



Global IDP
PROJECT

**Training Workshop on protecting IDPs and the
UN Guiding Principles on Internal Displacement**

Dhulikhel, Nepal, 5-6 March 2003



NORWEGIAN
REFUGEE COUNCIL

Contents

- Introduction**..... 2
- Opening statements**..... 4
- Study on internal displacement in Nepal**..... 5
- Introduction to the UN Guiding Principles**..... 7
- Definition of an Internally Displaced Person**..... 7
 - Government’s definition of an IDP*
 - Main causes of displacement*
 - End of displacement*
- Protection from and during internal displacement**..... 11
 - Protection from displacement..... 11
 - Restrictions of movement*
 - Explicit displacement and collective punishment*
 - Recruitment of minors and forced recruitment*
 - Protection during displacement..... 12
 - Displaced children*
 - Access to education*
 - Right to vote*
- Humanitarian assistance..... 14
- Return, resettlement and integration of IDPs**..... 14
- Addressing internal displacement in Nepal**..... 15
 - Information gap on the causes and conditions of forced internal displacement*
 - Need for increased advocacy activities and IDP-specific policy*
 - Dialogue with and among IDP*
 - Relief and rehabilitation*
 - Government policy on forced internal displacement*
- Closing statements**..... 19
- Conclusion and recommendations**..... 20
- Annex one: List of participants**..... 22
- Annex two: Workshop Agenda**..... 24

Introduction

The Global IDP Project of the Norwegian Refugee Council (NRC) held a training workshop on protection and the UN Guiding Principles on Internal Displacement in Nepal from 5-6 March 2003. The workshop was organized in partnership with the National Human Rights Commission (NHRC). Since 1999, the Project has organized similar workshops for NGOs, government staff, UN staff and IDPs in Angola, Burundi, Colombia, Georgia, India, Liberia, the Philippines, Sierra Leone, Thailand, Uganda, Indonesia and Nigeria.

This report tries to reflect the opinions expressed during the workshop.

Conflict-induced displacement in Nepal is the consequence of the fighting between the Government forces and the Maoist insurgent group, which started armed opposition by launching its "People's war" in 1996. The insurgency started as a localized phenomenon affecting only a few districts in the mid-western region, the western region and the eastern region, but by the end of 2001 and the failure of the peace talks followed by the imposition of a state of emergency, the conflict gained intensity and by the end of 2002 some 73 of Nepal's 75 districts were directly affected by the fighting. A ceasefire agreed upon by the warring parties at the end of January 2003 put a temporary end to the widespread fighting. At the time of the workshop, hopes were quite among participants that the truce could lead to a peaceful settlement of the conflict, although many were reluctant being overly optimistic in the light of past experiences.

In the context of a deteriorating security situation in the country from November 2001 onwards, many people fled from rural areas to the urbanized headquarters of their districts. Main causes behind the fleeing included the fighting, the forced recruitment from Maoist forces, the increased pressure from the security forces and the food shortages caused by restrictions from both sides.

It is quite clear that the conflict has affected large number of people in Nepal and forced tens of thousands to flee within the boundaries of the country and outside mainly to India, but there remain uncertainties as to the exact scope of the problem. Displacement in Nepal has to be seen in the context of a continued urbanization trend and traditional migration patterns and people fleeing the conflict and the insecurity tend to mix with urban and economic migrants. Also, although preliminary assessments has shown that most of the people affected by displacement were politicians, party workers, VDC chairmen, teachers and landlords, it appears that the displacement of poorer groups fleeing pressure from the security forces has also taken place but has been less documented. It has therefore been difficult for national or international organizations assessing the displacement situation to first identify who is an Internally Displaced Persons and second what is the exact magnitude of the problem.

The general purpose of the workshop was to raise awareness on the issue of internal displacement in a country where the UN Guiding Principles on Internal Displacement are not very well-known, but also to attempt to better understand the scope and specific features of internal displacement in Nepal and to discuss with participants ways to best assist those affected.

The workshop was organized with the following objectives:

- To promote and disseminate the Guiding Principles on Internal Displacement in Nepal
- To analyze the displacement situation in Nepal by using the UN Guiding Principles on Internal Displacement
- To explain and discuss basic international human rights and humanitarian law concepts as covered by the Guiding Principles.
- To encourage organizations working with internally displaced persons to share among themselves their work experience and best practice.
- To promote dialogue between national NGOs, international organizations, donors, and government authorities on the protection and assistance needs of the internally displaced in Nepal.

Workshop participants came from various regions of Nepal and from very diverse professional and institutional backgrounds, but all shared a common commitment to improved protection and assistance to IDPs. A total of 53 participants, representing some 18 national or international NGOs, 3 international donor organizations, Danida, USAID and GTZ, as well as representatives from the government, the national police and the Royal Nepal Army attended the event held at the Mirabel Hotel Resort in Dhulikhel.

The workshop methodology combined a number of presentations with extensive group work, group presentations and plenary discussions. Each session was initiated with a thematic presentation based on NRC's training modules on the content and use of the Guiding Principles. After the presentations, participants were divided up into groups and assigned group exercises.



