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## NEPAL

# Failed implementation of IDP policy leaves many unassisted

More than three years after the government of Nepal and the Maoists ended their ten-year conflict, up to 70,000 people displaced by the war remain unable or unwilling to return home. Ongoing political crisis has hampered the peace process and the prospects for reconciliation and durable solutions to displacement.

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

Most IDPs have chosen to stay in their area of displacement, mainly in urban areas, where some have managed to integrate and to find jobs. Many others, including displaced children and women in particular, have struggled to find proper accommodation or access basic services in cities. Children are exposed to a variety of threats, including trafficking, sexual exploitation and child labour. Displaced women, particularly widows, suffer from significant discrimination, making them highly vulnerable to further impoverishment and forcing many to resort to prostitution.

While its 2007 IDP policy provides for return, integration and resettlement, the government has only offered assistance to those seeking to return. The policy has still not been disseminated effectively across the country. For most remaining IDPs there will be no durable solutions without completion of registration, return and reintegration assistance, land and property restitution, and vocational training and income-generating projects to support reintegration.

# Map of Nepal



Map No. 4304 UNITED NATIONS  
January 2007 (Colour)

Department of Peacekeeping Operations  
Cartographic Section

**Source:** United Nations Cartographic Section  
**More maps are available at** [www.internal-displacement.org](http://www.internal-displacement.org)

## Background

In 1996, Maoist rebels launched a “people’s war” to overthrow the monarchy and establish a socialist republic in Nepal. Maoists in the mid-western region attacked police, teachers, government officials, landowners, and political opponents, forcing those associated with the royal government to flee to district headquarters. From 2001 the conflict escalated and the government declared a state of emergency. Trade, education and other public services were disrupted and food security declined. Those from impoverished communities fled the fighting, Maoist extortion and forced recruitment, to district centres, large cities such as Kathmandu, Biratnagar or Nepalgunj, and across the border to India.

The conflict ended with a Comprehensive Peace Agreement (CPA) in November 2006 which formalised the commitment of both sides to peace and constitutional change, while providing for the return and rehabilitation of all people displaced by the conflict. In April 2008, Nepal peacefully elected a Constituent Assembly (CA) which voted into office a Maoist-dominated government tasked with completing the transition to a federal democratic republic.

Intense power struggles in 2008 and 2009 between the main political parties created an unstable environment which has seriously hampered implementation of the peace process. The coalition government formed in the wake of the elections and headed by the Maoist leader, Pushpa Kamal Dahal (better known as Prachanda) ended after only nine months. A presidential decision to rescind Prachanda’s order dismissing the army Chief of Staff was judged by the Maoists to undermine “civilian supremacy”. Since May 2009, the Maoists have left the government and have largely blocked the legislative process. They have organised several rounds of countrywide protests

to increase pressure on the government to address a range of issues atop the Maoist’s agenda: restoration of “civilian supremacy”, integration and rehabilitation of Maoist army personnel, limits on presidential authority and social, economic and security reforms. The political stalemate remains unresolved (UNSC, 7 January 2010, p.1).

### *A fragile peace*

There have been a number of post-conflict successes: the promulgation of an interim constitution, peaceful CA elections, the separation and management of the royalist and Maoist armies and distribution of nearly three million citizenship certificates. Nevertheless, the peace process remains fragile and most Nepalese have seen no changes in their daily lives. There has been total failure to address human rights violations committed during the conflict. Since 2006 there has not been a single prosecution, thus prolonging impunity and undermining state legitimacy (ICG, 14 January 2009). Nepal’s post-war economy remains weak. Food prices are high and in 2009 unfavourable climatic conditions reduced food production. Humanitarian indicators are worrying. More than three million people have been identified as requiring urgent food assistance (WFP, 8 September 2009, p.2). In December, lack of funding forced the World Food Programme (WFP) to temporarily reduce the total number of its food assistance beneficiaries from 1.6 to one million (OCHA, 11 January 2010, p.3).

