukhumbu that is three and two percent respectively. This shows that the most of the IDPs are from mountainous and hilly districts.

Number of IDPs on The Basis of Reason

In table number 3, the reasons for the displacement are mentioned. In it, fear and threat is the top reason while capture of houses is nearly equal. Other reasons included accusation of being a spy, demand for donation, beatings and murder of family members.

The below table shows that 39 per cent were displaced because of threats against them while capture of the houses by the Maoists resulted in displacement of 31 per cent of the families. Likewise, the reasons as donation and beatings displaced nine per cent of the families each. The murder of family members and allegation of spying displaced seven and five per cent of the families respectively.

Table 3

Sn	Reason of Displacement	No. of Displaced Families	Pc of Displaced Families
1	Threats	22	39
2	Capture of property	17	30
3	Beating	5	9
4	Donation	5	9
5	Murder of the family member	4	7
6	Spy	3	6
Total		56	100

Source: Survey of the Displaced. 2001, Biratnagar

Number of Displaced Persons on The Basis of Shelter

When studied where the displaced persons were living, it is found that most of the displaced had built their houses. After that, it was the people living in rented rooms while in the third category, it was those living at the relatives' place.

Twenty-seven families had built their own houses, 23 families were staying in rented

Table 4

Sn	Shelter	Displaced Families	(%)
1	Own houses	27	48
2	Rent	23	41
3	Relatives' place	6	11
Total		56	100

Source: Survey of the Displaced. 2001, Biratnagar

rooms while six families with relatives. This gives us a picture that 48 per cent of the displaced persons were from high class, 41 per cent were from middle class and 11 per cent were from lower class.

Main Problem of The IDPs and Their Number

An attempt was made to find out the main problems of the IDPs, which showed that lack of access to basic needs was the main one but some had no problem despite being displaced.

Table 5

Sn	Main Problem	Number	(%)
1	Food, shelter, clothes, education, health	22	39
2	Unemployment	22	39
3	No problem	12	22
Total		56	100

Source: Survey of the Displaced. 2001, Biratnagar

According to table 5, lack of source of income was the main problem. Out of 58 families, 39 per cent said unemployment was their main problem and another 39 per cent said it was lack of education, health, and food and shelter facilities. Among them, 22 per cent declined to comment out of frustration.

Number of Displaced and Year of Their Displacement

Though the armed conflict was launched in Nepal since 1996, its effect in the eastern region was felt after four years later in 1999. The trend of displacement, however, began in 1997.

Table 6

Sn	Year of Displacement	No. of IDP	IDP in (%)
1	1999	3	5
2	2000	11	20
3	2001	17	30
4	2002	13	23
5	2003	5	9
6	2004	7	13
Total		56	100

Source: Survey of the Displaced, 2001, Biratnagar

In the table number 6, it is shown that the highest number of persons (30 pc) is displaced in 2000 while in 1998 it was five per cent. In the period of three years, 3 per cent of the families were displaced. The reasons behind it are the state of emergency and ceasefire. It could be possible that even the displaced persons could have felt easy to leave the place during this period.

Eight among the displaced persons have been selected from six districts for face to face interview and group discussion on the topics as the situation during their displacement, the behavior from the rebels and the state, their feelings after their property was seized and the aftermath of the torture they went through.

Among them, three were physically tortured by the rebels. Two others had escaped at a time when the Maoists were ready to kill them. Three others had left the place to avoid their or their children's forced conscription and after failing to meet the Maoists' demand for donation and due to threats to life.

Five of them are teachers and other three are farmers. The rebels had warned them against informing about their condition in the press or in any government office. They had warned to take tough action against anyone defying their order.

CONCLUSION AND RECOMMENDATION

Internal displacement has emerged as a serious problem in Nepal. This is also affecting the development process of the country. It is also hampering the execution of the plan and achievement of the target set by the state. The study found that the IDPs were staying at different places. Some had constructed new homes while some were renting the rooms. Some had taken refuge at their relatives' place.

In the study, it is found that about 82 per cent of

the families had come from hilly and mountainous districts of the eastern region and remaining had come from inner terai and terai. Fifty-seven per cent of the displaced population was of male while remaining was the female. Out of total families displaced, 95 per cent families had male head of the household and five per cent families had female heads. Likewise, main reason (40 per cent) for displacement was due to fear and threats and 30 per cent of the displaced population attributed their displacement to seizure of property. Similarly, other reasons for the displacement were accusation of being spy, refusal to give the donation and physical torture.

The study also tried to analyze how and where they were living after displacement. It was found that nearly 48 per cent had built their homes in new places while 41 percent had rented rooms and 11 per cent were staying in the houses of their relatives. It gave a picture that nearly half of them were from higher economic class. The people staying in rented place also had the source of income but it is learnt due to adverse condition to use the ancestral property, it had become meaningless. Similar is the condition with some of displaced persons who used to have huge property back in villages.

Also during the study, it was discovered that nearly 39 per cent were having difficulty to meet the basic needs like shelter, clothes, education and health care facilities. Out of total families studied, 12 per cent had no problem because of their change of status. It clarifies that about 88 per cent of the IDPs were having problems related to employment and basic needs.

Likewise, when looked at the trend of the displacement, it is found that about 30 per cent of the IDPs had been displaced in 2000 while 23 per cent had been displaced in 2001. Similarly, 20 per cent were displaced in 1999. It is learnt through the figure that the people displaced in 1999 were due to fear and torture whereas the displacement in 2001-2002 were because of state of emergency and ceasefire.

All the findings of the study have been enumerated as follows:

The above-mentioned points were prepared on the basis of internal discussion and personal observation.

Problems

- All the IDPs contacted during the study were found to be displaced because of life threats and fear.
- The rebels are found to have been inflicting severe physical and mental torture on the concerned families.
- They are suffering from mental and physical problems because of the displacement.

- There was no government support for their treatment.
- Main problems the IDPs facing were that of food, shelter and clothing.
- Among the women and children, it was the problem of health, education and among youth, it was unemployment.
- Most of them had their houses captured.
- They are hesitant to reveal their IDPs status fearing for their security.
- Many of them are hoping mediation by a party enabling them to go back to their home.

Conditions of The Displaced

- Most of the displaced persons are from higher economic strata.
- Most of them belong to Brahmin and Chhetri castes.
- Most of them are from hilly and mountainous districts.
- Only 10 per cent have filed complaint in government bodies.
- There is significant number of farmers among the IDPs.
- The teachers are caught between the two sides
- The displaced are found already to have land plot in the city or those who have bought one after expulsion from the village.
- Most of the victims have no hope whatsoever from the government.
- Family members of some of the IDPs have gone abroad.
- The displaced persons were found to be aggressive and depressed.
- Only few have the property and documents related to it.
- Some IDPs are with families and some are alone
- More people were found eager to tell their stories in one-to-one talk rather than in group.
- Some IDPs even closed the doors and windows before speaking up.
- Some IDPs contacted and called the team to their places and some came to the office to share their stories.

RECOMMENDATION

Problem of internal displacement is getting bigger and has been attracting concerns of various authorities in recent days. If all the parties came together to find out the solution, IDPs would not have a problem. It is the state's duty to show interest and initiate steps to manage the IDPs. If the state were to take care of the

IDP's security and needs, there would not be any problem left. This is a national problem and, therefore, all the sectors should be joining hands to resolve it. For this, following things need to be done:

This problem should be resolved through two different strategies:

Shot-term policy

Long-term policy

Short-term Policy

Following things are to be done for the resolution of the IDPs' problem:

- Formulation of clear definition of the IDPs,
- Records and statistics of the IDPs should be maintained,
- Mobilization of volunteers to collect the data related to IDPs,
- Establishment of an information centre to receive IDP's complaints and problems,
- Organization of the group meetings and interactions to enable IDPs to share their experience,
- Psychological counselling for those coming into contact,
- Management to fulfil basic needs of the IDPs,
- Security management to encourage the IDPs to come for registration,
- Provision of instant relief to people in peril and of lower class.

Long-term Policy

It is necessary to carry out following actions for the resolution of problems of IDPs

- The government should have clear policy on IDPs,
- Conduct income-oriented training for IDPs,
- The training should be based on the age and gender of the IDP like,
 - Electric wiring, plumbing and house painting for youths
 - Motorcycle repair training for youths
 - Off season vegetable farming trainings
 - Cooking classes
- Seek donor agencies' help if the government alone cannot solve the problem,
- Delegate responsibilities to the human right activists for the rehabilitation of the IDPs,
- Conduct lobby advocacy with the warring parties,
- Manage relocation and rehabilitation for the IDPs.

UN Representative on IDPs Prescription for Resolution

Bidhya Chapagain

Internal displacement has come to the forefront in recent years as one of the most pressing humanitarian, human rights, political and security issues facing the global community. Humanitarian crises - caused by conflict or by natural disaster - have resulted in unprecedented waves of human displacement, both within and across borders. Internally displaced people all over the world have two things in common: they left or were forced to leave their homes involuntarily, and they remain within their home countries. They are to be found in urban slums, squatter settlements, camps for the internally displaced, host

conflict), far exceeding the global refugee population (11-12 million). Over half of the world's internally displaced are children.² Internally displaced persons have no comparable international system in place to respond to their needs. To be sure, ad hoc arrangements have been developed, but large numbers of internally displaced persons remain outside established systems of protection and assistance.

Some of the efforts of UN and the international community to address the issue of IDPs are as enumerated below: In late 1980s Internal displacement emerges as an issue on the international agenda, in 1992 UN sec-

*Kälin called on the government
to better address the protection needs of its
displaced population, inter alia through the
adoption of a comprehensive national IDP
policy and appropriate legislation.*



(Walter Kälin with HR Activists at INSEC Regional Office, Biratnagar)

families, railroad boxcars, converted public buildings and, occasionally, comfortable houses or apartments far from the turmoil that compelled them to leave. As with most other displaced people, the majority of the internally displaced are women and children. Ethnic or religious minorities, indigenous people and the rural poor are disproportionately represented among them. As a group, they are among the most vulnerable and deprived people on earth.¹

Known as "internally displaced persons" (IDPs) are today estimated to number over 50 million worldwide (of which 25-30 million have lost their homes due to

retary general appointed Francis Deng as his representative on Internally Displaced Persons, in 1999 UN Secretary-General appoints Emergency relief Coordinator as focal point for IDPs in the UN system, in 1998 Publication of the Guiding Principles on Internal Displacement, Global IDP project launched, IDP database at the request of the UN in 1999, in 2000 Inter-Agency Standing Committee adopts IDP Policy and Emergency Relief Coordinator establishes Senior Inter-Agency Network on Internal Displacement, Global number of IDPs reaches 25 million and remains largely unchanged for the following years. In year 2001, in 2002

Internal Displacement Unit (since 2004: Division) established within UN Office for the Coordination of Humanitarian Affairs (OCHA), and in 2004 UN Secretary-General appoints Walter Kälin as Representative on the Human Rights of Internally Displaced Persons and Inter-Agency Standing Committee adopts revised IDP policy Package to strengthen the "Collaborative Response" in the same year. Some of these efforts have been further illustrated in the following paragraph. In 1992, the Secretary-General, at the request of the Commission on Human Rights appointed his first Representative on Internally Displaced Persons.³ In April 2004, the Commission called upon the Secretary-General to create a new mechanism to build on the work of the prior Representative and to bring a further focus on the human rights of internally displaced persons (IDPs). Accordingly, in September 2004, the Secretary-General appointed Walter Kälin⁴ as his new Representative on the human rights of internally displaced persons. The Representative's mandate is serviced by the Office of the High Commissioner for Human Rights, and receives support from the Office for the Coordination of Humanitarian Affairs and the Brookings Institution-University of Bern Project on Internal Displacement, an independent research and advocacy project, which supports the work of the Representative, and which he co-directs. The Commission on Human Rights has adopted annual resolutions on internally displaced persons (IDPs) and frequent resolutions on "Human rights and mass exodus" concerning both IDPs and refugees. Similarly, the General Assembly has passed frequent resolutions on IDPs and on mass exodus. These resolutions are listed below. Both the Commission and the General Assembly have also passed many resolutions on other topics that are relevant to IDPs. In 2005, the Office of the High Commissioner produced a thematic compilation (E/CN.4/2005/80/Add.1) of resolutions and reports to the Commission on Human Rights relevant to refugees and IDPs from 1994-2004.

MANDATE

Pursuant to Commission resolution 2004/55, mandate of the Representative are as:

- engaging in coordinated advocacy in favor of the protection and respect of the human rights of IDPs,
- continuing and enhancing dialogues with Governments as well as non-governmental organizations and other actors,
- strengthening the international response to internal displacement, and
- mainstreaming the human rights of IDPs into all relevant parts of the UN system.

General secretary's representative on IDPs was also requested to build upon the work of his predecessor in

raising awareness of IDP rights issues, promoting and disseminating the Guiding Principles on Internal Displacement⁵ at the national, regional and international levels, undertaking country missions, convening national and regional seminars, providing support for capacity building of non-governmental organizations and other relevant institutions, and conducting policy-oriented research.

RESPONSIBILITY OF REPRESENTATIVE OF UN GENERAL SECRETARY ON HUMAN RIGHTS OF IDPS⁶

1. Promoting Respect for Human Rights of the Internally Displaced

- engages Governments, international organizations, and also NGOs and other non-state actors as appropriate, in dialogues in order to raise awareness on and enhance the protection of the human rights of IDPs and addresses violations of the human rights of internally displaced persons (IDPs), including through personal and written contact, and, when suitable, public statements.
- promotes awareness of and dialogue about the Guiding Principles on Internal Displacement, including through supporting their translation and wide dissemination and the convening of seminars with governments, international organizations, regional bodies and NGOs.
- encourages the development of national laws and policies on internal displacement and, to this end, plans to develop a domestic policy-maker's handbook to assist Governments.
- introducing a new course on the law relating to internal displacement at the International Institute of Humanitarian Law, also sponsors research into the implications of particular provisions of the Guiding Principles (such as those concerning property rights, political participation, return and resettlement, and displacement by natural disasters or development projects) and how they best can be translated into policy.

2. Dialogue with Governments, Non-Governmental Organizations and Other Actors

- undertakes 2-3 country missions each year to inquire into the human rights and protection issues of IDPs with relevant authorities, civil society, international actors and IDPs themselves and to develop recommendations for solving ongoing problems.
- engages in dialogue with Government representatives while on country visits as well as with diplomatic representatives in New York, Geneva, and in regional and other fora.
- convenes or supports national seminars in affected countries to bring together Government representatives, civil society, international and

regional bodies to develop a more effective national response.