Photo: Frederik Kok, NRC, March 2003

Once back in plenary, a rapporteur from each group summarized the group findings, which were then discussed in the larger group. All participants were provided with relevant documentation, including the UN Guiding Principles (in English and Nepalese), four training modules, the results of an IDP research, which was the outcome of the collaboration of several organizations concerned by internal displacement in Nepal¹. A paper on internal displacement in Nepal commissioned by USAID and published in July 2002 was also distributed among participants.

¹ The Nepal IDP Research Initiative, SNV, INF, GTZ, UNDP, NHRC, NRC, March 2003

Opening statements

During the opening session, welcoming and introductory remarks were made by the organizers, and opening statements were given by Mr. Henning Karcher, UNDP Resident Representative and Mr. Nayan Bahadur Khatri, Chairman of the National Human Rights Commission.

Mr. Karcher started by reminding that internally displaced people were often among the most vulnerable and deserved special attention. He stressed that in most countries affected by internal displacement the United Nations was working together with governments through established institutional arrangements to assist and protect IDPs. In the case of Nepal, Mr. Karcher maintained that a step-by-step approach should be adopted to ensure that the root causes of displacement are addressed. An acceleration of socio-economic development in the rural areas would be a key strategy to prevent the widening of the gap between the haves and the have not and would help to avert conflict and displacement. He said that a development-oriented approach focusing on the long-term needs of IDPs would be preferable to a too narrow humanitarian approach, likely to create dependency habits among the displaced.

The Resident Representative underscored the limited information available so far on the exact scope of the displacement problem in Nepal and on the assistance and protection needs of displaced persons but said that there were clear indicators (e.g. significant increase of urban migration in the last two years) pointing to importance of the issue and encouraged all actors involved to help meet this information gap. In line with this, he announced that the UN system in Nepal together with the main international and national aid agencies, was in the process of establishing a common information system to monitor the impact of the conflict on the needs of the population and the delivery of assistance programs: the Information System for Contingency Planning for Nepal (ISCP). The ISCP would include a set of databases and GIS aiming at presenting monthly updated picture of the situation in the field in food security and health and it would also monitor population displacement.

Mr. Nayan Bahadur Khatri explained that some of the key issues facing all actors involved in the assistance and protection of IDPs in Nepal were the lack of policy and law that explicitly addressed the issue of internally displaced persons and the difficulty in distinguishing between internally displaced persons and economic migrants which made it difficult to ascertain the number of IDPs and assess their needs. The National Human Rights Commission recalled that it is the role of the Government and all concerned authorities to ensure that the protection and assistance needs of IDPs are met and that their rights, as spelled out in the UN Guiding Principles on Internal Displacement, are guaranteed. He also emphasized that given the vulnerabilities of displaced persons, human rights institutions and organizations had a great responsibility in monitoring the situation of IDPs and ensuring that, not only the human rights violations faced by IDPs be reported to the concerned authorities, but also that proper institutional mechanisms for IDPs themselves are in place to enable them to seek redress and compensation when their rights are violated.

Finally, the Chairman called on the combined efforts of all actors involved –human rights organizations, government authorities, UN agencies, national and international NGOs- but also

the Maoists, to take advantage of the current ceasefire to actively cooperate together and ensure that the protection and assistance needs of the IDPs are met in the interest of the common people.

Study on internal displacement in Nepal

Following the opening statements, participants were provided with a presentation on the findings of an IDP assessment on the situation in terms of number, location and coping strategies of internally displaced persons in Nepal. The study is the result of a joint effort by the Netherlands Development Organization (SNV), the International Nepal Fellowship (INF), the Gesellschaft für Technische Zusammenarbeit (GTZ), UNDP, the National Human Rights Commission and the Norwegian Refugee Council (NRC).

The purpose of the presentation was to provide participants with a better understanding of the displacement situation in Nepal. The study in itself aimed at providing information to help organizations respond to the issues of rapid urbanization and conflict-based displacement.

The objectives of the study were the following:

- To assess the scale of urbanization and IDP movements
- To investigate the coping strategies of IDPs
- To investigate the perceptions of host communities towards IDPs
- To examine possibilities for enhancing self-settlement of IDPs in local communities

Several issues were addressed including the definition of who is an IDP in Nepal, the number and location of IDPs, the causes of displacement, the coping strategies developed by the displaced persons, the dynamics of the IDP community, its relation with host community, the prospect for return and resettlement as well as the implications of rapid urbanization as a consequence of displacement. Finally, strategies for addressing the issue of displacement were proposed with a focus on the long-term needs of IDPs. It was suggested to adopt a development-oriented strategy that would take into account the high potential for the settlement of IDPs in urban areas, the consequent pressure on social and public services, the necessity to create more economic opportunities for the new residents as well as the need for community development and empowerment of the most vulnerable dwellers.