The government’s capacity to provide basic services to its citizens remains poor due to lack of resources, weak institutions, limited presence in rural areas, and increasing security threats both from Maoists and armed groups in the Terai (Himalayan foothills) who have been fighting for increased political involvement since 2007. In July 2009 it was estimated that in the eastern and central Terai over 40 per cent of Secretaries of Village Development Committees (VDCs), the lowest tier of govern-

ment, had moved to district headquarters to avoid intimidation and attacks from armed groups and criminal gangs (OCHA, 1 July 2009, p.2). Repeated strikes and protests during 2009 have disrupted development programmes being implemented by international organisations, particularly in the eastern Terai. In late 2009, the UN reported an increase in violence and threats, which have sometimes been directed at international organisations (OCHA, 10 December 2009, p.2).

## New displacements in 2009

Overall, there was limited further displacement in 2009. The main episode was in early June in Dang district near the Indian border, when thousands of people from 22 villages were displaced by actions of the Seema Surakchya Bal (SSB), India's border security force. The SSB reportedly encroached on Nepali territory, forcing residents out through threats and human rights violations (Nepalnews, 2 June 2009; Kantipur, 1 June 2009). According to the UN, most of those displaced started returning home shortly after their displacement (OCHA, 1 July 2009, p.3).

Most other displacement incidents reported during the year were relatively minor and mainly linked to activities of armed groups against government officials, or disputes between opposing political parties cadres. These have often involved the Maoist-affiliated Young Communists League (YCL) (Nepalnews, 22 March 2009; OCHA, 16 May 2009, p.1). Active in most districts, YCL cadres have interfered in state tender processes, extorted money and illegally levied taxes (Carter Center, 29 November 2009, p.9). Displacement was also reported as a result of the seizure of land by armed groups in the Terai and by Maoist groups in Siraha and Saptari districts (Nepal IDP Working Group, 15 June 2009, p.18).

In September 2007 there was inter-communal violence in Kapilbastu district between hill-origin Pahadis and Madhesis, residents of the plains. This forced between 6,000 and 8,000 people, mostly Pahadis, from their homes. Since then, insecurity caused by the activities of up to 20 armed groups in central and eastern Terai has led to new displacements, mostly of Pahadis. Moving in small bands and fearful of being identified, most of these IDPs remain out of reach of assistance (Himalayan Times, 24 September 2009; Nepal IDP Working Group, 15 June 2009, p.8; OCHA, 31 March 2008, p.8; NRC, 5 March 2008).

## Identification and registration of IDPs

The absence of any comprehensive registration of IDPs and any systematic monitoring of population movements, either by national authorities or international organisations, has made it difficult to provide accurate estimates of the total number of people displaced during the ten-year internal conflict, or the number still displaced at the beginning of 2010. The IDP figures used in 2009 by the UN and international agencies, ranging from 50,000 to 70,000, have remained unchanged since 2007. In June 2009, the Nepal IDP Working Group, a group of international and national agencies assisting IDPs, judged that up to 70,000 people displaced by the conflict had not found durable solutions as they remained unable to return home, integrate locally or resettle elsewhere (Nepal IDP Working Group, 15 June 2009, p.7). They remain dispersed across Nepal, mainly in the district headquarters and major cities such as Kathmandu, Biratnagar and Nepalgunj.

Until it adopted the National IDP Policy in February 2007, the royal government did not recognise as IDPs those displaced by actions of the security forces, and it limited assistance to those displaced by the Maoists to those with political connections. Thus most people displaced during the conflict

did not register, either because they did not qualify or because any assistance they might obtain was extremely limited. The IDP concept itself became politicised, and was used in some areas by the Maoists to refer to those closely associated with the former government. This not only created difficulties in assessing the number of IDPs during the conflict, but it has also had serious on-going implications. It is reported that the Maoists have sought to prevent the return of those IDPs they brand as “bad or anti-revolutionary” (OHCHR, 25 September 2006, p.7).

In 2007 the government started setting up a Displaced Persons Identification Committee in a number of districts to collect and compile information on IDPs. However the lack of clear directives and mechanism on the implementation of the IDP Policy has resulted in identification being taken over by ad-hoc district committees representing political parties and civil society organisations. The process of registering has been described as uneven and incomplete, with some IDPs reportedly facing political and procedural obstacles. IDPs have had to return to their home districts to submit a registration application, but many have faced difficulty in getting a confirmation letter from VDC secretaries, especially from those who have relocated to district headquarters. In the absence of any information campaign by the government, many IDPs remain unaware of the chance to register, while others have been told they have missed registration deadlines (Nepal IDP Working Group, 15 June 2009, p.19).