- convenes meetings in other venues to focus attention on specific situations and issues of internal displacement.
- encourages national human rights institutions to integrate internal displacement into their work through technical assistance and other support. In this endeavor, he collaborates with the Office of the High Commissioner for Human Rights, the Asia Pacific Forum of National Human Rights Institutions and the Norwegian Refugee Council Global IDP Project).
- seeks to engage non-state actors (armed groups) in a human rights dialogue and promote their compliance with the Guiding Principles on Internal Displacement.
- works with civil society partners around the world to support their efforts in promoting and protecting the rights of IDPs.
- To promote a greater voice for IDPs in the design of programs and initiatives on their behalf, the Representative plans to hold consultations with IDPs to learn their views, provide information about the different tools and strategies available to support them, help forge links among IDPs in different countries and make their views better known internationally.

3. Strengthening International Response to Internal Displacement

- With a view to ensuring the effectiveness of the international response to internal displacement, the Representative draws attention to situations where existing protection arrangements would need to be enhanced, particularly through his mission reports and participation in the Inter-Agency Standing Committee and other inter-agency fora. He works closely with the United Nations Emergency Relief Coordinator and the Inter-Agency Internal Displacement Division of the Office for the Coordination of Humanitarian Affairs, the United Nations High Commissioner for Refugees, and other relevant agencies and organizations to identify solutions for addressing gaps in international responses to the rights and needs of IDPs.
- The Representative seeks to integrate responses to regional IDP problems into the work of regional organizations. In partnership with these organizations, the Representative supports the convening of regional seminars and the development of policies and programs to benefit IDPs. The Representative will also explore the potential for further standard setting at the regional level.

4. Mainstreaming Human Rights of IDPs in the UN System

- works closely with the Office of the High Commissioner for Human Rights and collaborates with the Commission on Human Rights' country and thematic procedures to raise the visibility of IDP issues within the scope of their mandates, and encourage systematic attention to the issue by the human rights treaty bodies.
- lends his expertise on IDPs' human rights to other relevant agencies, departments and offices of the UN to assist their development of programs and policies in conformity with international norms and the needs of IDPs. The Representative will reach beyond humanitarian actors to also address political, peacekeeping, development and financial issues.
- engages inter-agency fora, including the Inter-Agency Standing Committee, to which he is a standing invitee, on specific country and thematic issues and concerns of human rights of IDPs. He also provides support when needed in the development of system - wide policies and procedures, such as on the development of benchmarks for "when displacement ends."

The Representative submits annual reports to the Commission on Human Rights and the General Assembly.

COUNTRY VISITS

Country visits are a particularly important aspect of the mandate as they provide a means for assessing the extent to which the protection needs of the internally displaced are being met in specific situations and for engaging with Governments, non-state actors, international and local humanitarian agencies, local civil society, displaced persons, and other concerned actors. Special Representative only can visit when the government accepts his request to visit a particular nation or when the government invites him.

To date, Representative of the Secretary-General on the human rights of internally displaced persons Walter Kälin has undertaken visits to Bosnia and Herzegovina (June 2005), Croatia (June 2005), Nepal (April 2005), and Serbia and Montenegro (June 2005). He has requested for future visits to Colombia, Nigeria and Sudan.

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

One of the most important contributions of the mandate of the Representative of the Secretary-General has been the development of international standards for internally displaced persons. When Dr. Deng's mandate was created by the UN Commission on Human Rights in 1992, there was acknowledgement that internal displacement was a serious human rights problem but, in

the absence of a treaty on the rights of internally displaced persons, or any provision in a human rights convention explicitly guaranteeing the rights of IDPs, it was almost impossible to assert that IDPs as such had human rights. Of course, as human beings, IDPs when they become uprooted do not lose their human rights but it was unclear what these rights specifically meant in the context of displacement.

The Special Representative of the Secretary General presented them to the UN Commission on Human Rights in 1998⁷. Since then, the Guiding Principles on Internal Displacement have identified human rights that are of special relevance for IDPs and have spelled out, in more detail, what is implicit in these guarantees. The change in title of the mandate of the representative suggests that the concept of human rights of IDPs is, at least in principle, accepted today by the international community and indicates a certain redirection of the mandate as it puts more emphasis on the protection of the rights of IDPs.

The Guiding Principles seek to protect all displaced persons and other civilians in internal conflict situations. The UN Commission and the General Assembly in unanimously adopted resolutions have taken note of the Principles, welcomed their use as an important tool and standard, and encouraged UN agencies, regional organizations, and NGOs to disseminate and apply them.

The Guiding Principles on Internal Displacement are based upon international humanitarian and human rights law and are intended to serve as an international standard to guide governments, international organizations and all other relevant actors in providing assistance and protection to IDPs. The Principles identify the rights and guarantees relevant protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international law.

Based on existing human rights and humanitarian law, and refugee law by analogy, their 30 articles set forth the rights of the internally displaced and the obligations of governments, insurgent groups and other relevant actors toward these populations. They apply to all phases of displacement, offering protection prior to displacement (that is, against arbitrary displacement), during displacement and in the return and reintegration phase. Although not a binding legal document like a treaty, the Principles are based on law that is binding and have gained, in a relatively short period of time, considerable recognition and standing.

The Guiding Principles on Internal Displacement have increasingly gained acceptance. Some states, such as Angola, Burundi, Colombia, Liberia, Peru, the Philippines and Sri Lanka, have included references to

the Guiding Principles in their domestic laws or policies, and others may follow. Georgia has revised some of its laws that were in contradiction with the Guiding Principles. In Colombia, the Constitutional Court has cited the Guiding Principles as part of the legal framework applicable to cases of displacement. These are all encouraging developments.

VISIT OF REPRESENTATIVE OF UNITED NATIONS GENERAL SECRETARY ON IDPS TO NEPAL

Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (IDPs) Professor Walter Kalin at the end of a mission when he was invited by His Majesty's Government of Nepal to visit the country from 13 to 22 April 2005 to assess the human rights situation with regard to IDPs in the country, expressed his commitment to take the problem of the internally displaced people in Nepal and the peace process to the UN high commission and also meanwhile emphasized rehabilitation of the internally displaced persons.

The complex dynamics of conflict-related displacement in Nepal have led to different categories of displacement. Those who have been displaced are generally political party members, members of the land-owning elite or enemies of the 'people's war' as termed by the Maoists, individuals and families who have insufficient opportunities to sustain livelihoods, fled from conflict⁸.

The needs of up to 200,000 people displaced by the decade-long conflict between the state and rebel Maoists in Nepal have been "largely overlooked and neglected", according to Walter Kalin, the UN Secretary-General's Representative on the Human Rights of IDPs, on a visit to the country in mid-April. Kalin called on the government to better address the protection needs of its displaced population, *inter alia* through the adoption of a comprehensive national IDP policy and appropriate legislation.

He urged the government to condemn the practice by state officials of encouraging civil 'self-defence' militias to fight the Maoists, which has reportedly resulted in the displacement of entire villages, while also calling on the Maoists to adhere to the Guiding Principles on Internal Displacement. State assistance to IDPs has been largely inadequate and limited to those displaced by the Maoists. Since Nepal's royal coup and imposition of a state of emergency in February 2005, the human rights and humanitarian situation in the country is reported to have deteriorated sharply, and could turn into a major crisis if action is not taken, according to Dennis McNamara, the head of the UN's interagency Internal Displacement Division.⁹

The responsibility of assisting and protecting IDP populations rests with governments, and the engagement of national and local authorities is of paramount importance. When the participation of the United

Nations in these efforts is required, it is done with the consent of the national authorities concerned. Problems can emerge in addressing IDP concerns in areas of conflict not under government control, where the international community would have to gain clearance from armed rebel groups.

The problem in determining actual numbers of IDPs was inherently difficult owing to their very displacement. In Nepal possible obstacles to the registration of the IDPs are the fear of being recognized or identified; the lack of any benefits to be gained from registration by the State as an IDPs; the slow procedure of verification by local governments in places of origin; and the limit definition of IDPs, which made it difficult for State civil servants to register IDPs who were not victims of Maoists Violence.¹⁰

The main causes of this population displacement are acts of violence or threats against the population, practices of forced recruitment and extortion by the Maoist armed group, fear of reprisals by the Royal Nepal Army for allegedly providing food or shelter to Maoists (even when this was provided under duress), and a generalized climate of insecurity. Human rights problems and violations faced by IDPs in Nepal are related to: poor security and protection; discrimination; inadequate food, shelter, health care or access to education for children; a lack of personal and property identification documents; and gender-based violence, sexual abuse and increased domestic violence. Their vulnerable situation places IDPs at risk of increased female prostitution, bonded labour resulting from high debts, increasing child labour, and loss of voting and electoral rights.

The majority of IDPs have tried to support themselves through their own means or with the help of their extended families. These "coping mechanisms" appear to be near exhaustion. The State and local and national organizations have made available some emergency assistance; however, it has reached only a very small number of IDPs and even State officials agreed that the assistance on offer is grossly insufficient. There has been no coherent assistance and protection response, either from the Government or from national or international organizations.

At the same time, internal displacement must be seen as part of much larger political, economic and social processes within societies and as a symptom of inequities and conflicts within the countries concerned. It is first and foremost a problem for national and local authorities to work out with their displaced communities, but also one that the international community is increasingly called upon to

Open Interaction : Internally Displaced and UN Representative

An interaction program was organized with the United Nations representative on Human Rights of the Internally Displaced People (IDP) in INSEC-Biratnagar office jointly by INSEC-Biratnagar, Eastern Regional IDP Coordination Committee (ERICC) and Action-Aid Biratnagar on 19 March 2005. Walter Kalin, the special envoy of UN Secretary General Kofi Annan and UN expert on IDP, Victoria Lund and other five UN representatives were among the 96 participants. Posh Raj Adhikari, Regional Coordinator of INSEC-Biratnagar conducted the programme and Ishwar Khadka, Coordinator of ERICC welcomed the guests and participants.

The program began with introduction of the participants. After it, Kalin clarified the motive of his visit. He said, "You are among 25 million displaced population of the world. I want to discuss with the Nepalese government after collecting information about your problems. I want to assure that all the information would remain secret. You don't have to hesitate to relate your problem. I hope the problems you share would be solved".

After this, ERICC Coordinator Ishwar Khadka spoke about the problems of IDPs. He said it was difficult to explain all the problems of IDPs in this programme. According to him, major problems include capture of property, threats to the family members and killing after abduction. He further said, "We were given pressure to quit our jobs and to join them. Our guardians were beaten in front us. We were forced to leave our belongings behind and quit the place in haste to escape both the army and rebels. We are really disturbed. Our children cannot go to the school. We cannot find a job with reasonable income, leave alone the job according to our qualification. So, we wish to have a change in the situation enabling us to return to our places and live in peace. We expect your support in this regard".

Following are the problems that were placed by the participants besides the representatives:

1. We have taken loan from banks to invest in business but now we are in no position to pay back because the rebels have captured all our property. Bank is demanding to clear the dues and has already pasted the auction notice. The bank is also charging a cumulative interest. The government has not commented about this issue.
2. Government treated her very badly by distributing Rs 250 only to each displaced family for the festival of Dashain.
3. When we sought help from the government informing about the threats we received after complaining about the situation, the government showed no interest and were told to take care of our own security. We have no sense of security.
4. After the killing of our guardians, we are forced to take

refuge in our relatives' place. We are deprived of education and depending on others. Our children are deprived of their rights.

5. The state's behaviour towards IDPs is different. The crime rate has gone up because of IDPs.
6. Even the parties raising voices for IDPs are silent now. UN should initiate steps to implement. Root cause of the instability is weapon.
7. Political parties are suppressed. The government has not followed the norms and values. The situation is very serious in remote areas. The schools and employment opportunities are closed. Even the minimum needs have not been met.

After the revelation of their personal problems, the coordinator of ERICC handed over the appeal prepared by ERICC. The appeal included the following points:

1. Create an environment for IDPs to use the property.
2. Provide food, clothes and shelter to IDPs at short notice.
3. Facilitate education opportunities to the school-going age children.
4. Provide free health care facilities to needy people.
5. Provide income-generating trainings to IDPs as per their need and qualification.
6. Provide special security to elderly, women and children and support them.
7. Recognize those persons as IDPs recommended by the ERICC.
8. The government had established a fund for IDPs. Manage the system to distribute that fund through ERICC.
9. Facilitate the environment for the hearing of our problems as the problems are not being heard properly by the concerned authorities (District Administration, District Development Committee, District Education Officer).
10. Reinstate the teachers displaced from the hilly districts to Biratnagar or terai and working there temporarily.

IDP presented their individual and collective problems. During the address, Kalin said he had taken IDPs' problems seriously, that he was sad to hear the problems and that he would be discussing it with the government. He further said even the United Nations had taken the matter seriously. He added though the Nepalese are not getting international support but he did not want to promise anything right now. Assuring that he would put the issue in Office of the High Commissioner of Human Rights, Kalin said discussion on the deteriorating situation of Human Rights was going on in the UN. Likewise, stressing the need to introduce effective programs in Nepal by the organizations, Kalin said, "At present, you are not in a position to return". He asked the state to treat IDPs as other citizens. "My first wish is to resolution of IDP's problem and the second one is the restoration of peace in Nepal", he said.

At the end, Kalin thanked INSEC-Biratnagar for providing him with an opportunity to listen to IDPs.

address. Yet the lack of precision in figures and accurate information about these populations undermines efforts to help them. By identifying the patterns and trends of internal displacement and the applicability of the Guiding Principles on Internal Displacement to the problem, will raise consciousness to the issue and encourage more effective national, regional and international strategies for promoting protection, assistance and reintegration and development support for the displaced.

ACTIVITIES DURING THE VISIT TO NEPAL

During his stay in Katmandu, the Representative met with senior government officials, including the First Vice Chairman of the Council of Ministers, Dr. Tulsi Giri, the Minister of Home Affairs, the Chief of Staff of the Royal Nepal Army, Gen. Thapa, as well as participated in a meeting organized by the National Planning Commission which was composed of representatives of all the Ministries involved in the issue of internal displacement in Nepal. He also held meetings with Nepali non-governmental organizations, international and national aid organizations, United Nations agencies, donors and members of the diplomatic community.

Professor Kalin also traveled to Kapilvastu, Banke and Dailekh districts in Mid-western Nepal and to Morang district in Eastern Nepal where he met with regional RNA commanders, senior local and district level officials, members of the development aid community and civil society. The Representative also held meetings with internally displaced persons themselves in order to hear what their key concerns were directly from them.

Representative of General Secretary will submit the report of Nepal mission in 62th session of the Commission on Human Rights.

RECOMMENDATIONS OF REPRESENTATIVE TO NEPAL GOVERNMENT

- Complete, adopt and implement as soon as possible a comprehensive national IDP policy that will provide for the rights and needs of all conflict-induced displaced persons in the country in accordance with Nepal's international human rights obligations, as expressed in the Guiding Principles on Internal Displacement;
- Condemn the emergence of self-defense or vigilante groups and discourage them from taking the law into their own hands;
- Adapt national legislation to assure adequate protection of human rights of internally displaced persons, including with

UN Concern : Thousands Displaced in Nepal

New York, Apr 22, 2005 4:00PM

Amid rising concern that ongoing violence and crumbling human rights safeguards will push Nepal's already-precarious humanitarian situation into crisis, the United Nations is moving to help thousands of displaced people in the desperately poor nation, a senior UN official said today.