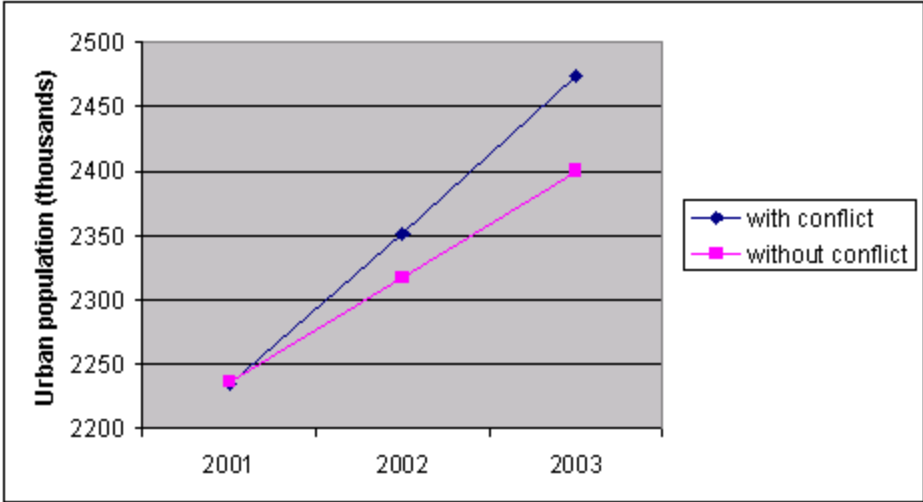
All participants agreed that one of the limitations of the study was the lack of comprehensive and reliable data on the displaced. This is both due to the limited data available, the difficulty in agreeing on one clear definition of who is an IDP and the lack of research initiatives undertaken so far by concerned authorities and organizations. It was maintained that more comprehensive and detailed data on the displaced was crucial for planning assistance, especially during the return phase. However, the study results allowed the researchers to come up with a global estimate on the number of people displaced in Nepal. Using data provided by the Ministry of Home Affairs, the Nepal Red Cross Society (NRCS), the Informal Sector Service Center (INSEC) as well as data from a detailed survey of 12 municipalities that participated in UNDP's Rural Urban Partnership Programme (RUPP), the researchers concluded that it was likely that

between 100,000 and 150,000 people could be displaced in Nepal as a direct or indirect consequence of the conflict.

Most of Nepal's displaced people have moved to cities, stay with family members in rural areas, or have migrated to India. People fleeing the conflict and insecurity have tended to move among urban and economic migrants, amid continued urbanization and traditional migration patterns from rural areas to urban centres, or emigration to India.

Many IDPs are now thought to be living in urban centres and district headquarters throughout Nepal, including Kathmandu, Biratnagar, Nepalgunj, Bhairahawa and Pokhara. The population of 12 municipalities grew by 5.2% over the last two years, compared to 3.6% between 1991 and 2001, according to the UNDP-RUPP survey. This represents an increase of 80,000 rural-urban migrants in the last two years, coinciding with the intensified conflict.

Fig 1: Municipalities growth



Source: UNDP-RUPP, 2003

Other displaced people appear to be living in rural areas with families or friends. Little information is available on those who have sought safety in other villages or dispersed in rural areas.

The presentation of the IDP study findings was well received by participants and provided them with a solid background against which to initiate the work on the UN Guiding Principles.

Introduction to the UN Guiding Principles

As an introduction to the UN Guiding Principles, participants were provided with a review of the background to and the international context in which the Guiding Principles are currently being disseminated and implemented. The drastic increase in the number of IDPs was addressed, together with an outline of the responses by the international community, including the assignment of the Special Representative of the UN Secretary General on Internal Displacement (RSG), Mr. Francis Deng. Next, the mandate of the RSG and the development of the UN Guiding Principles were discussed. Finally, participants were given a brief overview of the legal background to the Guiding Principles. NRC and the NHRC had taken the initiative to translate the Guiding Principles in Nepalese in view of this workshop and each participants received a copy as well as one in English.

Definition of an Internally Displaced Person

During the last morning session, participants were introduced to the definition of an internally displaced person as spelled out in the UN Guiding Principles. The definition of a migrant was also briefly discussed, as it was felt that in the context of Nepal a distinction between two different categories was sometimes difficult. Participants were then asked to do some group work on several questions pertaining to the definition of an IDP in Nepal.

The IDP study presented to the participants in the morning had attempted to classify the different types of IDPs on the Mid Western Region (most affected by the fighting and displacement) based on the patterns of displacement. It was indicated that the various categories obtained were not mutually exclusive or distinct, but that the IDPs often moved from one group to the other.

The first group was identified as those who have moved to unoccupied or 'sukumbhasi' land near the small bazaars on the Terai². The second group of displaced is made of those who have moved in the urban areas and the third one includes others who have moved to India in search for safety and better economic opportunities.

Settlers on Sukumbhasi land

Over the last few years there has been an increase in the number of people who have been forced to move down from hill district with their families to settle on unoccupied land. They have joined the group of 'professional' squatters who regularly settle on free land until they get the rights to that land. The uncertainties linked to their squatter status means that they are often vulnerable and hesitant to engage in long-term livelihood activities as they might be chased off the land they occupy. Many families have their husbands working in India and are involved in

² The Terai region is composed of an approximate 30 km wide broad belt of alluvial and fertile plain in the southern part of the country. This belt extends from the west of the country to the eastern limit and covers about 17% of the total land area.

day laboring for which they have to travel to the main cities and bazaars. Other activities include manual labour and collecting of firewood for sale in towns.

Most of these displaced are relatively poor and have fled the increased pressure from the security forces or the forced recruitment by the Maoists.

Displaced in headquarters and main cities

This group of displaced includes civilians who have fled the threats of Maoists as well as those of the security forces, but also ex-Maoists, girls and boys living in fear of retaliation, or family members of security forces personnel (police and army).