By August 2008, the government had registered 52,000 people and in September 2009 announced that it considered the total number of conflict-displaced people to be some 70,000. It also added that most IDPs had been able to return home (AFP, 22 September 2009). The total number of IDPs is expected to grow as the government is reported to still be updating its information.

The registration process does not apply to people displaced by ethnic unrest in the Terai since 2007 who are not recognised as IDPs. At the end of 2009, however, the government had reportedly started collecting data on those in a number of districts, in the context of a broader revision of the IDP policy and implementation directives.

## Challenges to return and reintegration

Tens of thousands of people have returned to their homes since the end of the conflict in 2006, although lack of monitoring in return areas has made it difficult to estimate the exact number of returnees or the extent to which returns have been sustainable. Return movements gained momentum after the CPA was signed at the end of 2006, and the government and the Maoists made a formal commitment to “allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society” (CPA, 22 November 2006). For at least a year, however, these promises remained unfulfilled as most IDPs faced many obstacles to return. If they did decide and manage to do so, they received no state support and only limited assistance from national and international NGOs (INSEC, 2009, p.17).

The government only started to provide return packages to IDPs at the end of 2007. By November 2008, a little over 28,000 of the 35,000 IDPs who had registered had received some form of assistance. This primarily involved a subsistence allowance, payable for four months, and some money for transport (NPTF, 15 November 2008, p.24). The government return package should also have included livelihood support in the form of loans



for agricultural inputs, but no money had been disbursed by the end of 2009, when the government reported that an additional 4,700 people had benefited from the transportation allowance and almost 5,800 more from the subsistence allowance (NPTF, 15 November 2009, p.26).

The main challenges faced by returnees include inadequate livelihood opportunities, discrimination, and unresolved housing, land and property issues. Security problems are mainly linked to political activities, with Maoists sometimes reportedly warning people not to join rival political parties. According to an assessment by the Nepal IDP Working Group, more than a third of returnees reported facing alarming or poor livelihood conditions. For most this seriously affects access to food, health or education. In many districts, access to basic services remains extremely difficult as public facilities have not been repaired and civil servants have not returned.

Almost 40 per cent of returnees reported suffering from discrimination due to tension with the rest of the community (Nepal IDP Working Group, 15 June 2009, p.28). The conflict has had a profoundly disruptive effect on social harmony, with a high level of mistrust reported in conflict-affected communities (SIRF, 6 May 2009, p.76). Caste-based discrimination remains deeply ingrained in Nepal, with Dalits and indigenous groups such as the Tharus still largely considered as second-class citizens. Particularly targeted by Maoists in their political mobilisation, and facing harsh repression from government forces who suspected most of them supported the "People's War", many Dalits and indigenous people fled their homes during the conflict (SIRF, 6 May 2009, pp.27-28; CHRJ, 2005).

Displaced widows were identified as particularly vulnerable, as many did not have any employment or livelihood source and they often faced discrimination. Few were reported to have received compensation for the death of their husbands, other than those were married to royalist

army or police personnel (SIRF, May 2008, p.63). Displaced widows have also faced significant challenges in recovering expropriated property or getting compensation (WCRWG, 22 May 2008, p.5). Property claims have to be registered at the place of origin, a journey many displaced widows cannot afford. Many are also unaware of their legal inheritance entitlements, or face opposition from in-laws reluctant to acknowledge their rights.

Nearly half of those interviewed reported serious land, housing and property problems (Nepal IDP Working Group, 15 June 2009, pp.27-29). Although return of houses and land confiscated by the Maoists during the conflict is reportedly underway in most districts, there were still reports in 2009 of property not being returned unconditionally (The Carter Center, 26 August 2009, p.6). Again, IDPs with non-Maoist political affiliations have been most likely to be prevented from recovering land and property. Processing of claims for compensation for lost or damaged property has been frustratingly protracted. More than 10,000 cases were recorded by a task force formed in 2007, but by the end of 2009 only some 2,000 families had received support to reconstruct or repair their houses (NPTF, 15 November 2009).