Just back from a weeklong fact-finding mission in Nepal, Dennis McNamara, Director of the UN's Internal Displacement Division, told a press briefing in New York that "best guesstimates" put the displacement figure somewhere between 100,000 and 200,000 people over the past few years of the near decade-long Maoist uprising. Perhaps one or two million Nepalese had crossed the un-patrolled boards into India.

Explaining that it was notoriously difficult to get hard data on displacement, Mr. McNamara described the deteriorating and chaotic situation on the ground that had drawn the UN's concern: along with sporadic and deadly violence in rural areas and along India's border, Nepal also faced huge seasonal population migrations to and from India, driven by the search for employment or better livelihoods in urban areas.

"In all that, it's difficult to measure precisely who's been displaced by what, but this is certainly an increasing humanitarian concern. And even in somewhat of a pre-crisis stage, we haven't been able to get a handle on what we at the UN can do about it," he said, pointing out the difference between the displacement situation in Nepal and that of Sudan, Somalia, Liberia or Colombia.

His trip followed the signing last week of an agreement by the UN's Geneva-based human rights office and the Government to set up a monitoring operation to prevent human rights abuses in the conflict.

Mr. McNamara said that much of the displacement had been sparked by acts of violence or threats, forced recruitment by the Maoists, fear of reprisals by the army, grinding poverty and a general climate of insecurity, particularly in rural areas. He added that large numbers of youth had fled forced conscription - some villages estimate that between 60 and 80 per cent of their young people run off.

During his visit as part of a UN team headed by Walter Kalin, the Secretary-General's Special Representative for Human Rights of Internally Displaced Persons, he had met with Government officials, representatives of the Royal Nepalese Army, civic actors and representatives of the internally displaced communities. He also visited areas along Indian border where he had seen some of the victims of the conflict. The overall human rights situation was "extremely serious," he said, describing arbitrary arrests, mass abductions and a sharp rise in child trafficking inside Nepal and across the Indian border. There was no functioning civil administration or justice system, he said, and noted that both Nepal and the Maoist opposition carried out their own justice arrangements, which were largely unaccountable.

While the UN Office for the Coordination of Humanitarian Affairs and other agencies were stepping up their efforts on the humanitarian side - re-orienting their initiatives from development to humanitarian activities he urged donor governments to also shift their support for that purpose. Donors must also put more pressure on the Government to do more to protect civilians and IDPs, particularly by providing basic health care, sanitation and other services.

In all this, Mr. McNamara stressed, humanitarian action should not become a substitute for real sustained political action facilitated by the UN and key governments to try to get a resolution of the long-term conflict, which was, as usual, severely affecting civilians, women and children and displaced.

regard to registration as an IDP and voting;

- Train national and local authorities, both civil and military, on the rights of IDPs and the protection of the civilian population;

RECOMMENDATION TO THE COMMUNIST PARTY OF NEPAL (MAOIST)

- Respect the basic principles of international humanitarian law, in particular the fundamental distinction between combatants and non-combatants and common article 3 of the Geneva Conventions;
- Make a public commitment to adhere to the Guiding Principles on Internal displacement, which is also addressed to non-state actors.

RECOMMENDATION TO UNITED NATIONS AND INTERNATIONAL COMMUNITY

The Representative recommends that the United Nations and, where relevant, the international community in Nepal, in collaboration with the Government, draw up a comprehensive strategy and create a framework to respond to the human rights and humanitarian needs of IDPs, including prevention of displacement, during displacement and with regard to finding long-term solutions on behalf of displaced persons; and ensure that the newly established United Nations human rights field operation monitors and addresses human rights situations which could lead to conflict-induced displacement and which could support the return of IDPs to their places of origin.

The representatives of the Secretary General on the right of IDPs has focused on persuading governments to integrate into their national legal systems laws that recognize and protect the rights of displaced persons. Since UN has not developed any convention on the rights of IDPs as there is for refugees, and no article in the Universal Declaration of Human Rights addressed the IDPs it is necessary to integrate human rights of IDPs in National laws. It is the prime responsibility of the government to include the provisions of Guiding Principles on Internal Displacement in domestic law. The Guiding principles address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection. They restate the relevant principles applicable to the internally displaced, which are now widely spread out in existing international instruments.¹⁰

International organisations in the issue of IDPs have made some progress but the gaps remain, especially on the issue of protecting human rights of displaced persons. Another challenge is the lack of concern of local governments, particularly in drawn out conflicts, the issue of IDPs often gets pushed. The mission has focused on the need of new and reliable information from across the country on protection and humanitarian concerns, including the needs of IDPs, such as enhanced

basic services (including health and education), provide rapid relief assistance (food, shelter).

There is extensive illustration of conflict-induced displacement in Nepal. In the absence of proper registration of IDPs, it is difficult to provide any accurate estimate on the total number of people displaced since the conflict started in 1996, or for that matter on the number of people currently displaced. This problem is further complicated by the hidden nature of displacement in Nepal, where people forced from their homes either merge into social networks of friends and families or mingle with urban mi-grants en route to district centres or the capital. Many also travel abroad, mainly to India, in search of survival and employment opportunities. Consideration must be drawn towards establishing appropriate information centres in relevant areas to provide proper advice to IDPs and others affected by the conflict.

CONCLUSION

Internally displaced people are entitled to the full range of protection and assistance afforded to civilians under international humanitarian law, human rights law and the laws of their own countries. The primary responsibility for translating this entitlement into reality lies with national governments. The international community cannot hope to substitute, for more than a very short period and in exceptional circumstances, for the functions of government. International organisations, foreign states and concerned elements of civil society are as a practical matter obliged and inclined to reinforce both the capacity and the will of national governments to help their own internally displaced people.

Internally displaced people are more than a category of people with particular vulnerabilities. They are also symptomatic of the ills of societies that produce displacement: wars, human rights abuses, discrimination, and impunity. Humanitarian efforts can do much to relieve people's suffering and protect their rights while the catastrophes that produce displacement go on.

Humanitarian access to the displaced population in Nepal has been a serious concern of United Nations and the international community. The response of the government to the crisis of internal displacement can be described as discriminatory, lacking direction, insufficient and sometimes non-existent. Also, government assistance has only been provided to people displaced by the Maoists. Authorities have not encouraged people displaced by government security forces to come forward with their problems, and people remain reluctant to register as displaced for fear of retaliation or being suspected of being rebel sympathizers.

Role of the United Nations is crucial, increased preventive action and preparedness by the UN system is urgently required. UN agencies should take concrete steps to re-focus their activities towards the broad humanitarian aspect, including expanding activities to

remote and CPN/M controlled areas. The establishment of OHCHR in Nepal after signing MOU between the UN and the Nepal Government is a major breakthrough to act on the issue of IDPs. Many UN agencies and international NGOs have been in Nepal for ages providing development assistance, but almost none provide humanitarian relief or target their assistance to IDPs.

Humanitarian agencies have planned to assist conflict-affected areas mainly through development programmes. Although IDP-specific interventions may be needed during resettlement or to meet the basic needs, the consensus among the aid community seems to be that most IDPs are difficult or impossible to identify and trying to help them on the basis of their displacement may create divisions between marginalised people in the host communities and marginalised IDPs. Aid agencies are also starting to address the information void that has complicated assistance to the displaced people.

Clearly more efforts are needed by both the government and the aid community to effectively monitor human rights and humanitarian conditions and to assist the most vulnerable among the displaced. The international community also has an important mediating role to play by bringing both parties back to the negotiating table. Only a breakthrough in the peace process and a restoration of the democratic process will create conditions conducive to the return of the displaced.

Wider dissemination of basic humanitarian and human rights principles, including IDPs and protection of civilians could ensure proper response to the status of IDPs. The state has been promulgating ordinances any time for the sake of other interests, enactment of

law/ordinance to address the IDPs should be the government's prime concern to protect the rights of the displaced persons. Such as the issue of right to housing of citizens who have lost their homes during war, and of refugees who cannot return to their place of origin, protect properties of displaced persons who have not yet returned against illegal occupation.

The lack of defendable, and accurate information on the size and scope of the IDP problem has undermined efforts by international aid agencies to provide assistance to IDPs. The international normative and institutional framework for responses to internal displacement crises remains weak, mainly because states have been reluctant to allow a more systematic international involvement in an issue they consider an internal affair protected from foreign interference by the principle of sovereignty.

Continue efforts to map the needs of IDPs and returnees, with the goal of creating a realistic plan of action and Ensure security and improve legal and socio-economic conditions for displaced and returnees as well. Another immediate response a government can do is providing funding from the state budget and actively identify financial resources from other donors to address the needs of IDPs and returnees and implement a plan of action. Increase security in high concentration areas by holding security forces accountable for human rights violations against civilians through effective investigations and prosecutions. Most importantly review of all national laws and policies to bring them in line with the international mandate for the protection of internally displaced persons.

NOTES

1. No refuge: the challenge of internal displacement, internal displacement unit, Office for the Coordination Of Humanitarian Affairs
2. <http://ochaonline.un.org/webpage.asp?Page=525>
3. Dr. Francis M. Deng, a former diplomat and scholar from the Sudan. Deng formulated the doctrine of "sovereignty as responsibility" as the most suitable conceptual framework for dealing with the problem. Basically, it stipulates that when states are unable to provide life-supporting protection and assistance for their citizens, they are expected to request and accept outside offers of aid. Should they refuse or deliberately obstruct access to their displaced or other affected populations and thereby put large numbers at risk, the international community has the right and responsibility to assert its concern. International involvement in such cases can range from negotiation of access, to political pressure, to sanctions or, as a last resort, military intervention. In his dialogues with governments, Deng has repeatedly made the point that no state claiming legitimacy can quarrel with its commitment to protect all of its citizens. Sovereignty must mean accountability to one's population and also to the international community in the form of compliance with international human rights and humanitarian agreements.
4. Mr. Walter Kälin is a Swiss legal scholar and professor of constitutional and international law at the Faculty of Law of the University of Bern.^{*} Mr. Kälin has been closely concerned with issues of IDPs for over a decade, having served as chair of the committee of legal experts that developed the Guiding Principles on Internal Displacement and having authored numerous books on the subject, including the Annotations to the Guiding Principles (American Society of International Law, Brookings-SAIS Project on Internal Displacement, 2000). In addition to his responsibilities as Representative, Mr. Kälin is also currently a member of the United Nations Human Rights Committee (since 2003). From 1991-1992, Kälin served as the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Kuwait under Iraqi Occupation
5. (E.CN.4/1998/53/Add.2)
6. <http://www.ohchr.org>
7. To provide the international community with a basis for action, Deng, together with a team of legal experts, developed the Guiding Principles on Internal Displacement. For many years, international organizations and NGOs had pointed to the absence of a document to turn to when dealing with internally displaced populations. To fill this gap and at the request of the Commission on Human Rights and General Assembly, the Representative studied the extent to which international law provides protection for the internally displaced. A Compilation and Analysis of Legal Norms, produced by the legal team, concluded that while existing international law provides substantial coverage for the internally displaced, there are considerable grey areas and gaps in the law. Applicable provisions were, moreover, dispersed in a wide variety of instruments. The Guiding Principles on Internal Displacement, completed in 1998 and introduced to the UN by Deng, are the first international standards specifically tailored to the needs of the internally displaced.
8. It is estimated that up to 35,000 people fled the violence across the nearby open border to India, many of whom had started to return by the time of the mission one after another attacks. Similarly incidents followed by displacement have been recorded in other districts, notably Dailekh and Surkhet. These IDPs have generally settled in ad-hoc camps, but have received little sustained humanitarian assistance.
9. Report of Un Interagency Internal Displacement Division, 11-23 April 2005
10. UN GA Protection of and assistance to internally displaced persons, Note by Secretary General, 7 September 2005

IDPs of Nepal

Victims of Neglect

Prekshya Ojha



Though Nepal has expressed strong commitment on UN principles, UN Guiding Principle on IDPs have been totally ignored by the state. As the state has been ignoring it's obligations IDPs in Nepal are deprived of their fundamental rights.

The phenomenon of internally displacement has been escalating due to violent conflicts. IDPs are treated by the governments as the second class citizens and no effective protection is provided to them throughout the world. People of all the countries facing violent conflicts including Sudan, Kenya, Guatemala, Somalia and some others share the same plight. Somalia is one of the countries most affected with the conflict induced displacement. Internally Displaced Persons of Somalia are the most vulnerable of the vulnerables as they have lost all their assets and are subject to multiple HR violations. ((Internally Displaced Somalis face uncertain future after years of state collapse - The global IDPs report of Norwegian Refugee Council, 24 November 2004))

In the present context, the world has been plunged into the ditch of violence and chaos. In Nepal also, the state of anarchy, hostility and atrocities in the setting of the on going armed conflict have been alarming. People

from various sectors have started to gauge the problems created by conflict and the effects it will create in future. It is necessary to be much serious to solve the problem of the IDPs brought by the armed conflict. Otherwise, if taken lightly, the problem of

displacement will get more complicated in future as the Maoist problem has.

Situation of IDPs in Nepal and The Statistics

Every day thousands of people are compelled to live displaced life following the terror brought upon by the conflict. According to the Global IDP Project-2005 of Norwegian Refugee Council, 25.3 million people, worldwide, are facing problem being ensnared as displaced persons. The number of internally displaced persons in Nepal accounts in between one hundred thousand to two hundred thousand. According to INSEC, the number of displaced persons in Nepal till the end of 2004 was fifty thousand three hundred fifty six. As the Maoists have been targeting teachers, landlords and government employees, the victims have been displaced leaving back their entire property. Even the poor community has also been affected from this problem. The Maoists' forceful recruitment, defense groups by security persons and other affects of war also have resulted in increment in the number of displaced persons. Large number of children are among those to be displaced. The report "Children Caught in Conflict" released by Amnesty International on July 26, 2005 states that International Labor Organization (ILO) estimated that 10-15 thousand children will be displaced within 2005.

Most of those displaced persons are involved in agriculture, showed a survey conducted by INSEC eastern regional office, Biratnagar from February 2, 2005 to March 16, 2005. Teachers also have been displaced along with them. The survey was conducted within Biratnagar Sub-metropolis and its outskirt areas among 56 families of eight districts who were displaced due to armed conflict. Similarly a survey- A Pilot Survey on Internally Displaced Persons in Kathmandu and Biratnagar- conducted by South Asian Human Rights Forum (SAFHR) in Birendranagar and Kathmandu also stated that people involved in agriculture were the most to be displaced. Similarly political activists, government employee and teachers have also been displaced in large numbers.