Among the first category of bazaar settlers are politicians, businessmen and some well-off families who have moved into urban areas with enough means to start building new houses and a new livelihood. A report commissioned by USAID³ reported that the vast majority of people displaced in the Mid Western and Far Western Regions are landlords, Nepal Congress Party members, VDC chairmen and teachers. They are the main targets of the Maoists because of their real or perceived association with the Nepalese regime.

The less well-off civilians seeking refuge in urban areas have either moved with relatives or found places to rent, often moving in with other displaced in small rooms. These are more vulnerable as they tend to accumulate debts and are exposed to poverty and a lack of assistance to develop sustainable coping strategies.

Migrants moving to India

Migration to India has been a traditional survival strategy for those living in the hill and mountain districts. During 2002, the flow of migrants has dramatically increased and there have been reports that at the period of peak migration (between November and December) over 1,200 people were crossing the border each day in Nepalgunj where in previous years the numbers would have been around 200 or 300. Participants indicated that contrary to previous years, where only men would go to India to seek better jobs, the new flow of migrant included also women and children and many first-time migrants. Although no reliable figures were available, participants reported that this was supported by the increased demand for VDC recommendation letters and passports compared to previous years. Also, politicians and relatively wealthy families were among the migrants this year most of them fleeing threats by the Maoists

After lunch, the participants reported their finding in plenary and the various aspects of the definition of an IDP and tried to develop a profile of the displaced in Nepal.

³ Conflict-Related Displacement in Nepal, Dr. Esperanza Martinez, USAID, June 2002

Government's definition of an IDP

Most participants expressed the need and the 'moral obligation' for the Nepal State to use the definition contained in the Guiding Principles as a guide to identify those entitled to its help and assistance. Also it was felt that the absence of any specific national policy to address the needs of the displaced was one of the main reasons why a clear definition was lacking.

The government issued a five-point guideline in August 2002 to the Chief District Officers (CDO) stationed at various districts regarding the identification of IDPs. The unofficial translation of the guideline is given below.

Are considered as internally displaced persons those who in addition of having been displaced also meet the following criterions:

- a) A family member has been murdered by terrorists.
- b) A family member has received physical torture.
- c) He/she has been kidnapped once and cannot stay at home.
- d) He/she has been forced to leave home due to terror.
- e) Property (moveable or immovable) has been damaged.

Similarly, according to the Home Ministry guideline, the following IDPs qualify for the daily allowance provisioned by the government.

- a) Those who have no alternative support for their living.
- b) If three or less people have been displaced from a family, they are entitled for Rs 100 daily allowance. However, if the family comprises more than three members, it will receive Rs 200 daily allowance.

Although the Home Ministry guideline and criterions seem to apply to those who have been displaced by actions of the Maoists and by those of the security forces, in practice only the former were registered and received compensation. Therefore, and as was reported by NRC's consultant during an interview with an official of the Home Ministry, the guideline on the identification of an IDP appeared to be the following: "One who has been displaced due to murder of a family member by the terrorists".

During the discussion, this definition was challenged by the representative of the Home Ministry, who contended that there were different categories of people entitled to compensation and assistance by the State and that the definition in question was only restrictive because it applied to a specific type of displaced. Unfortunately the representative of the Home Ministry was not in a position to elaborate on the other government categories of displaced and the definition used to identify them.

Main causes of displacement

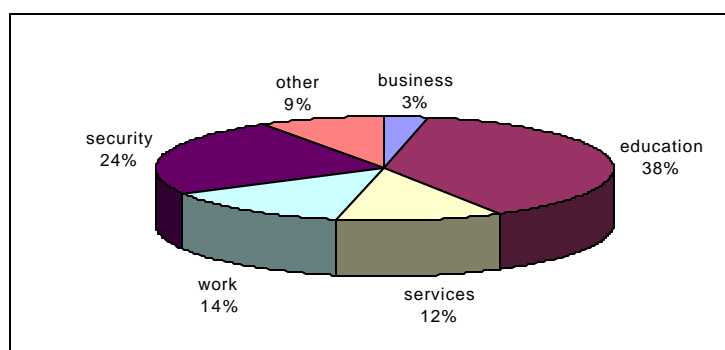
When asked to point at the main reason for leaving their homes, the participants cited physical insecurity as the main concern, but underscored that often the decision to flee was also the result of interlinked and overlapping factors related to the deteriorating conditions.

Based on data collected among the displaced that requested assistance at NRCS offices, the IDP survey reported that the large majority (65%) fled as a consequence of direct death threats, murder or torture of a family member or friends. Close to a third (29%) fled because their houses/properties had been destroyed or looted.

But the level of insecurity in the rural areas also caused many businesses or public services to close down forcing people to move out in search of better conditions of living.

Education was cited several times by participants as a motive for displacement. Many teachers were forced to flee due to threats or harassment by Maoists and many families moved out to be able to provide education to their children. This was to some extent reflected in UNDP's RUPP survey conducted in 12 municipalities in Nepal where the new comers were asked to give the reasons behind their move to the urban areas.

Fig 2: Reasons for movement in RUPP municipalities



A quarter (24%) cited insecurity as the main reason. Similarly another quarter (26%) cited the better job opportunities and better public services as the reason for displacement. However, the reason given most frequently (38%) by the new city dwellers was the need to provide education to their children underscoring the lack of education

opportunities available in their previous home areas.