## **Struggling to integrate in areas of displacement**

Assessments conducted since 2006 have shown that in most areas the majority of the displaced have no intention of returning, but would prefer to integrate locally or, to a lesser extent, resettle elsewhere (Nepal IDP Working Group, 15 June 2009, p.9; RUPP, August 2007, p.9; MCRG, December 2006, p.50). In addition to obstacles related to fears about security, discrimination, housing and land and property restitution, many IDPs are reluctant to jeopardise the relative economic stability they have managed to attain in urban areas, where livelihood opportunities and access

to basic services are greater than in rural areas.

However, not all IDPs living in urban areas have improved their standard of living. The majority left everything they owned behind in their villages, and used any remaining assets to pay for travel and immediate survival expenses in their place of relocation. IDPs in the main towns or cities continue to face obstacles in obtaining decent accommodation, employment, education and other services. This particularly affects those who have lost documentation (IRIN, 11 July 2007). A third of the respondents to the Nepal IDP Working Group assessment reported precarious housing conditions, living in slum areas, squatting on state-owned land from which they were at risk of eviction, or having only found temporary solutions with friends or family (IRIN, 13 March 2009). Nearly half needed regular income to pay rent, but few IDPs had this. Almost half of the IDPs surveyed reported struggling to meet their most basic needs (Nepal IDP Working Group, 15 June 2009, pp. 21-22). IDPs from farming communities also often lack skills required by urban employers and are forced to do menial low-paid and labour-intensive jobs.

Displaced children in cities may be particularly disadvantaged. Although some have managed to attend school, others have been unable to enrol because they have not had the required documentation, or because they have had to work to augment meagre household incomes (IRIN, 18 November 2008). Working children are frequently exposed to trafficking or economic and sexual exploitation. Many work as domestic servants and are subject to severe exploitation and exposed to physical or psychological abuse (TDH and SCA, June 2006, pp.16-19).

In a society where most women and girls already suffer from discrimination, displaced women, particularly widows, are even further disadvantaged, at risk of further impoverishment and exposed to significant protection and health risks. Most girls

who fled the countryside to seek refuge in urban areas have no skills and face significant challenges in securing new livelihoods. Many have ended up in low-paid jobs, working in exploitative conditions and at risk of physical abuse. An increase in prostitution has been reported over the years in the main cities such as Kathmandu and Pokhara, the flight destination of many displaced women and girls (SIRF, 6 May 2009, p.54; IRIN, 2 May 2007; IRIN, 17 February 2006). HIV/AIDS prevalence is reported to be particularly high among internally displaced sex workers, due to their limited health care knowledge and social and economic vulnerability (Karkee R and Shrestha DB, 2006 p. 364). Migration abroad, mainly to India, has also contributed to the rise of HIV prevalence in Nepal. It is reported that up to 40 per cent of those who are HIV positive are migrant workers, most of whom have returned from India (WFP and NDRI, 17 December 2008, p.17).

## National response

Since adopting the National IDP policy in February 2007, the government has made only minimal efforts to ensure that those displaced by the conflict or by ethnic unrest in the Terai since 2007 receive proper protection and assistance to enable them to achieve durable solutions.

Nearly three years after being issued, the National IDP Policy has yet to be fully implemented. Much remains to be done before the policy can substantively improve the lives of the displaced. Procedural directives to ensure implementation were developed by the Ministry of Peace and Reconstruction (MOPR), the main government body responsible for coordinating assistance to IDPs, with support from the UN High Commissioner for Refugees (UNHCR), the High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs (OCHA) and the Norwegian Refugee Council (NRC). The MOPR

sent directives to the Cabinet for approval at the end of 2007, but as of January 2010 they have still not been formally adopted despite repeated calls from UN agencies, civil society and international NGOs. IDP advocates argue that the absence of government approval is undermining return and rehabilitation efforts and preventing IDPs from enjoying their full rights. At the end of 2009, the MOPR was reported to have started revising the IDP policy and the directives in view of a possible re-submission to the Cabinet in 2010.