The government has not been able to

guarantee the basic human rights of thousands of people displaced from armed conflict; as a result they are compelled to live a miserable life. As the Maoists have locked houses of fifteen persons of Kotdarbar VDC, Tanahun districts on June 2005, whose son are recruited in police and army, the victim families sometimes go to the place their sons are working, sometimes take shelter at their relative's house and some even are living at the doorstep of their house by fixing tent. The Maoists even threatened the victim families to ask their son to quit the job of security force within one month. The trend of troubling civilians and forcing them to be displaced accusing their relatives to be involved in security force is excessive. Similarly the trend where people are displaced following the behavior of security persons is also increasing. There was increase in people being displaced after the security persons blindly beat civilians of market area after Maoist detonated landmine in a bridge near the Security Base Camp at Khahare in Dhading district on May 9, 2005. Jamdar Man Bahadur Sinjali Magar was killed in the incident. There are plenty of such examples.

Provisions for Displaced Persons in National and International Law

Under the article 26(9) of Directive Principle of the Constitution of the Kingdom of Nepal, 1990 the state has taken a policy to adopt special provision on education, health and social security for the protection of children, helpless women, elder and disabled. The Universal Declaration on Human Rights 1948 has guaranteed people's right to dignified life, right to security. The Directive principles on internally displaced persons says that people's right to life, right to freedom, right to security and right to dignified life should be guaranteed.

Vienna Conference 1993 states that special attention should be paid for providing humanitarian assistance to internally displaced people. The Vienna declaration and point 23 of Work Plan stresses that inter governmental and humanitarian organizations should work so as to permanently solve the problems of displaced per-

As the Maoists have been targeting teachers, landlords and government employees, the victims have been displaced leaving back their entire property. Even the poor community has been affected from this problem. The Maoists' forceful recruitment, defense groups formation by security persons formation of and other effects of war also have resulted in increment in the number of displaced persons.

sons and create a conducive environment so that they could voluntarily and safely return home and be rehabilitated. The convention also stresses on the need to provide humanitarian assistance to the victims of natural and human destruction according to the UN Charter and principle of humanitarian law.

Though the Nepal has not formulated separate law for the displaced persons, the existing national and international treaties have guaranteed their rights. This includes the civil and political rights; economic, social and cultural rights; rights against all forms of discrimination against women including the rights as guaranteed by fundamental rights under the constitution of Nepal. Similarly there is provision of civil rights in universal declaration of human rights, which preserves the rights of displaced. If people are not able to enjoy these rights, the state has not fulfilled its responsibility towards the civilians.

International Humanitarian Law activates most during armed conflict. The common article 3 of International Humanitarian Law states that civilians not involved in war should not be targeted. But today civilians have been displaced leaving their property due to fear and pressure of conflicting parties. Most of them have not been displaced with their whole family members. As a result, half of the persons are compelled to live in one place whereas the head of the family in another. The Global IDP Project publicized by Norwegian Refugee Council in September 2004 revealed the fact that many men had to be displaced leaving women and children at home. This has inflicted negative impact on their minds.

Guiding Principles on Internal Displacement

Guiding Principles on Internal Displacement is the only mechanism in the world concerning the displaced people. This principle implies to the state facing internal displacement problems and other institutions, groups or persons related to internally displaced people. Guiding Principles on Internally Displaced are similar to international human rights and humanitarian laws and also represent them.

Walter Kelin, Representative of UN General Secretary Kofi Annan on human rights of internally displaced persons also said that internally displaced persons also require assistance and protection. He had visited Nepal on April 13, 2005 to study-investigate on the problem of internal displacement escalating due to violent conflict. He had visited some districts of Mid-western and Eastern region during that time. Organizing a press conference on April 22, 2005 in Kathmandu after the study, he said that massive violence spread by the Maoists was the reason for displacement. He said that violence and terror against the

Provisions Set by Guiding Principle

- No discrimination should be practiced on the enjoyment of rights and freedom, on the ground of being internally displaced
- These principles will, without any prejudice, imply on those involved in mass killings, crime against humanity and war crime on the basis of international law
- These principles should be implemented without any discrimination
- Security and humanitarian assistance should be provided according to national law and displaced will have rights to appeal in concerned department for its availability
- These principles should be implemented without discrimination on the ground of caste, color, sex, language, religion or belief, political or other ideology, nationality, ethnic or social environment, legal or social status, age, disabilities etc
- Except in necessary situation, the period of displacement will not be extended
- Alternative methods should be implemented to manage displaced persons
- All methods should be applied to minimize displacement and its effects
- Management of shelter, sense of security, availability of nutrition, health facility and family members will not be separated
- A person's right to life, right to freedom, right to security and right to dignified life should be guaranteed

Right to Legal Remedy

Prohibition on any act of genocide, killing, unlawful death penalty, disappearance, abduction or arbitrary arrest, threat or death of internally displaced.

Protection from rape, injury, torture, cruel inhuman or degrading treatment and other behavior against humanity and forceful prostitution.

Protection from trafficking, sexual exploitation or forced child labor

- Cannot be kept as slave
- Permission cannot be granted to be involved in war
- Cannot be recruited in the arm services
- Shall have the right to seek security in any part of the country
- Right to leave their country
- Right to seek asylum
- Family life should be honored
- If wanted they should be given to stay together
- Right to education; right to free education

people, forceful recruitment and abduction by the armed Maoist group, terror of being taken action from the security persons on charge of providing food and shelter to Maoists even unwillingly and mass insecurity has increased the problem of displacement. He will be presenting the study report in the 62nd meeting of UN human rights commission.

Rights of Displaced and Initiation of Human Rights Organizations

Instead of raising voice for special rights to internally displaced persons, pressure should be put on the government to guarantee different rights of civilians as stated in different laws. It is necessary to consider that they are civilians first and then only displaced.

All citizens are entitled to enjoy all rights necessary to live being a human. So the displaced should first be seen as human being not displaced. The state should not curtail any of their rights on the ground of being displaced. Instead, there should be special protections for them. In the present context where there is no separate mechanism for preserving rights of displaced, the existing law and mechanisms should protect them.

Talking about displaced persons, the state has not made any special provision for them. The only document regarding the rights of displaced is the Guiding Principles on Internally Displaced passed by the UN General Assembly on December 9, 1998. The Directive Principle has not taken legal shape. As Nepal is a member state of the UN, it is the responsibility of the government to preserve the rights provisioned in it. But the Nepalese government is not found doing so.

On request of UN, the General Secretary of UN Kofi Annan, on 1992, had appointed Fransis M Deng of Sudan as special representative to look after the issue of internally displaced persons. He was assigned with the task of finding the problems facing internally displaced people and discover the base for their long term solution and provide them with protection and facilities. Fransis studied-investigated the problems of internally displaced persons in different countries and presented Guiding Principle on internally displaced persons at UN, which was later passed by the UN on December 9, 1998.

From September 21, 2004 law professor Walter Kulin was appointed as the special representative of UN General Secretary for internally displaced people. He is one of the persons to draft the Directive Principles on Internal Displaced persons.

Nepal has ratified 16 UN treaties on human rights. These treaties guarantee different rights of people including fundamental rights, right to participate in political activities, right to participate in social and cul-

tural life, right to guarantee opportunity for employment, right to utilise property on own's will, right of children's education and security, formulation of necessary mechanism and their implementation for health. Being the citizen of the state, internally displaced persons have not been able to enjoy these rights. The situation is such that they are compelled to live their life in different places leaving their family and property.

Subclause 1 of article 13 of the universal declaration on human rights guarantees that every person has the right to travel and live in any place within the territory of the country. The article 16(3) of the declaration states that family is the natural and fundamental unit of society and the society and state should protect it. Similarly article 1 has the provision that property of any person should not be seized arbitrarily. Displaced are deprived of enjoying their rights to utilise their property as guaranteed by UN provision on economic, social and cultural rights. Article 9 of the convention states that the state parties should recognize rights of people such as social insurance and social security. Similarly, article 11(1) of the UN covenant on civil and political rights states that people staying within the area of a country legally have the freedom to move and choose residence within the area. When these rights provisioned by different national and international laws are not guaranteed, people's human rights are violated. It is the major responsibility of the state to formulate laws to guarantee these rights. The state should abide by it.

Human rights organizations have been exerting their efforts to rehabilitate displaced persons in the current conflicting situation and minimize the effect of war on them. Human rights organizations including INSEC have been raising concern on the basic human rights they should entertain. In this context, 111 displaced persons of Birat and Botamalika VDCs, Jumla staying at Birendranagar of Surkhet district by fixing tents at the open land were repatriated in the initiation of INSEC. They were escorted to their homes at a distance of two day's walk from Jumla where they were brought by plane from Birendranagar. INSEC had created environment to repatriate them.

IDPs From Bad To The Worst Situation

The survey of INSEC at Biratnagar showed that the burning problems of displaced were unemployment, food, shelter, clothes and education and health of their children and women. Those displaced from violent conflict have been leading their life by opening small shops, breaking stones and making their children work at hotel or brick industries and some even have to beg on the streets, shows a study of South Asian Forum for Human Rights (SAFHR).

According to the survey of INSEC, displaced persons hesitate introducing themselves as displaced. They fear of some thing bad in case of giving their actual introduction. Similarly the study report of SAFHR states that displaced people staying at Birendranagar felt insecure as plain cloth security persons and Maoists travelled around the palces they were living at. On the other hand those staying at Kathmandu after being displaced do not feel unsecured and are not threatened from any department.

The government does not seem to be serious in the matter of displaced persons. The state's suppression on the sit-in protest of the Maoists' victims and/or displaced people at Tundikhel under a tent is against human rights. The government widely intervened the movement carried out by the displaced persons in May 2005. The government re-victimized those displaced from the Maoist atrocities. The government arrested those who took out to the streets demanding food, shelter and cloth and employment to the displaced persons. They had demanded that the government declare them as internally displaced persons. At that time the police even manhandled women and children. Small children were also manhandeled and arrested. Those taking out peaceful movement were beaten harshly. Gan Bahadur Gharti, who was injured by the police beating during the demonstration, died on June 3, 2005. Likewise, the security persons destroyed the temporary tents of displaced persons living at Tundikhel in the capital on June 5, 2005.

The police, in the past, had also behaved in the same manner in some agitations. The Maoist victims were arrested during the agitation in Kathmandu from June 6-14, 2005 and were held at the building of Agriculture Development Training at Madhyapur Thimi Municipality-1. In the process, stating that police had mentally tortured all the prisoners for 9 days, 1 person affiliated with Association of Maoist Victims, on July 20, 2005, filed case in District Court, Bhaktapur seeking compensation from the government. They have demanded compensation of a total of three lakh eighty two thousand five hundred for 1 persons at the rate of rupees 2500 each for a day.

The government has dishonored the civil and political rights of people after February 1, 2005. The rights of people to freedom of opinion, right to assembly and peaceful assembly have been seized. Though, the government has not stopped to make verbal commitments for human rights and democracy. By declaring prohibited areas, civil and political associations have been barred from taking out demonstration. Demonstrators are being beaten and held in custody. The movement carried out by those displaced by Maoists was to achieve the fundamental rights of the citizens. It was the movement for the protection of

basic rights. Therefore they should not be confined in the name of so-called restricted areas.

The social security of displaced persons is essential. Those displaced and forced to live in another place are feeling unsafe. Specially women and children have been victimized. Thousands of girls displaced by the conflict have fallen in danger of trafficking and sexual exploitation. In the past, girls would be sold in the Indian territory but now the rural girls are being sold in the urban areas of the country and are used in dance parlor and bar for sexual activities, states the Amnesty International's report (Children caught in conflict) quoting different organizations.

Relief Programmes of Government

The government announced relief programmes for the Maoist victims on October, 2004. The programmes were related to humanitarian importance including education, health, employment and rehabilitation. The relief programme passed by the council of ministers gives priority to the long term relief concept. It states that one woman member of a victim family would be compulsarily included in the income-generating programme. According to the provision, finan-

70,000 Nepali Children Displaced by Conflict Yearly : Report

KATHMANDU, Nov 15, 2005 (Xinhua via COM-TEX) – A total of 17,583 Nepali children left for India from five different transit points along Nepal-India border in the past three months.

This is stated in a research report "The trend of Nepali children being displaced to India due to the conflict", released here Tuesday. The research was conducted jointly by Central Child Welfare Board and Save the Children.

The research at five major checkpoints along the Nepal-India border in western, mid-western and far-western Nepal has shown that more than 70,000 children migrate into India every year from those checkpoints alone. The study was carried out between July to December, in 2004, in Bhairahawa, Nepalgunj, Kailali, Tikapur and Mahendranagar.

The report says that child migration from Nepal to India appears to be on rise, which is caused to some degree by the country's 10-year conflict.

About 24 percent of the respondents in the research directly pointed out conflict as the reason for their migration to India.

cial assistance would be provided within three months to those whose property have been destroyed and victims would be provided with employment based training.

It also stated that a 'coldward' would be established at teaching hospital for the treatment of persons aging above 60 years and displaced due to conflict. The monthly one hundred rupees allowance being given to displaced people in the past has been discontinued. Instead, displaced would be included in the training conducted at the district headquarters where they have home. The programme stated that loan would be given for income generation based on the training.

But there is no provision to disseminate the report by the concerned department regarding the implementation and monitoring of the publicized programme for the conflict victim.

The Government budget for the fiscal year 2005-06 states that a committee will be formed which would include displaced persons and provide them relief and employment opportunities and make them involved in income generating or infrastructure building programmes. The budget also states that an arrangement will be made for the unobstructed availability of basic public services for the displaced persons. Free of cost vocational training will be provided to conflict affected displaced persons to enable them for employment or selfemployment opportunities. The IDPs will be given priorities in labor intensive public construction works. Land revenue will be waived for the registered conflict affected people

Escalation of The Crisis

The conflict has taken violent shape as there was no initiation on eradicating the problems facing the

society. As the process of displacement is increasing day-by-day, importance for special mechanism for their security has been felt. The new and separate mechanism for the solution of displaced persons should take special steps to guarantee their basic rights and rehabilitate them at their houses. But necessary study-investigations should be conducted prior to this. Different organizations have publicized different statistics. But the exact number of displaced cannot be determined. Until we can identify the actual displaced persons, the services and facilities for them cannot be effective.

With the declaration of relief programme for conflict victims, this year, HMG has made some provision for the displaced persons. But they are not adequate. No programmes concentrated on displaced persons have been brought forward. It is necessary that the government pays special attention to the health and education of displaced children. Unemployment remains the major problem of the displaced persons. So the state should arrange for employment opportunities for them which would solve their problem to meet both ends.