End of displacement

Participants agreed that the displaced status didn't automatically end with the ending of conflict or the return of the displaced to home areas. For displacement to end, it was maintained that a number of preconditions had to be met, including:

- access to economic opportunities to restart a productive livelihood,
- guarantees that human rights would be protected,
- involvement of the displaced in the decision-making process,
- social and cultural acceptance of the displaced in their new environment and

- access to the basic public services.

It was felt that those who have crossed the border of India in search of security or better economic opportunities should also to some extent be considered as displaced and that they deserved special assistance upon return to their homes areas, especially if the above- mentioned conditions are not met.

It was concluded that there was a need to clarify the definition of an IDP in Nepal. The definition gathered by NRC's consultant during an interview with an official from the Home Ministry was thought to be too restrictive as it failed to include those displaced by actions of the security forces. As such it was less a definition than a guideline for providing government assistance. Also displacement patterns to urban areas meant that many people fleeing the conflict mingled with people moving to the main cities in search for better economic opportunities. Differentiating between economic migrants and people fleeing the conflict was felt to be difficult in the context of Nepal where there was often a thin line between those who flee as a direct consequence of the conflict or due to threats by the Maoists or security forces and those who flee because of the degradation of the socio-economic conditions due to the conflict.

Protection from and during internal displacement

This session looked at the Principles prohibiting displacement and providing protection during displacement. The Guiding Principles take a very broad approach to protection by reaching beyond the concern for a displaced person's physical integrity. The protection Principles include the right to food, water, shelter, health care, education and personal identification as well as the right to life and freedom from torture, for example. During an initial presentation, these different aspects of protection were presented in four themes: non-discrimination, movement-related rights, physical security and humanitarian assistance. Next, each working group was asked to analyze a selected number of Principles and to discuss how well those Principles were implemented in Nepal. Participants were also asked to concrete measures that would contribute to a better fulfillment of the above principles. Below are some of the protection issues that participants raised during the discussions and considered problematic in Nepal.

Protection from displacement

Restrictions of movement

Several participants reported that people fleeing the fighting or the threats by the Maoists or the security forces had sometimes been prevented to do so by both parties. Although most people crossing the border with India could do so without major problems, some seeking refuge in other countries faced restrictions in getting issued the proper ID documents. It was agreed that there was a lack of information to assess the extent of these restrictions of movements and that this issue had to be more comprehensively documented.

Explicit displacement and collective punishment

There have been cases of explicit displacement. Two cases were reported, one in Rajapur (south-east on the border with India) and the other in Khara. In both cases residents were forced to leave because of threats from both the military and the Maoists

Participants noted that there had been cases of collective punishment inflicted upon villages and communities living in remote and hilly region. In one case, near Okhaldhunga (one of the main cities situated in the eastern region), it was reported that the security forces had cut the supply of food and drinking water as a measure of retaliation against a village that was perceived to have assisted Maoist militants.

Recruitment of minors and forced recruitment

Forced recruitment of minors and youth by the Maoists was reported by many participants as being a major cause of displacement and a great cause of concern. According to the Coalition to Stop the Use of Child Soldiers⁴ latest report on the use of child soldiers world wide, in Nepal children as young as 14 have been recruited by the Maoists and the number of under-18s forces could as high as 30 percent. Children are also reportedly used as porters, sentries and spies.

Although the government does not officially recruit under-18s, the high rate of unemployment in the country, corruption and irregularities in birth registration leads the coalition of NGOs to suggest that some 10-15 percent of recruits may actually be under 18. Unconfirmed reports suggest that the government may also be using minors as informants, but forced recruitment by the military was not considered by participants to be a cause of displacement in Nepal.

Protection during displacement

Many participants felt that in the case of Nepal, IDP seldom faced outright discrimination on the basis of their displaced status, but that most of the problems they were confronted with, including access to education, right to vote, or access to health care stemmed from the bureaucratic and procedural requirements the displaced had to overcome in order to have their needs met. However, it was agreed that there was a clear lack of information regarding those displaced by actions by the security forces. Falling outside the government guideline for providing assistance, they were also in general afraid of asking for help for fear of persecution or retaliation.

⁴ The Coalition was formed in May 1998 by six leading non-governmental organizations: Amnesty International, Human Rights Watch, Save the Children-Sweden for the International Save the Children Alliance, Jesuit Refugee Service, the Quaker United Nations Office-Geneva, and International Federation Terre des Hommes.

Displaced children

Child Workers in Nepal Concerned Center (CWIN), considered a reference NGO on children's issue in Nepal, estimate that the number of displaced children in Nepal is around 4,000.

Although no comprehensive data is available on displaced children, there are indications that the conflict has forced many to move out of their villages by themselves. Traditionally, children migrated with adults inside or abroad, but reports of youngster moving on their own seem to indicate that in addition to economical motives, protection concerns or the loss of parents have also played a role in the migration of children in the last years.

It was observed that children displaced by Maoists generally got more media attention than those displaced by security forces. In addition, children who have been displaced or have suffered from actions of the security forces are in most cases excluded from services and sometimes exposed to abuses due to their suspected association with the Maoists. As a consequence institutional assistance for them is harder to obtain.

According to a representative of an international NGO specialized in children rights, who in the afternoon made a presentation on the main findings of a study⁵ carried out recently in Nepal on children affected by conflict, separated or unaccompanied children was not a major issue in Nepal yet but he warned that things could change if the conflict was to resume. He also added that the issue of displaced children had been overlooked by the main IDP studies undertaken so far in Nepal.

Access to education

School closures throughout the country have forced many families to seek education opportunities out of their villages or districts. Participants expressed their concerns that in many instances IDP children only had a limited access to school. No clear policy was found to exist with regards to these children and their right to pursue their education while being displaced. The poorest IDP families could not afford to pay the school fees and there seemed to be no procedure for displaced children to be issued new documents to enable them to enroll in schools in the area of displacement. It was reported that in some district IDP children could apply and be issued with school certificates while in others no such mechanisms were in place. It was suggested that the relevant authorities should simplify and homogenize the procedures so as to facilitate IDP children' access to school throughout the country.

Right to vote

Participants reported that displaced persons who had moved from one district to the other had to go back to their district of origin in order to register on the polling lists and to be able to vote. In addition, the whole bureaucratic process of registering could take up to a year, delaying the displaced person's enjoyment and exercise of its legal rights. It was strongly suggested that the government should issue voting cards to IDPs so as to allow them to vote within their district of origin but also that registering procedures should be simplified.

⁵ Assessment of separated children in Nepal, 3 February-21 March 2003, Save the Children UK, March 2003

Humanitarian assistance

All workshop participants agreed that the assistance provided to the internally displaced was insufficient with regards to the needs and that no systematic response had been provided so far. Most of the assistance was provided on an ad hoc basis and more needed to be done by all actors involved and foremost the State, to complement, enhance and systematize assistance to the displaced.

Some groups were said to be particularly vulnerable. Generally it was found that displacement caused by actions of the security forces went undocumented and that most of those displaced were reluctant to ask for assistance, either because no such assistance existed or out of fear of retaliation.

It was suggested that if the State was reluctant to engage in more pro-active and efficient assistance, other actors, including national NGOs, international NGOs, UN agencies and the Red Cross movement should take the lead and establish strong partnerships between them and the State. It was at the same time clearly acknowledged that the ultimate decision to solicit and authorize such foreign assistance lies with the national authorities. Therefore, it was suggested that the civil society and all stakeholders be involved in strong and active advocacy on behalf of the internally displaced so as to ensure that the State provide the appropriate response or accept international assistance to deal with the needs of IDPs.

Return, resettlement and integration of IDPs

The first session of the second day started with a brief overview of the Principles covering aspects of protection and assistance during the return and resettlement phase. This overview was thought to be timely in the case of Nepal, where a month long ceasefire between the Maoists and the government was holding so far and might lead to the end of the conflict and the return of the displaced.

Emphasize was put on the following key elements:

- Primary responsibility of the national authorities to address the root causes of displacement and to make sure IDPs can restart a productive livelihood
- Optimal return has to be safe, voluntary and dignified
- Returning IDPs have the right to recuperate property or to be compensated.

Addressing internal displacement in Nepal

It was thought to be useful for the participants to learn from experiences from other countries dealing with internal displacement and a short presentation was therefore made drawing on examples of two countries –Sri Lanka and Colombia- to see how governments and NGOs have responded to internal displacement and made use of the Guiding Principles. Colombia, which is the country with the most advanced IDP legislation, was used as an illustration of how a government can incorporate the Guiding Principles in its own legislation and establish institutions to strengthen its implementation. Sri Lanka provided a good example of how warring parties have decided to recognize the specific needs of its displaced population and decided to cooperate together to ensure that the political agreement reached after successive rounds of peace talks be supplemented by tangible improvements for the displaced population during the return and the resettlement process.

This was followed by a brief outline of the UN response to internal displacement and the institutional mechanisms in place at the headquarter as well as at the country level where the Resident Coordinator (head of UNDP) is the person responsible for the coordination of the international response to IDPs in that particular country.

Mr. Subodh Raj Pyakurel, General Secretary of INSEC (Informal Sector Service Center), the largest human rights NGO in Nepal, then made a presentation on how different actors, and in particular NGOs could address the gaps in the assistance to IDPs. He announced that INSEC would undertake various activities with the overall objective to improve the response to internal displacement in Nepal. A paper containing the various ideas was distributed to participants.

The following activities were suggested:

- Undertake an IDP study based on intensive field research to address the information gap regarding the scope of the IDP problem in Nepal and the situation and specific needs of internally displaced persons.
- Set up of an advocacy/lobbying program to sensitize the different institutions, agencies and concerned communities and to raise awareness on the plight of IDPs.
- Start an “interaction program” with IDPs through discussions and interviews so as to provide a better understanding of their needs and intentions in the future.
- Relief and rehabilitation program, including provision of humanitarian aid to the needy displaced as well as physical rehabilitation of the areas affected by fighting and destruction.

All these activities would be undertaken in close collaboration with other national NGOs, international NGOs, UN agencies, government officials, donor agencies as only collective efforts are likely to yield concrete results and produce tangible improvements in the response to the problem of internal displacement in Nepal.

Following up on the concrete proposals made by INSEC, participants worked in groups to take a closer look at these proposals and to think of additional suggestions as well as ways their respective organization could contribute in the process. Below are some the proposals that were discussed in plenary.

Information gap on the causes and conditions of forced internal displacement

The IDP study presented during the first day of the workshop had already started to shed some light on the causes and conditions of forced displacement in Nepal. It was agreed that it constituted a good starting point, but that it needed to be complemented by additional field research and collection of more reliable and extensive data on the number, location and needs of IDPs.