The two world wars and different internal and external wars afterwards has resulted in the increase of problems and statistics of refugee and internally displaced people throughout the world. But it is the tragedy that no mechanism has been formulated guaranteeing the rights of the displaced people who are compelled to live a pathetic life due to the effect of internal displacement and war. The result of this problem will not be minimized until all the state parties to the UN Guiding Principle on Internally Displaced will implement it in practical. The government of Nepal has not taken the matter seriously. In the days after February 1, 2005, the government has brought the undeclared policy not to show concern on the study of different upshots of conflict and for their minimization.

NOTES

1. The Global IDPs Report of Norwegian Refugee Council, 24 Nov. 2004
2. The Global IDPs Project-2005 Norweigh Refugee Council
3. Children Caught in Conflict, Report of Amnesty Internatinal July 26, 2005
4. Condition of Internally Displaced Persons in Biratnagar, Study Report, Feb. 27-March 16, 2005, INSEC Eastern Region
5. A Pilot Survey on Internally Displaced Persons in Kathmandu and Birendranagar conducted by SAFHR
6. UN Guiding Principle on IDPs
7. The Constitution of the Kingdom of Nepal 1990
8. UN Declaration 1949
9. Vienna Declaration
10. Common article 3 of Geneva Convention
11. International Covenant on Economic, Social and Cultural rights
12. International Covenant on Civil and Political rights
13. INSEC online of different dates

Impact of Displacement and Possible Outlet

Bijay Raj Gautam



GENERAL BACKGROUND

Democracy and human rights are intertwined with each other. The existence of both remains futile if they are treated in isolation. The human rights in society is not possible to guarantee unless that society runs with democratic norms and value. In order to strengthen democracy and human rights neck to neck, the government, the people's representatives, with their political vision, must play their active role.

Nepal's political history is 237 years old, as a modern nation state. Prior to 168, it was divided into a number of small kingdoms. Following the unification of the small kingdoms with the major contribution by the great king late Prithvi Narayan Shah that formed into the modern kingdom of Nepal, the Shah kings have been ruling the nation.

Despite the advent of democracy in 1951, the indifferent situation of human rights degenerated when the so-called Panchayat System was introduced in the

name of generating basic needs of the people. Many factors involved in creating a situation of lame human rights at that time. Among other grounds, the political parties could not represent the people's sentiments and aspirations. The major reason behind this sluggishness of the political parties was their immaturity as they simultaneously accepted 'the Constitution under which the king had the dictatorial rights'. These rights reserved under the king from nominating the Prime Minister and dissolving the House of Representatives to declaring the state of emergency contributed to degeneration of human rights. The then said democracy with a very limited rights took a further blow by dissolving the 'popularly elected government' when the 'conspiratorial and regressive measure' was adopted to introduce Panchayat System on 15 December 1961.

In 1990, a nation-wide people's movement brought down the Panchayat system and introduced a multi-party democracy. A new constitution was drawn up. The Constitution of the Kingdom of Nepal 1990

The state should ensure the right to life and right to health for displaced persons.

The problem developed on the ground of denial of security, right to work and land, wholesome strategies are required to resolve it.

for the first time guaranteed and protected human rights, both civil/political and social/economic.

The main achievements of the People's Movement of 1990 are: Constitutional Monarchy, Multi-party Democracy and Sovereignty on the People. Accordingly, the Constitution of the Kingdom of Nepal 1990, was promulgated which guaranteed 'basic human rights to every citizen of Nepal, the parliamentary system of Government and an independent and competent system of justice with a view to transforming the concept of the Rule of Law into a living reality'.

After the decade of 90s, human rights has been a catchword for the politicians, policy makers, academics, lawyers and others. The International Conference on Population and Development (ICPD), 1994 has declared that human being should be in centre to formulate policy on every development aspect. To centralize human being in any development sector means to respect human rights of various classes of people like children, youths, elderly and others.

POLITICAL CONFLICT AND THE IDPs IN NEPAL

For the last ten years, Nepal witnessed a deadly conflict in the name of 'People's War' launched by the Communist Party of Nepal (Maoist) since 1996. More than 12,000 people have lost their lives and many people have left their houses because of insecurity. A number of registered and non-registered properties have been claimed. The government offices are badly demolished. The existing ones like schools and health posts are without teachers, or doctors and medicines respectively. Children are not getting education. The sick people who badly need treatment are deprived of the same. Those working in the government offices are turned to be jobless. Multiple is the problem of housewives. The rebels often threaten them if they deny feed them and so do the security forces if they feed the rebels. The condition of the farmers is also of no lesser amount. They are counter victimized. The rebels oblige them to share their agriculture products as per their demand whereas the security forces assault them if they find the farmers doing as the rebels ask for. So farmers are afraid of working in the field. The cultivable land is left barren. On the same ground, the development front is completely stagnant.

The existing infrastructures such as water supply office, food depot, health posts, bridges, and telecommunications are demolished. So is the façade of the war in the district headquarters as well. The overflow of the people in search of safer refuge has resulted in lack of medicine, safe drinking water and education. The famine is paramount. The embargo imposed by the Maoists upon the import of local products has added the plight by the same token. Whatever the commodities are available in the headquarters, they are not sufficient as per the demand of the needy people. It is because of the diverse restrains, the displaced people

are badly traumatized. They are deprived of basic humanitarian aid and are compelled to live in want and fear.

CONTEXT OF THE PROBLEM

The internal displacement has been a glaring problem since the Maoists launched their 'People's War.' The displacement has been an ongoing trend and is continued until the conflict ceases between the Maoists and the government. Though with the recent truce there were signs of a gradually improving climate, the deeper effects of insurgency still linger on for a long time. The common people have not felt security from both the government security forces and the Maoists to stay in the land of their origin. All the infrastructures like telecommunications, post offices, and government offices have been badly disrupted. This has left people with few resources to cope with their survival and undermined the efforts of people to overcome their problems. These are the prime factors for the civilians to be displaced. Despite the perilous situation, studies on the displaced people are very few. There are mainly articles not based on intensive survey and not sufficient to identify the current situation regarding this population. Whatever the studies on this population have been done, they are centered only in the municipalities or district headquarters and lack areas of mass displacement.

A survey report carried out by Nepal IDP Research Initiative in 2002 depicts mentioning the sources of government and Nepal Red Cross Society (NRCS) that a total of 7,343 and 10,500 are registered IDPs respectively. But the data are not that much authentic. Similar is the report of destruction where the total loss of property in 12 Municipalities is Rs. 25,504,326.26. However, both of the reports do not fully cover the areas where the effects of insurgency are paramount. Insurgency prone areas are left untouched by the researchers where the authenticity of data, destruction of property and problems caused due to the deadly conflict are genuine.

After the outburst of "People's War" in Nepal, people are living in hardship. Not a single area is left unaffected by the war. So people living both in the rural and urban areas are in the smoke of injustice and violations of human rights. The socio-economic condition of people is deteriorating. According to the available data, the number of displaced people is 31,635 throughout the country. However, we believe that the number must be double or more because of 885 km long open boarder with India where people are free to emigrate without any restriction. As monitoring alongside the open border and the whole affected area is impossible, so is to get the exact number of displaced people. The seven years of 'People's War' has left bad omen even on the fate of children. Of the total children who are supposed to be half of the total population of Nepal, 2000 have

been orphaned and 4000 have been found displaced. During the 1st seven years, the war has affected 1662 VDCs that is 40 percent of total VDCs in Nepal.

NEW TRENDS

With this background the human rights situation in Nepal is worsening although many laws and regulations for the protection and promotion of the human rights have been provisioned both in national and international level. The year 2002 and 2003 remained alarming and disappointing for Nepal from human rights perspective. Dozens of incidents violating of fundamental rights, from topmost national figures to the laymen, occurred in this short period of one year. The nation came up with some new records of grave violations breaking the records of history. Many persons including the people's representatives, political leaders, human rights activists, journalists, teachers, civil servants etc suffered because of the intolerance and lack of conscience to respect human rights both by the state and non state parties.

The Maoist upsurge in 2002 and 2003 pervaded almost all social, economic, cultural and political sectors. Issues of the code of conduct for both the government and the Maoists by the human rights defenders and dialogues in three phases between the government and the Maoists by declaring ceasefire were the major achievements of the year 2001. These very achievements eventually became futile when the Maoists broke the dialogue and plunged themselves into the warfare by violating all the fundamental rights enshrined in the Constitution. As such both the state and non-state parties violated the international instruments of human rights. As a result, the government in the name of quelling the Maoist insurgency made four major decisions. First, the Maoists were declared the 'terrorists'. Second, the state of emergency was declared for preventing such violations and establishing peace and tranquillity in the nation. Third, an ordinance on 'Terrorist and Disruptive Activities (Control and Punishment) Ordinance, 2001 (TADO) was promulgated. Ultimately, all the police, armed police and army were deployed in the name of security personnel to control the Maoist rebel. The trend continued till date with the extension of the same law through ordinance.

Afterwards, 'an inhuman thinking to achieve the political objectives through murder and violence' grew higher and the security personnel, civil servants and the lower strata of the society experienced murder, violence, torture, dismemberment and brutality. Due to these unimaginable and tragic incidents occurring especially after 2001, the very essence of human rights transgressed, leaving the whole year a bad omen.

The state failed to turn up with positive thoughts to end the Maoist problem through peaceful means. It believed in counter-violence to defeat the violence

launched by the Maoist rebels. As a result, no change was experienced in the civilians' plight to endure the pain of being deserted with their fundamental rights. The State of Emergency clamped over the country sustained till 28 August this year depriving the common public from enjoying their fundamental rights.

CONSEQUENCES

The state of the political crisis has worsened particularly after Feb. 1, 2005. The state has been ignoring the unilateral ceasefire by Maoists. So far the following consequences of this upheaval have been found. The situation is certain to worsen if the present crisis intensified.

On the civil and political front, the constitutional resolve has not been maintained, as people are being killed, arbitrarily arrested, detained, tortured, disappeared and raped in custody. The economic, social and cultural side is also dark. Poverty, unemployment, illiteracy and none-implementation of minimum wages for agriculture workers, the practice of untouchability, etc. are major cartelistic feature of Nepal's identity.

Women are deprived of the right to property, children are forced to engage in hazardous forms of labour, women are trafficked to India and involved in forced prostitution. Besides this women have been more victimized due to the Maoist insurgency. Thousands of women have lost their husbands, many have been raped and some have been forced to involve in the jobs they dislike.

IMPACTS

Short Term

- Unemployment, health problems, schooling for children, human rights abuses and also overpopulation in the Kathmandu City.

Long term

- Decrease of schooling and manpower for the development of Nepal. Split within families, loss of traditional values; increases in violence among the young, etc. etc.
- Hunger and starvation due to the lack of productivity.
- Price hike due to reduction in the agricultural products.
- Unemployment.
- Lack of education, health and sanitation facilities.
- Frustration among youths.
- Lack of awareness.
- High density in the city areas.
- Declining per capita income.
- Physical and mental torture on children, women and aged people.

POSSIBLE OUTLETS■ **Advocacy/ Lobby**

There is a need of an advocacy programme to sensitize the different institutions and concerned communities on internally displaced people. The people should know the underlying causes of displacement and it is the most needed area. Similarly, lobbying to aware the government agencies, policy-makers and system managers for developing government policies on internal displacement and fulfilling the need of a separate legal provision to address the displaced people. The lobbying should be done among the representatives of government, political parties, donor agencies, NHRC, NGOs, UNHCR and donor agencies to pressurize the government and the system managers for the effective policies, which help to cope with the needs of displaced people.

■ **Interaction**

Another urgent need is to hold interaction programme among the internally displaced people in view that this allows them to reveal information about themselves and their lives according to what they deem relevant. The interaction needs to focus on the people's views about the future, how they think their present situation can be changed and how they think they can actively be part of the change. Furthermore, this will be a key tool to acquire knowledge about the issues of the people.

■ **Relief and Rehabilitation**

The internal conflict has made the people pass through anguish and pain. Due to the embargo imposed by the State and the rebels, the people in war-torn regions are suffering from food scarcity, lack of medicine, post as delivery, telephone and electricity. Those economically well off are fled to the district headquarters, urban areas and even to the capital city. Those belonging to the poorest strata are facing the greatest difficulty and are counter-victimized. They are obliged to live in unhygienic and hostile places, including street and undergo hazardous health conditions and so is the life of the children. Because of the killings of the teachers, destruction of the school buildings, drinking water taps, many children have deprived their basic rights. They are suffering deep psychological trauma.

Many of them have the problems of suppression and depression. In this way the students are traumatized, unable to concentrate on their studies. The youths are fled to foreign land. Because the husbands are either abducted or arrested and killed, the housewives are squeezed with multiple workloads. They are always in distress and trauma. People in the mire with frantically need swift actions to do away their dreadful present.

Table 1**Conflict-induced Internal Displacement in Nepal (2002 and 2004)**

SN	District	No. of Displaced People
1	Jhapa	525
2	Ilam	256
3	Panchathar	498
4	Taplejung	1057
5	Morang	182
6	Sunsari	1
7	Dhankuta	82
8	Terhathum	188
9	Bhojpur	27
10	Sankhuwasabha	118
11	Saptari	85
12	Siraha	70
13	Udaypur	115
14	Khotang	170
15	Okhaldhunga	439
16	Solukhumbu	166
17	Dhanusha	631
18	Mahottari	39
19	Sarlahi	187
20	Sindhuli	770
21	Ramechhap	1277
22	Dolakha	60
23	Rautahat	70
24	Bara	42
25	Parsa	0
26	Chitwan	841
27	Makawanpur	28
28	Lalitpur	42
29	Kavre	479
30	Bhaktapur	0
31	Kathmandu	0
32	Dhading	137
33	Sindhupalchowk	151
34	Nuwakot	17
35	Rasuwa	20
36	Tanahu	112

■ **Collaboration**

Since the problems of internally displaced people are new and challenging in the context of Nepal, new thinking and collective efforts are the prime concern, INSEC has planned to initiate some of the activities in collaboration with the I/NGOs, UN IDPs activists, UNHCR and the representatives of donor agencies to:

- ♦ request the UNHCR get involved in protection and assistance of IDPs,

37	Gorakha	375
38	Lamjung	1200
39	Syangja	100
40	Kaski	205
41	Manang	0
42	Nawalparasi	24
43	Rupandehi	1
44	Palpa	169
45	Kapilvastu	4189
46	Arghakhanchi	274
47	Gulmi	151
48	Baglung	288
49	Parvat	23
50	Myagdi	136
51	Mustang	0
52	Dang	321
53	Pyuthan	46
54	Rolpa	2194
55	Salyan	1373
56	Rukum	1673
57	Banke	1129
58	Bardiya	1924
59	Surkhet	4464
60	Jajarkot	2003
61	Dailekh	3823
62	Dolpa	242
63	Jumla	3861
64	Kalikot	3865
65	Mugu	465
66	Humla	198
67	Kailali	3023
68	Achham	96
69	Doti	473
70	Bajura	1648
71	Bajhang	111
72	Kanchanpur	209
73	Dadeldhura	681
74	Baitadi	406
75	Darchula	111
Total		50356

Source: INSEC

- ♦ seek coordination of UNDP activities by Resident Representative Office,
- ♦ make a request to NGOs include forced displacement as a new category in their human rights efforts and increase support to IDPs,
- ♦ request donor agencies to provide increased funding for prevention, protection and assistance,
- ♦ coordinate and cooperate with human rights community and political parties to pressurize the concerned authorities and the government for the effective policies to meet the displaced people's needs,
- ♦ help the policymaking bodies to build up the adequate policies to address the needs of IDPs,
- ♦ facilitate and coordinate the process of rehabilitation and relief work,
- ♦ raise awareness of both conflicting parties not to restrict supply of the medicines and materials of basic needs,
- ♦ provide minimum humanitarian aid such as medicines, food, education, trauma counseling etc.