The following gaps were identified and listed as areas in which further research needed to be undertaken:

- Causes for displacement and proportion of people displaced by actions of the Maoists and the security forces.
- Short term and long term effects of displacement on the IDPs themselves as well as on the receiving/host communities.
- Assess the conditions of living, the types and sustainability of the coping strategies developed and identify the main problems and concerns of the displaced.

Participants stressed the need for closer cooperation between concerned organizations on these issues and all agreed on the necessity to collect more information in order to better assess the needs and provide a more targeted and efficient response.

It was suggested that better information on the situation of internal displacement in Nepal would also help devise stronger advocacy programs and would increase the efficiency of lobbying efforts.

Need for increased advocacy activities and IDP-specific policy

Participants noted that internal displacement is not a new phenomenon in Nepal, but that the growing importance of the issue in the last 2 years warranted more efforts to increase its visibility. As INSEC pointed out in its presentation, there is a need in Nepal for advocacy programs to target decision-makers, relevant government institutions, international donors and all other concerned organizations and communities in an effort to raise awareness on the issue and to call for a better response.

Participants working on this question reported that all had to some extent a responsibility to advocate on behalf of IDPs and that diverse messages could be conveyed to different organizations.

The NGOs should urge the government and the relevant government institutions to make use of the Guiding Principles as a basis for the development of IDP-specific policy or law. Legal provisions ensuring that all those displaced by the conflict would be entitled to assistance and protection would be a first step in making sure that the rights of the displaced population are guaranteed.

Participants suggested that UN agencies and NGOs could take on the task to convince donors of the need to sponsor programs targeting internally displaced persons. It was recommended that NGOs and UN agencies should bring the IDP issue to the attention of the media, whose coverage often determines the allocation of funds.

It was also suggested to involve the political parties in the advocacy campaign in the hope that they could put pressure on the insurgent and on the government to better take into account the special needs of the displaced.

Dialogue with and among IDPs

INSEC's proposal to initiate a dialogue with IDPs was the discussion topic of the third group of participant who suggested that such an initiative could have two main purposes. The first one would be to ensure the participation of the displaced themselves in the dialogue between the government, the insurgents and the organizations concerned by internal displacement. It was suggested that a 'Dialogue Committee' be set up which would consist of representatives of government at the different levels (central, district, village), NGOs, international NGOs and IDP organizations. The inclusion of representatives of IDP communities in this committee would enable the displaced to voice their concerns and ensure that all measures taken on behalf of them would reach their objectives.

Second, a constructive dialogue with IDPs would enable to address the information gap on the conditions and needs of the displaced. The IDPs themselves would become the source of information and interviews conducted among IDPs would yield useful information to develop a better profile of the displaced and get a valuable insight into their intentions and prospects for return or resettlement. A better knowledge of the intentions of the displaced, it was noted, would undoubtedly help to better program the place and type of assistance required.

Relief and rehabilitation

As was further confirmed by INSEC's presentation, the displaced suffer from a wide range of problems, including lack of food, restricted access to health care, limited access to education, lack of sanitation or access to drinking water, just to mention a few of the problems.

Participants agreed that much more needed to be done to assist the displaced and they listed the following as the main problems facing the displaced:

- Food security
- Access to health
- Access to education
- Income-generating programs

In view of the return and rehabilitation phase, the representative of the military announced that the government and within it, the Planning Office was in the process of devising a Disarmament, De-escalation and Rehabilitation (DDR) plan that would help the internally displaced return or integrate into new areas. The plan hadn't been finalized at the time of the announcement and few details were given, but it appeared that committees and sub-committees at various level of authority would help coordinate the return and resettlement of IDPs.

It was agreed that it was important for the IDPs themselves to be included in the process, but it was suggested that for the sake efficiency only one IDP organization bringing together all internally displaced should be set up and involved. Some participants noted that only one IDP organization would maybe not be the best way to ensure the full representitivity of the IDP community and suggested that maybe one umbrella organization bringing together various IDP groups would be preferable.

Government policy on forced internal displacement

Throughout the workshop participants noted with regret the lack of an official government policy to deal with the problem of internal displacement. All agreed that such a policy was necessary and that pressure should be exerted on the government and relevant institutions to issue such a policy. It was suggested that a concerted effort by NGOs, international NGOs, UN agencies and IDP organizations would foster the promulgation of an IDP policy.

The policy, insisted the participants, should be based on the UN Guiding Principles on Internal Displacement and address all aspects of internal displacement at all stages of displacement. Special concern was raised about the protection and assistance needs of the most vulnerable among the displaced; the women, the children and the disabled.

In terms of organizational structure, the participants suggested a collaborative approach with the establishment of an IDP cell or Unit that would help co-ordinate the assistance to IDPs. No single ministry would then be in charge, but all would draw from their resources and expertise to assist the displaced.

Closing statements

Mr. Sushil Pyakurel, secretary of the National Human Rights Commission, closed the workshop by underscoring the importance of such events bringing together representatives of so many different organizations involved in the issue of internal displacement. He expressed hope that the workshop was just only a point of departure and that contacts established between participants during these two days would foster cooperation between them and help to raise the awareness on this important issue in Nepal. He noted with satisfaction that the fruitful discussions during the workshop had helped better identify the many gaps that remained to be filled if the response to the crisis of internal displacement in Nepal was to be deemed satisfying.

Mr. Pyakurel committed, in the name of the NHRC, to follow up on the recommendations of the workshop and to assist in any way possible with the overall improvement of the response to internal displacement.

Conclusions

1. Participants concluded that the definition of a displaced person as spelled out in the Guiding Principles is largely applicable to the IDP situation in Nepal. It was however felt that those forced to flee their home areas as an indirect consequence of the fighting, (e.g. because businesses, schools, administration had to close down) should also be considered as IDPs.
2. Distinguishing between IDPs and economic/urban migrants was felt to be difficult in Nepal where both tend to mingle in areas of reception.
3. The government's "unofficial" definition of an IDP as reported during the workshop was too restrictive as it didn't include those displaced by security forces and should be considered as a guideline for providing assistance rather than an IDP definition.
4. It was observed that most cases of forced displacement due to actions by the security forces went undocumented and that the lack of assistance available to them as well as the fear of retaliation by the authorities prevented them to register.
5. Corruption and the need to be well connected politically to benefit from assistance from the national authorities means that those lacking such connections often are excluded from assistance or even don't attempt to register for assistance.
6. Many participants indicated that large numbers of people displaced by the conflict had crossed the border with India and although they could not be considered as IDPs while in India, they deserved special attention upon return.
7. Although the IDP survey presented at the beginning of the workshop provided some useful preliminary information on the scope and specific needs of the displaced, there was a clear need for further investigation and field research to better ascertain the full scope of the displacement problem and the number of IDPs.
8. Participants expressed their dissatisfaction with the current lack of government IDP policy to address the displacement issue and encouraged all concerned organizations to urge the government to adopt an IDP policy based on the Guiding Principles.
9. Displaced persons are reportedly subject to forced recruitment, restriction of movements and measures of collective punishment when suspected by the security forces of assisting the Maoists. Similarly, they have to face retaliation by the Maoists when suspected of helping the security forces.
10. The right to vote and access to education for the displaced is reportedly restricted by lengthy and complex administrative procedures and by a lack of clear government policy.

Recommendations

1. The government should develop a strategy that addresses the root causes of the conflict and displacement. Most participants recognized that development strategies should be oriented towards a reduction of poverty and inequalities between the different social groups in Nepal.
2. All participants recommended that the government use the Guiding Principles as a basis for law and policy recognizing the specific needs and rights of the displaced population. The definition of an IDP and the guidelines for providing assistance should not exclude those displaced by actions of the security forces and IDPs making request for assistance should not be persecuted or punished for making such requests.
3. The government should simplify and homogenize the administrative procedures to ensure the displaced' access to schools and their right to vote in districts of displacement without having to return in their home districts.
4. Undertake extensive field survey to better assess the exact magnitude of the displacement problem in Nepal and the conditions and needs of the conflict-induced displaced.
5. Humanitarian and human rights NGOs working directly with IDPs or who have a presence in the field often gain access to important information on the violation of IDP rights and the IDP situation in their region. These organizations should monitor such violations and use the information to promote the protection of the displaced.
6. Both the government and the Maoists should ensure that the issue of the return of the displaced persons is addressed during the peace talks and that the return or resettlement process is conducted in a manner consistent with the Guiding Principles.
7. The UN Guiding Principles on Internal Displacement should be disseminated among all stakeholders, and in particular the IDPs themselves.
8. Participants suggested that as a follow-up to the workshop a platform be set up to allow all organizations present at the workshop to meet on a regular basis to monitor new developments and assess the progress made.

Annex one: List of participants

S. N	Name of the participant	Organization	Email address
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Annex two: Workshop Agenda

Day 1

A) Using the UN Guiding Principles on Internal Displacement to analyze the displacement situation in Nepal

- 8:30-9:00 Opening statements (NHRC, Home Ministry, UNDP Resident Representative)
- 9:00-10:30 Presentation of recent IDP studies and inter-agency initiatives to address displacement + Q&A
- 10:30-10:45 Coffee break
- 10:45-11:15 Introduction to the UN Guiding Principles
- internal displacement as a relatively new world phenomenon
 - UN Special Representative and the UN Guiding Principles (GPs)
 - legal background to the Guiding Principles
- 11:15-12:30 Definition of an Internally Displaced Person
- definition in UN Guiding Principles
 - distinction with migrants
 - discussion in groups on who is an IDP in Nepal
- 12:30-14:00 Lunch
- 14:00-17:00 Protection from and during internal displacement
- presentation of those Guiding Principles providing protection
 - group exercise on how to apply the GPs in Nepal
 - reporting to plenary and plenary discussion

Day 2

(Continuation Guiding Principles)

9:00-9:20 Return, resettlement and integration of IDPs

B) How can national authorities, NGOs and international community address internal displacement?

- 9:20-10:00 A comparative analysis of how different actors have addressed the problem in other countries:
- Governments

- NGOs
- UN agencies

10:00-10:45	A concrete proposal for Nepal
10:45-11:00	Coffee break
11:00-12:30	Group exercise on above
12:30-14:00	Lunch
14:00-15:15	Reporting back from group work
15:15-16:00	Conclusions and recommendations
16:00	Closure and departure for Kathmandu
18:30-19:00	Press Conference
19:00	Dinner