CONCLUSION

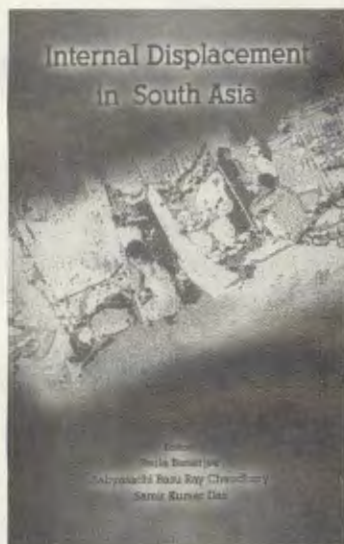
Displacement is an ongoing problem in Nepal. The development-induced internal displacement and the problem of former agriculture bonded labourers has existed for long time. The conflict-induced displacement has increased enormously after the Maoists began insurgency. Many are the challenges of the displaced people. They desperately need the immediate relief works connected with the programmes based on permanent rehabilitation, right to work, food and humanitarian aids and that is possible only through the minute study of their life conditions. Only the single effort may end up in failure. So all the agencies working for human rights have to conduct the in-depth research on internally displaced people to examine the problems they are encountering with and provide them with the basic humanitarian aid. The state should ensure the right to life and right to health for displaced persons. The problem developed on the ground of denial of security, right to work and land, wholesome strategies are required to resolve it. For the strategies, the flexibility shown by the Maoists has open up the door of possibilities through announcing the unilateral ceasefire. Therefore, to utilize the alternative means to end up the grievances and sorrows of the displaced people permanently, recommendations for prompt actions also be made to the state and all the stakeholders.

NOTES

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Book Review

Flagging the Relevance of UN Guiding Principles on IDPs



Internal Displacement in South Asia

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"**I**nternal Displacement in South Asia" deals with the situation of internally displaced people in the region. The definition of IDPs presented in the book covers those who have been forcibly displaced by the violent conflict, natural disasters and development projects respectively.

Each chapter is a case study authored by specialists from seven countries - India, Bangladesh, Nepal, Pakistan, Sri Lanka, Myanmar and Afghanistan. The latter two countries have been included for their shared ethnic commonalities with people of the neighboring countries. The authors provide recommendations on how to minimize insecurity of the displaced, while suggesting early warning systems as preventive measures to prevent displacement at the outset. Women IDPs in South Asia is also an important and informative chapter in the book.

The issue of IDPs in Nepal has been incorporated in the book entitling "Nepal: A Problem Unprepared For". The chapter contributors are Manesh Shrestha and Bishnu Adhikari. They have presented 'internally displaced due to conflict between government forces and the armed insurgents of the Communist Party of Nepal (Maoist)' in one of the three categories of internally displaced in the country. The chapter has listed four reasons for such displacement: political target, conscription, human shield and forced recruitment, forced donation collection and harassment by security forces. Eight case studies regarding the conflict-induced displacement have been included in the write-up.

Internal Displacement in South Asia is really a collaborative endeavor. It is a compilation of the contributions from South Asian scholars, journalists, social scientists and activists. Calcutta Research Group has done a marvelous

job by getting all these experts together under its aegis. It was of the prime need to address the situation of IDPs in South Asia.

The book has presented a detail description on situation of IDPs and raised the issue of relevance of the UN's Guiding Principles on IDPs. To stress such necessity the book states "Unless we can continue the peace process, the situation of IDPs will not be in any way improved. And unless the situation of IDPs is addressed and justice achieved, there will not be any lasting peace in South Asia."

The book has shades light on "The 'welfare centers' in Sri Lanka or the 'camp' in Nepal or Afghanistan sheltering the IDPs represent sites where war is continued 'by other means'. The budgetary allocation is paltry and irregular. The camp dwellers are deprived of the non-derogable rights the Guiding Principles propose to secure."

The book compiled and brought out in such a context when, "the situation in both Sri Lanka and Nepal was tense. There was increasing fear among women- groups in Sri Lanka that in the period of the ceasefire it would be the women who would be pushed back into the high security zones in the north and east, even though landmines were planted haphazardly in these areas. Although there was a ceasefire in Nepal between the state and the Maoists it was at best tenuous. Further, the state refused to acknowledge that the number of IDPs was fast increasing." Keeping these development in mind the editors as they stated in the book, "decided to investigate how far the South Asian states are sensitive to the needs of the IDPs and whether the UN Guiding Principles are being adhered to in any extent." As mentioned in the pages, today a volume of this kind has become even more essential as ceasefires in two areas in South Asia have broken down.

Human Rights Monitor

Supplementary Report of Human Rights Yearbook

- Trend of The Quarter
- Three Months of Unilateral Ceasefire
- Representative Events During
The Unilateral Ceasefire



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Trend of The Quarter

Quarterly Human Rights Situation

April-June 2005

Even in the second quarter of the year 2005, both the warring sides continued the trend of repeatedly committing to respect human rights but maiming the expectation of the citizens by violating human rights. There was no end to the plight of Nepali society from the violence of armed groups.

Talking about human rights violation from the state, security persons, in this quarter too, did not stop their act of killing civilians on suspicion of being Maoist. For instance, on July 16, Man Bahadur Kumal, of Ghiring Sundhara VDC-1, Tanahun district, was killed at Dandathok after being arrested from Gandaulitar of the same VDC. The security forces provided Rs 5,000 as compensation after learning from the locals that Kumal was a civilian and also a mute. But no action was taken against the security persons for the extra-judicial execution. The increasing number of incidents like this shows the forces' tendency to kill anyone on suspicion of being a Maoist.

In another incident, 8-year-old Pūja Chaisir of Dhangadi Municipality-5, Kailali was killed when she was shot at the head while sleeping in her house on May 21, midnight. The security forces claimed she was killed during the encounter erupted after they were shot at. But, the locals discounted the claim of encounter.

The incident of Nawalparasi where three Maoist cadres were tortured by breaking their hands and eyes before being shot dead after arrest is an example of extrajudicial killing from the security persons. On 2 June Maoist Commander Chudamani Parajuli alias Sujana of Waling Municipality-9, Syangja district, Lal Bahadur Budhamagar and Jeet Bahadur Magar alias Kailash were taken under control from Gaidakhal of Sunwal VDC-5 and shot dead at the jungle of Rambhapur at Sunwal VDC-4.

The rampage of the security forces on the locals of Arughat Bazaar, located at the border of Dhading and Gorkha districts on 18 June is also mentionable. The security forces tortured the locals after the Maoists killed two of their men shopping in plainclothes.

Throughout this quarter, the government gave continuation to its act of arbitrary arrest, contempt of court orders, illegal prohibition on press, suppression against those taking out demonstration. The intervention of security persons inside the premises of Court in the bid to rearrest persons further disparaged the government. Its appalling treatment to the people, already tortured and displaced by the Maoists was censured by all. The government's treatment to Maoists. Maoists' victims was one of the condemned acts in this period. The death of Gyan Bahadur Gharti, a Maoists' victim who sustained injuries during police's baton charge at a protest was an ironical and noteworthy incident. On 6 June the security forces demolished the huts of Maoists' victims erected at Khula Mancha, Tundikhel. The dwellers including young and old were thrashed and arrested during the meal time. The attack on the victims soon after a demand for the resignation of the Home Minister by the Nepal Maoist Victims' Association revealed the government's intolerance to them.



*Late Narayan Prasad Pokharel
Chairman, Nepal National Committee of World
Hindu Federation*

The Maoists, too, carried on with their disregard for human rights with the activities of murder, abduction and bomb explosion, arson, beatings in this quarter. The incident of Madi (Chitwan district) where the Maoists trapped a passenger bus in a landmine that claimed life of 36 and injured 2 people on 6 June and the Banbhedha (Kailali district) incident, where six relatives including a one-year-old child of the Armed Police Force personnel were brutally killed, suspected to be done by the Maoists but denied by them, exposed the ruthless face of the ongoing armed conflict of Nepal all over the

world. The incidents received criticism from national and international communities including the UN General Secretary Kofi Annan.

On May 6, Narayan Pokharel, the chairman of Nepal National Committee of World Hindu Federation was killed and Dalit Liberation Front took the responsibility of his murder. The murder of an acclaimed social reformer Pokharel not only drew the attention of the nation but also shocked the people. The Maoist leadership, who are always in hurry to pass their views in regard of any incident, did not speak out in the murder of Pokharel- they neither admitted nor denied. The murder is an example of increasing brutal face of the ongoing conflict.

Similarly, on June 12 Maoist shot dead Ganesh Man Palikhe, 60, Campus Chief of Janpriya Multiple Campus at Pokhara Sub-metropolis-9. Injured after the Maoists' shot, Palikhe and his two body guards died

trapped in the encounter between the Maoists and the security forces as he was heading to sit in the exam. Some other citizens were also hit by splinters.

On June 13, a youth of Hepka VDC of Humla district committed suicide by plunging himself into the Karnali River finding it the only way to be free from Maoist captivity. The deceased was one of the 16 youths abducted by the Maoists. Last year the victim was forcibly enrolled as lifetime member of Maoist party and was abducted by the Maoists from the way while heading to Taklakot bazar of Tibbet after fleeing from the party.

Deepak Nepali, 5, of Pagma in Hariharpur, Surkhet was killed and Buddhisara Nepali, 9, and Sukmaya Nepali, 11, were injured when a stray bomb exploded on June 4. Likewise, Sita Bhujawa, , and Rajendra Bhujawa, 12, of Gulariya-10, Bardiya were injured in similar explosion. The bomb had exploded



(An Infant and Others Dead in The Mysterious Banbehda Incident)

while undergoing treatment at Western Regional Hospital, Pokhara. His 'crime' was saving property worth millions that Maoists were aiming to arson. Though civilians raised questions behind the killing of those two dignified persons, the Maoists leadership did not have moral courage to reply them.

On June 20, Maoists killed Anantaram Bhatta, 52, of Chandani VDC-, Kanchanpur district and threw his mutilated body in 6 pieces on the road. The Maoists had killed Bhatta within 48 hours of Prachanda's direction to his cadres against killing of any unarmed and captured persons. Abducted on June 19 from his house, six mutilated parts of Bhatta's body- hands, legs, head and body were found near Babathan of Dodhara VDC on 21 June.

On May 28, four-year-old Kiran Chaudhary was killed along with his mother in his room in Dhangadi Municipality-3, Kailali. His mother Kaushalya was a police head constable. In another incident, an eleventh grader Bal Man Shrestha of Pithuwa Higher Secondary School in Chitwan never thought of being a victim on the day of his exam. He was hit by the bullet after being

some 200 meters from their house as they were herding goats. On 23 June, Neha Gadariya, 5, was killed when the Maoists hurled bomb at the RNA team on patrol near Tribhuvan Chok in Nepalgunj.

The closure of schools under the threat of Maoists was also a problem throughout the nation. Maoists abducted Hum Bahadur Gelang, 10, of Satakhani VDC-8 and Karna Bahadur Shahi, 11, of Jajarkot, both disabled, on June 22 from Kuinepani Disabled Child Centre at Satakhani VDC-8, Surkhet. The centre has been closed after the incident. Similarly targeting the schools, Maoists detonated bomb at Kumudini Homes School at Pokhara Sub-metropolis-3 on April 20; St. Joseph Boarding School at Prithvinarayan Municipality-10, Gorkha on April 21; Sunshine Boarding Higher Secondary School at Siddharthanagar Municipality-8, Rupandehi on May 1 and Deepsikha Boarding Higher Secondary School on June 9.

On the night of April 1, two Maoist cadres 'Sagun' and 'Pahal' raped two Bohara caste women 26 and 18 years of old of Magarkot, Shivling VDC-3, Baitadi district. Husbands of the victims were not at home at the

persons in Chitwan. Thousand of students of the district fell victim of the closure.

Jumla, At least 20 students of Blind welfare school, Nagarkot have come to district headquarters on September 25 following the atrocities of Maoists. We had to come to district headquarters as Maoists would time and again create barrier in the studies and would beat us, said a student Karna Bahadur. Out of 20 students, 7 are girls and 13 are boys. They say to return back only after the problem is solved.

Morang, Akhil Nepal National Independent Student Union (Revolutionary)- student wing of Maoist- has locked 9 public schools of Morang district from September 26. Shivashakti secondary school, Sorghab; Sarada primary school, Karsiya; Hansbahini primary school, Sorghab; Kalika primary school, Dadarbairiya and Dhanpal secondary school, Kaseni are among the schools locked by the Maoists. The name of other schools has not been known. The student wing has already closed 30 schools in northern Morang. Those schools were handed over by the government to the community.

Arghakhanchi, A group of Maoists on September 25, 2005 by organizing a program in the school premises has threatened Birendra Higher Secondary School to change its name within 15 days. The school administration has informed that Maoists have threatened the school that they would take any action against school administration in this regard.

Darchula, All the schools of Marma and Lekam area have been closed after Maoists put pressure on all the students and teachers of the schools to go to the district headquarters for campaign from November 20-22. Around 4000 people have already gathered in the district headquarters following the pressure of Maoists.

Tehrathum, The community schools of the district have began closing down from November 13 following the threat from Maoists. The Maoists have been accusing the government of escaping from investment in schools and handing them over to communities.

A total of 69 primary schools and one lower secondary schools in the district has been handed over to the communities.

Achham, Nepal Teachers Union (Revolutionary) has closed down eight schools of Thanti and Rishidaha VDC for 7 days beginning from November 21.

Around 1000 students have been affected from the closure. According to NTU (Revolutionary), they were forced to take such action as the government did not fulfill their 14 points demand.

1.4 Beatings/Torture

Panchthar, Maoists beat three class 12 students of Prithvi higher secondary school on defying to form a Maoist's student union in the school on September 14. Those beaten are Lal Bahadur Basnet, 18, Padam Lawati, 20 and Manoj Khatiwada, 18. According to a teacher of the school, Maoists threatened the students to take action in the future.

Tehrathum, A group of Maoists abducted and beat INSEC district representative Chhatra Rimal on September 15. Rimal was abducted from the way while heading to his house at Jaljale from Myanglung and was released after 14 hours in injured condition at 1 a.m. The Maoists even threatened him not to leave his house for seven days.

Salyan, Locals say that Maoists have been inflicting severe torture on Tek Bahadur K.C, 18, of Pokhara, Laxmipur VDC by handcuffing him and forcing him to travel to many places. The Maoists had abducted the victim on September 3, the very day Maoist chairman Prachanda declared unilateral truce. The Maoists have alleged him of stealing one lakh rupees of the party and handing over important documents and socket bombs to the police last year.

Kalikot, At least 5 persons including three minor girls have been displaced after Maoists beat them up for denying to join their party on October 11. Those beaten are Ratnarupa Singh, 21; Laxmi Singh, 16; Nani Singh 13; Parbati Singh, 13; and Ratna Singh, 17, of Odagaun in Odanuk VDC. All the displaced are now in Dailekh and Surkhet districts.

1.5 Injured

Rautahat, Maoists shot injured Hridaya Narayan Das, of Bhasdewa VDC-2, on September 7 at around half past eight in the evening. According to the victim three to four Maoists had shot him while he was coming to his house on his cycle. He has been brought to Kathmandu for treatment. The Maoists are yet to give their statement on the incident.

Panchthar, Two unidentified Maoists were injured while they got trapped in the self planted landmine at Afyare, Panchami VDC-1 on September 8. According to the eyewitness, they were injured as the landmine they were planting went off.

Kaski, One army man was injured in the landmine explosion planted by the Maoists at New Rising area on September 20 morning, said the western divisional headquarters of Royal Nepalese Army, Pokhara.

1.6 Loot

Taplejung, Maoists looted a sum of rupees 600 000.

brought from District Education Office, which was to be distributed among community schools Khewang secondary school, Khewang and a next primary school on September 10. According to teachers including Gyanu Dahal of the schools, the Maoists looted the sum warning to take serious action on not giving the money.

Jhapa, An unidentified armed group of persons introducing themselves as security persons looted 350,000 cash from the house of Chetan Prasai of Jalthal VDC-7 on September 21. Reportedly, a group of 6 persons asked to open the door of the house introducing themselves as security persons and looted the amount.

Ramechhap, A group of 30 Maoists have looted the house of teacher Ram Chandra Adhikari of Kathjor VDC-6 on September 13. According to locals, the Maoist broke the lock of the house and looted away food, utensils and clothes. The family of Ramchandra has been living at district headquarters as displaced persons after Maoists locked his house on February. After the declaration of truce by the Maoists, they have announced to forcibly involve civilians in their party to expand their network. Civilians of that area are petrified after Maoist announced to involve civilians in their organizations.

Kailali, The Maoists on November 29 looted grains of Moti Singh Dhami, currently deputed at Kathmandu as District Superintendent of Police from Gulara in Chuha VDC. The Maoists had looted three trucks of grains of Dhami.

Ramechhap, A group of Maoists have looted medicines from a health post in Khimti Bazar of Khimti VDC on October 24. They took away all the medicines after gathering all the villagers at the health post.

1.7 Threat

Jhapa, The tax collected from Surunga market at Surunga VDC stopped following the Maoist threat on September 4. According to information received, villagers used to use the amount collected from the market for drinking water, sewage management, public toilet and local development works. The market management committee has appealed human rights activists, civil society, media persons and all people of the society to create an environment to re-collect the market tax.

Kavre, It is learnt that Krishna Prasad Dahal, of Ugrachandi Nala VDC-7 and secretary of Nayagaun Deupur VDC has resigned from his post on September 11 following the Maoist threat. According to Dahal he resigned from the post after Maoist asked to submit 5 per cent of the amount brought for VDC and take permission from Maoists to conduct every programme.

Morang, Akhil Nepal Trade Union Federation (Revolutionary), Sunsari-Morang unified committee

have threatened management of Raghupati Jute mill at Biratnagar Sub-metropolis-22 for physical action on September 3, the very day Maoist chairman Prachanda declared unilateral truce for three months. The Maoist wing federation has presented a 14 points demand with the management committee.

Kaski, An ongoing 11 kilowatts hydro-electricity project at Bhichuk in Lumle VDC-7 of Kaski district has been closed from August 20 following continuous threats from the Maoists. Earlier, Prabhat, in charge of Maoist in Parbat district on August 15, 2005 issued a letter to project committee asking clarification on the construction of the project without their permission. The project was aimed to be completed by the end of October 2005.

Dailekh, Maoists threatened the government employees, school management committees as well as NGOs in the district. All the employees of Dailekh DDC and all the VDCs have been threatened to resign from their posts, while Maoists have claimed all the school management committees being dismissed. Meanwhile, all the NGOs in the district have been threatened to follow the rebels' direction. The rebels have warned of action of any kind.

Surkhet, Maoists forced the family members of security persons in different parts of Surkhet District to leave villages and go to district headquarters for sit-in protest. The rebels were trying to force them to demand either to restore peace or return their respective sons employed by security forces, which seems a tactic against the security forces. The Chhinchu Base Camp of the security forces sent back 4 hundred such persons to their villages; those Maoists had forced to leave the villages.

1.8 Destruction of Infrastructure

Dailekh, A group of armed Maoists detonated three bombs at the houses of Katak Bahadur Majhi and Lilaram Majhi, of Rakam Karnali VDC-5, on September 10 night. The houses have been destroyed following the explosion. The Maoists had accused them of helping security persons. According to the victim, the Maoists had been asking for donation and on failing to do so the Maoists detonated bombs in their houses in fake allegations.

Dhankuta, Right after two weeks that Maoist declared unilateral truce for three months, a group of Maoist cadres have vandalized Krishna Chandra temple situated at Mugu VDC-4, Dhankuta district. According to reports quoting locals, a group of seven Maoists stormed into the temple and broke all the statues inside the temple. The temple was established in 1935 A.D.

1.9 Seizing Property

Ramechhap, Maoists seized the entire property of Karmaraj Tamang, 72, of Okheni VDC on September 15. The Maoists have accused his son of working for National Investigation Department to be the main reason for seizing the property. The victim has appealed to human rights activists to create conducive environment to live in home.

Maoists seized the property of Yam Bahadur Yogi of Himganga VDC-3 on December 2. According to locals, three Maoists asked the family to come out of the house and locked it accusing Yogi's son of working for Armed Police Force. They also dug a pit in front of the house and left an unidentified object terming it as a bomb. The family was taking shelter at the neighbor's house.

1.10 Held in Labor Camp

Surkhet, Maoists kept two brothers Tikaram B.K., 25, and Man Bahadur B.K., 22, of Chaurase, Satakhani VDC-5 in the labor camp. According to locals, Maoists took control of B.K. duo on September 8. The victims are forced to carry goods and transfer letters of Maoists. Though the Maoists informed to keep them in labor camp for 7 days, the victims' family is worried as they have not been released till date.

Morang, Maoists held Om Kumar Bhujel of Bayarban VDC-8 and a woman of the same VDC at labor camp on November 10. Accusing them of have illicit relationship, the Maoist have held them at labor camp for 15 days.

2. BY STATE

2.1 Killings

Kaski, Maoist cadre Asmita B.K., 13, alias Sasa died on the spot in the security operation carried out by unified command on September 6 at Kuiwang, Lwangghalel VDC-7, Kaski district. In the same incident security persons arrested Shova Kant Paudel alias Udghosh. According to locals of the area, the armed security persons opened fire on four unarmed Maoists cadres when they encountered each other at Kuiwang. The locals also say that there was every possibility that the security persons could arrest those cadres easily. Two other Maoists cadres fled away from the site.

Parbat, Two policemen of the Armed Police Force died on the spot in a landmine explosion at Kusma, the headquarters of Parbat district, on September 17. The incident occurred at 1:15 in the afternoon when the duo were inspecting the landmine. The deceased have been identified as head constable Jhapendra Timilsina (Palpa) and Cook Ganesh Bhujel (Gorkha). It has been learnt that the security persons had planted the landmine for their own security. But the security source said that investigation on the incident was going on.

Gorkha, At least two women Maoist cadres killed in the security action after they tried to abscond after hurdling bomb at a patrol team of security persons in Tinkhande of Masel VDC on September 15 night. According to security source those killed are Bijula Banjara, 35, and Kalpana Banjara, 20, of Kaule, Tandrung VDC-9. Bijula is secretary of All Nepal Women Union (Revolutionary) and Kalpana is the assistant secretary. Similarly two Maoists have been killed in security action while trying to plant landmine targeting security person at Sinselake of Kharibot VDC on September 16 morning. Those killed are Shambhu Thapa alias Rajkumar, 25, of Harmi VDC-2 and Saroj of Tinpile, informed the security source.

Dailekh, Four Maoists including Dailekh area chief Uttam Hamal (Uday Regmi) were killed in the crossfire between the security force and Maoist on September 5 at Kalimati.

Panchthar, Shyam Fago, 30, of Lungrupa VDC-6 died as the security persons deputed for the security of Telecom tower at Silauti danda, Fidim-9, on September 19, opened fire on him.

Tehrathum, At least two Maoist cadres of Tehrathum district shot dead by security persons on September 25. According to local security institution, they were shot dead as they tried to abscond on seeing security persons. The name of the victims has not been disclosed.

Palpa, Security persons shot dead six Maoists in Satpokhari, Bahadurpur VDC-1 on September 24. The security persons also arrested five Maoist cadres in the incident. It is learnt that the security persons shot them dead after encircling them in a house where they were preparing for the meal. But the security persons have claimed to have killed them during search operation. Similarly five Maoists eating food in another house were arrested. Similarly the security persons also arrested a child Anup Rana accusing him to be used by the Maoists as messenger. In the incident, Punam Dhedamagar, 7, also sustained bullet injury from the security persons. It has been known that the child was undergoing treatment at Birendra Army hospital, Chhauni, Kathmandu. Nagendra Bhattarai, 65, Sudarshan Paudel, 60, Sarada Paudel, 35, Padam Bahadur Rawal and Anup Rana, 8, were among those arrested.

Kanchanpur, One Maoist cadre was shot dead by security forces in Krishnapur VDC of Bardiya District on 27 September 2005. According to the 25 No. Battalion of RNA, Laxman Dahit, alias Mukti, Area Secretary of CPN (Maoist) was killed during a security operation.

Sindhupalchowk, Security forces shot dead Jhamkanath Dulal, 41, a Maoist of Sanosirubari VDC of Sindhupalchowk District, in Piskar VDC of the same District, on September 30, says a press release issued by

Summary of The Bahadurpur, Palpa Incident

Taking account of the circumstantial evidences obtained from the interviews with local people as well as alleged officials and the field observation the fact finding team of HRTMCC has come to a conclusion that Devi Bahadur Pun, (38), Ram Prasad Ghimire, (56), Arjun B.K., (19), Milan Rakhal, (17), and an unidentified person were killed in firing by the security force after encircling them on 24 September 2005 at Bahadurpur VDC-7, Palpa. During the firing a seven year old girl Punam Dhenga and three year old boy Bipin Dhenga were also injured.



During the operation teachers from nearby schools Manohar Gnyawali, Rambabu Kushawaha and Ram Prasad Bhusal were tortured and kicked off by the security persons. Local residents Min Bahadur Raskoti Magar and Dil Bahadur Jhendi were also inflicted severe torture by the security force. The security personnel forced them to dig the ditch and threatened to shoot them dead if they don't bury the corpses. A radio transistor, an umbrella and two packets of shaving blades were taken away by the security personnel from the room of the school teachers.

The force took Nagendra Bhattarai, (76), Sudarshan Paudel, (52), and his wife Sharada, Yadav Raut, (28), and Anup Bista, (12), tying their hands on the back.

A buffalo also was hit with a bullet in the indiscriminate firing. The victims were unarmed during the attack and they could have been taken in control without casualty.

CPN (Maoist), District Committee, Sindhupalchowk on October 1, 2005.

2.2 Arbitrary Arrest

Panchthar, Security persons arrested Nisha Rai, 25, of Subhang VDC-4 from a shop at Fidim on September 13 on acquisition of being Maoist. According to police

source, Rai was arrested for investigation, said the police source. But according to Rai, she had come to Fidim for treatment and was not involved in Maoist activities.

Security persons arrested Gopal Gurung, 29, of Lungrupa VDC-8 on September 11 from Mechhidung, Thurpu VDC-2 accusing to be Maoist. The security institution did not like to comment on the whereabouts of the victim.

Morang, Security force arrested four Maoist cadres from the neuro-clinic of Birendra Kumar Bista at Biratnagar Municipality-13 on September 17. Those arrested are Tikaram Shrestha of Deurali VDC-6, Bhojpur district; Januka Pandey of Kurule Tenupa VDC-1, Dhankuta district; Rit Bahadur Rajbanshi of Govindpur VDC-4, and Ramesh Yadav of Mahadeva VDC-4, Morang district. They had come to the clinic for treatment. The Maoists and security sources had confirmed the incident.

The security forces, on September 12, arrested three Maoists from two VDCs of Morang district. Bhanu Mainali, the chairman of All Nepal Trade Union Federation, Morang-Sunsari, was arrested from Bahuni Bazaar, Bahuni VDC at 2.30 pm. Likewise, Ashok Shah alias Avinas, the coordinator of ANTUF, Morang-Sunsari and Srawan Rajbanshi alias Jipen, the district committee chairman of Madheshi Liberation Front, were arrested from Goigatha of Babiyabirta VDC at 2 p.m.

Banke, Unified security command, on September 4, arrested two persons from Khadakbazar, Kohalpur VDC-5 in allegation of being Maoists. Those arrested are Maoist supporter journalist 'Anil' and a Maoist fighter 'Kabir'. But their real name and address has not been disclosed. The whereabouts of those arrested is unknown.

Kanchanpur, Security persons arrested two persons on September 5 in allegation of being Maoist. According to far western divisional headquarters of Royal Nepalese Army, those arrested are Bhola Chaudhary from Fulbari VDC-8 and Khemran Bhatt from Daibi area of Kanchanpur district.

Dhading, Security persons arrested and disappeared Buddiman Tamang of Gundi VDC-1 and Surya Gurung of same VDC-2 from district headquarters Dhadingbesi on September 16. They had come to district headquarters to make passport. The event of their disappearance was revealed only after Man Bahadur Tamang, Jung Bahadur Tamang and Kaisarki Tamang of Ri VDC, who were arrested with Buddiman and Surya were released the next day. It has been known that the arrested duo are accused to be Maoists.

Rupandehi, The police, on September 9, rearrested Ganga Ram Yadav from the premises of the district court. Yadav was being released as per the order of

Appellate Court. Earlier, he was arrested on April 15 in allegation of being a Maoist.

Security persons arrested Taulan Lodh, 27, of Sadi VDC-9 on September 10 in suspicion of being Maoist. It has been learnt that Lodh is held at district police office, Rupandehi.

Kailali, Security force arrested two armed Maoist cadres from Baliya VDC of Kailali district on September 9. Those arrested are Bikash Chaudhari alias Biru and Shyam Bahadur Chaudhari alias Prashanta. According to security source, they confiscated a motorcycle used by the Maoists from the site.

Chitwan, Security persons arrested Anak Bahadur Magar alias Kisan, 32, of Padampur VDC-5 from the shop of Gagat Lama in front of Dhodeni primary school at Kabilas VDC-9 on September 5. It has been learnt that Anak is a Maoist cadre.

Bardiya, Maoist have been accusing the Royal Nepalese Army of the mid-western region to have increased search and arrest of their cadres. Royal Nepalese Army of Rambhapur arrested 20 youths of Damauli, Motipur -7, Bardiya district on September 9 alleging them to be Maoists. The army had arrested them while they were in Attariya for their personal work. Those arrested are Asrani Chuadhary, Jagat Ram Chaudhary, Krishna Kumari Chaudhary, Sant Kumari Chaudhary, Dhan Kumari Chaudhary, Maya Kumari Chaudhary, Rina Chaudhary, Riata Chaudhary, Sharada Chaudhary, Ashok Chaudhary, Laxmi Chaudhary, Mina Chaudhary, Urmila Chaudhary, Til Bahadur Chaudhary, Radha Kumari Chaudhary, Rachana Chaudhary, Chunku Chaudhary, Pramila Chaudhary, Pabitra Chaudhary and Nima Chaudhary. All of them were released. Earlier, CPN (Maoist) Banke-Bardiya secretary Toofan had accused the Royal Nepalese Army of disappearing its cadres. Issuing a statement secretary Toofan had said that army arrested 5 persons including Fugul Behana, Moti Yadav and Kalim Ali Sai from Dalla village, Mohammadpur of bardiya district on September 7 at 5:00 a.m. and disappeared them after taking to army camp at Gulariya. He appealed human rights activists, civil society and journalists to monitor the atrocities of army. He also warned for retaliation if the army continued its atrocities. Meanwhile, according to the information received from Bardiya, three local Maoist cadres who were arrested from Mohammadpur on September 7 were held at Siddhibox battalion in Gulariya Municipality.

Jhapa, It is revealed that two persons arrested by the security persons from Khudunabari market on September 14 were held at district jail, Jhapa under internment. Those held are Rabilal Kuinkel of Hokse, Budhbare VDC-1 and Bhima Khawas of Jaypur, Budhbare VDC-2.

Baglung, Security persons of Birdal battalion arrested Shalikram Pathak, 40, chief of Maoist peoples' government from Damek VDC-3, some 25 kms from the district headquarters, on September 16 night.

Kathmandu, Pemnuru Sherpa, 55, of Kimalung VDC-1 disappeared by a group of 3-4 persons introducing themselves as policemen of police headquarters on September 8 from Dhapasi, Kathmandu.

Security persons arrested Ganesh Bahadur Karki alias Prabhat, 28, of Jangu VDC-6, Dolkha district from his rented room at Gothatar, Kathmandu on September 19. He was taken away in a motorcycle with a fake number.

Security persons rearrested Krishna K.C., former vice chairman of Akhil Nepal National Independent Student Union (Revolutionary)-sister wing of Maoist party- on September 22. He was rearrested by security persons from inside the premises of the court.

Dang, Security person of 19 No. barrack, Tulsipur arrested 7 Maoists cadres and 6 cadres of political parties on September 10 while they were conducting a meeting. Those arrested Maoist cadres were ACM Meghraj Pandey, Central member of Tharuban Mukti Morcha Ram Bahadur Dahit, ACM Kalluram Chaudhary, ACM Min Bahadur Chaudhary, ACM Bishnu Sharma and party members Sundar Lal Chaudhary and Khum Bahadur Rana. Security persons have released other 6 political party cadres and four out of seven Maoists were sent to Ghorahi jail on September 12. According to Ghorahi jail, Meghraj Pandey of Tulsipur Municipality-8, Kalluram Chaudhary of Shreegaun VDC-2 and Bhim Bahadur Chaudhary of Urahari VDC-8 have been sent to the jail. Though it was said that other three were also kept at Tulsipur jail, the whereabouts of them was unknown. Tulsipur jail also has denied that they were held there.

Chitwan, Security persons arrested ANNISU(R) cadres Tirtha Paudel, Raju Humagain and Gayatri Chaudhary from Saraswati chowk, Jutpani VDC on September 16.

Pitambar Pokharel, 51, of Gunjanagar VDC-5, was arrested by plainclothes security persons on October 2. It was assumed that Pokharel was arrested on charge of being a Maoist.

Kanchanpur, Police rearrested 10 persons who were released as per the decision of Supreme Court on September 19. The victims were held in the custody since 14 months in acquisition of being Maoists. Police rearrested them as they were released from the court according to the Supreme Court decision of September 16. Those rearrested were Bir Bahadur Karki, Prem Bahadur Wali, Man Bahadur Bista, Tapta Bahadur Giri,

Dhaule Bohora, Ujjwal Singh Dhami, Padam Sarki, Gagan Bahadur Kunwar and Tek Bahadur Khatri. They are currently held at Far-Western regional police office.

Dolkha, Security persons arrested Subba Tamang, 24 and Jhilke Tamang alias Ramkumar of Khasku VDC-9 from Charikot bazar on September 3. The reason for the arrest was not disclosed.

Security persons arrested Dhanlal Yonjan, 22, of Doramba VDC-7, Ramechhap district from Charikot on September 24. A part-time worker in Nepal Electricity Authority, Yonjan was arrested by plain clothe security persons saying 'to talk'. He was then taken to Ser Battalion, Charikot where he was blindfolded and handcuffed and tortured at night. Next day he was handed over to police. Falling ill from the torture, he was admitted to Chhyorolpa Ausadhalaya in Dolkha.

Govinda Shrestha, 16, of Lamidanda VDC-6, Dolakha District was arrested by security forces from his home on October 1. According to reports, Shrestha was arrested on charge of being a Maoist.

Nuwakot, Security persons released Ramchandra Gajurel, principal of Kalika primary school on September 23. Gajurel was arrested on September 21 from his house in Belkot VDC-7.

Kanchanpur, Security persons arrested Dharma Singh Negi-the Maoist 'town in charge'; Ashok Chand-chief of Maoist people government and Gomati Dhami of Suda VDC-6 on September 20. Plain clothe security persons had arrested them from Chhauni, Suda VDC-6.

Bardiya, Security persons arrested Patiram Tharu, 27, and Amar Thapa, 26, of Bagnaha VDC-7 on September 20 suspecting them to be Maoists. However, Thapa was released on the same day whereas Tharu has been held at the battallion, said colonel Ashok Sigdel.

Darchula, Security persons released a Maoist cadre on the condition of keeping him under constant watch. According to report, Surendra Singh Thagunna, 22, of Gulzar VDC was arrested by security person on September 20 in suspicion of being Maoist. On inquiring, Thagunna admitted that he was a Maoist cadre and his party name was 'Sankalpa'. Thereafter the security persons released him in the evening.

Ilam, In-charge of Mangalbare village government Bhawani Pokhrel alias Shyam, 26, of Dhuseni VDC-4 was sent to jail on September 21. He was arrested by the security persons from Rakse, Mangalbare VDC-7 on September 2.

Nawalparasi, Security force on September 23 arrested Bishwanath Chaudhary, a Maoist cadre of Makar VDC, who was injured in an action taken by local

retaliation group at Dandakhola near Kawasoti Bridge. Meanwhile, Western Divisional Headquarters of Royal Nepali Army had stated that Chaudhary was admitted to Kaligandaki hospital for treatment.

Gulmi, Royal Nepalese Army arrested Bed Prasad Kunawr, 44, district member of Nepal Bar Association from Tamghas VDC-4 on September 15. He was held at Bhairab Prasad battalion in the district headquarters.

It is revealed security persons of Isma base camp arrested four persons in suspicion of being Maoists on September 23. Til Bahadur Basnet, 45, Min Bahadur Gharti, 27, and Hira Bahadur Khatri, 40, of Paundi Amarai VDC-7 and Gopal Pathak, 30, of Ward no. 8 were among those arrested from their houses. It has been learnt that they were held at Bhairab Prasad battalion from September 25.

Panchthar, Security persons disclosed the whereabouts of two persons arrested on September 8. It has been said that after investigation Gopal Gurung, 21, of Panchthar VDC-1 who was arrested with Pasang Serpa, 22, of Taplejung district was held in internment since September 11. Whereas, Sherpa was undergoing treatment after being injured in the landmine explosion targeted against security persons.

Sankhuwasabha, Security persons arrested Maoist activist Shital Rai alias Sushil, 17, of Tenhonk, Sisuwa VDC-5 on September 24 from Manebhanjyang, Khandbari Municipality-3. The victim was held at Ambar Dal Gulm.

Kavre, Lila Bahadur Pant, of Gothpani VDC-7, who was arrested by security persons on September 18, has been released by local administration on September 28. He was arrested on allegation of abducting Sukumaya Tamang, of Rastriya Ekta Parisad last year by showing her a bomb.

Nawalparasi, Maoist cadre Prem Dhakal, 45, of Badera, Ramnagar VDC-2 has been arrested by the security persons from Gothadi, Palpa district on September 23. According to the family sources his whereabouts remained unknown.

Morang, Security persons rearrested Binita Ghimire, who was held in detention under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance, in Morang Jail. The Appellate Court, Biratnagar ordered the authority to release her but the female security persons rearrested on September 28.

Whereabouts about Rojina Rai, 18, arrested after the encounter with the security forces from Baikunthe of Ramitekhola VDC, Morang District on September 29 remained unknown. The locals of the VDC said Rai was taken in the security vehicle after a three-hour's walk.

Dang, Security persons arrested Yam Lal Bhattarai, 45, of Pawannagar VDC-3, Dang District on September 29. He was arrested by the security forces from 19 No. Battalion of RNA, Tulsipur from his house.

Surkhet, A Maoist cadre Bharat BK alias Kranti, 14, of Baddichaur, Kunathari VDC, was arrested by the security forces from Birendranagar Municipality on September 26. The security force has not disclosed any information regarding the incident. According to reports, BK was working in the cultural department of CPN (Maoist).

Saptari, Shiva Ram Yadav alias Abhash, the District Chief of CPN (Maoist), was arrested by the security forces on October 1. According to reports, he was arrested from Kachandaha at Swayambhunath VDC and was sent to jail on 2 Nov.

Makawanpur, Security forces arrested two district level leaders of the Maoist on October 2, 2005. Those arrested were Yogendra Ghising alias Ganesh, Incharge of Area No. 6 and Member of District Committee of CPN (Maoist) and Nawaraj Chaurel, activist of the same party.

Ramechhap, Yam Lal Shrestha, 45, of Rampur VDC-6 and a teacher, was assaulted by security persons on patrol from Ramechhap Bazar on September 28. Teacher Shrestha was reportedly assaulted on charge of providing food for Maoists. Meanwhile, the security persons arrested an unidentified person who intervened during the incident. It was reported that he was under detention at Ramechhap Barrack.

2.3 Injured

Ramechhap, Chandra Maya Karki, 38, of Manthali VDC-7, on September 23, sustained injuries in the landmine explosion planted for the security of Royal Nepalese Army Base Camp at Manthali. According to physicians, her one leg was broken.

Dang, A bus driver Amar Dangi and helper sustained injuries as armed police force fired on a bus numbering Na 2 Kha 5813 on September 5 at Bhalubang.

2.4 Beatings

Ilam, A group of eight persons including two armed police force persons assaulted 20 civilians with-

out any reason on September 18 while the victims were returning in a taxi numbering Ko 1 Ja 105 from observing a ritual. The victims were chased for two kilometers and beat by the group including the security persons.

Surkhet, Security persons severely assaulted Padam Bahadur Rana, 15, of Dashrathpur VDC-3 in Chhinchu Base Camp on September 23 in allegation of being a Maoist. He was undergoing treatment. The victim had just absconded from the Maoist captivity and arrived home after being abducted on July 5.

Darchula, It is known that security persons assaulted four persons on November 19 accusing them of helping Maoist to escape. Those beaten are Mohan Thagunna, 27, of Khar VDC-4, Dhan Singh Manyal, 49, of Dallekh in same VDC, Ser Ram Parki, 27, of Mekholi in Katai VDC-6 and Jay Singh Dowala, 45, of Mulaka in Katai VDC-4. They were beaten in Khar VDC-1, Dallekh by unified security team.

3. BY OTHERS

Not Directly Related to Human Rights Violation

3.1 Killings

Morang, An unidentified person killed Pinki Khan, 25, of Sarochiya, Biratnagar sub-metropolis-7 by using sharp weapon on September 23. Husband of the deceased has been missing from that day. The reason behind the killing was not disclosed.

Myagdi, Some unidentified persons killed Karna Bahadur Lamichhane, 68, of Majhket, Athunge VDC-8 on September 22 night. In the incident, Indradevi Lamichhane, 55, wife of the deceased was seriously injured. Also their grandson Ravi, 13, was also injured in the incident.

Dailekh, Danda Pani Kandel, 35, of Bhyakure, Chamunda VCC-8 was killed by an unidentified group while he had come to district headquarters on September 10. His dead body was discovered at Sangarkhola, Bhairi Kalika Thum VDC-2 on September 13.

Dhangadhi, An unidentified group shot dead Amar Singh Air, 22, who was running a sweet shop in Attariya Market in Kailali district, on September 28.

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Annan Appeal to Reciprocate and Extend Ceasefire in Nepal

Kathmandu/December 31

UN Secretary-General Kofi Annan has appealed the Government of Nepal to reciprocate the ceasefire and to CPN (Maoist) to extend its unilateral ceasefire.

The full text of the press release issued by his office follows:

"The Secretary-General is seriously concerned that fighting could escalate in Nepal after the four-month-old unilateral ceasefire declared by the Communist party of Nepal (Maoist) (CPN-M) expires on 2 January 2006. He deeply regrets that despite the appeal of so many national and international voices, including his own, no progress appears to have been made towards a mutually agreed truce between the Government of Nepal and the CPN-M.

The people of Nepal have benefited from the de-escalation of violence in the last four months and they would bear the brunt of a renewal in fighting. In the interest of peace and the welfare of civilians throughout the country, the Secretary-General therefore reiterates his strong appeal to the Government of Nepal to reciprocate the ceasefire and to the CPN-M to extend its unilateral ceasefire. The United Nations stands ready to assist in the realization of this objective should the parties so desire."

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