While the policy initially envisaged a number of relief and rehabilitation programmes for the displaced, these were later amended due to lack of resources and replaced by a State Relief and Assistance Package (SRAP). This is funded by the Nepal Peace Trust Fund (NPTF), a three-year programme established in February 2007 to implement the CPA. The number of target IDP beneficiaries was set at 50,000 and the total budget is \$5 million. The SRAP included three different packages: transportation (package A); subsistence, education, house repair and construction (package B) and agricultural inputs (package C). By November 2008, the MOPR reported that all the funds had been released to each of Nepal's 73 districts through the Districts Administration Offices (DAOs); however only 52 DAOs were reported to have implemented the programme (NPTF, 15 November 2008, p.24). A year later, the number of districts implementing the IDP programme still stood at 52 (NPTF, 15 November 2009, p.26).

Dissemination of information about the IDP policy has not been a government priority. In the absence of any state information programme, it has been left to local and international NGOs to inform IDPs of the policy, its procedures and their entitlements. While most Chief District Officers are aware of the policy, very few have any knowledge of its content. More local VDC Secretaries, the primary grassroots implementers, also had very little

knowledge. Surveys have shown that while 61 per cent of IDPs had heard of the existence of return and rehabilitation packages, only 35 per cent were aware of the policy and none could identify specific rights and entitlements it provided (Nepal IDP Working Group, 15 June 2009, p.34).

While the IDP Policy specifies support to the three types of durable solutions, the government has clearly prioritised the return option. The relief package distributed by the government only benefits those who agree to return to their homes. In most districts, IDPs have only received the travel and subsistence allowance. Lack of adequate resources was cited as the main obstacle, with only three districts out of the 16 surveyed reporting having been allocated sufficient funds to meet the needs of registered IDPs. Resettlement initiatives by the government have so far been limited in number and hampered by lack of capacity and poor coordination. A pilot resettlement project is underway in the western-most Kanchanpur district, but the project is only focusing on the construction of houses, the completion of which is expected to take up to 4 years, and is neglecting livelihood opportunities and the provision of basic services.

Coordination mechanisms set out in the IDP Policy have barely functioned even in Kathmandu, where coordination on IDP matters between different ministries is described as poor. The central level coordination mechanisms envisaged by the IDP policy, i.e. a Central Guidance Committee to be headed by the Minister of Home Affairs and a Central Program Coordination Committee to be headed by the Chief Secretary, never materialised. The overall implementation of the Policy is supposed to be monitored by the National Planning Commission, through the MOPR. Since 2007, local IDP Identification Committees have been added to the existing District Programme Coordination Committees. Local Peace Committees (LPCs) have



also been established to facilitate and coordinate district-level policy implementation and distribution of SRAP return and relief packages. LPCs have now been formed in most districts, but their effectiveness has been limited by a lack of financial support from the government, the lack of capacity of DAOs and ideological disagreements between political parties.

## International response

Since the end of the conflict, the international community's main priority has been to preserve the fragile peace process. The UN Mission in Nepal (UNMIN) was established in January 2007, with a mandate to monitor the management of arms and armed personnel and provide technical assistance for the CA elections in August 2008. The UN Peace Fund for Nepal (UNPFN), also established in March 2007, is intended to complement the government's NPTF, as a vehicle to mobilise resources for short-term projects in support of the peace process (UNDP, 23 June 2009).

Prior to the introduction in Nepal in September 2008 of the cluster approach (a UN-led global initiative to improve coordination of humanitarian and development interventions), the Nepal Country Team of the UN's Inter-Agency Standing Committee coordinated assistance to IDPs, with OHCHR, UNHCR and OCHA leading the response. The cluster approach was activated in response to the displacement caused by flooding of the Koshi River in eastern Nepal. OHCHR took the lead of the protection cluster, and attention has since focused on those displaced by the floods, with the needs of conflict-induced IDPs seldom discussed during meetings. At the end of 2009, OCHA, OHCHR, UNHCR and UNICEF requested the deployment of a senior protection officer (ProCap advisor) to work under the protection cluster on issues related to conflict-IDPs. This role had largely been undertaken by NRC up to its departure from Nepal in mid-2009.

NRC started assisting IDPs in Nepal in 2006, and together with OCHA and OHCHR tried in 2008 and 2009 to keep conflict-induced IDPs on the humanitarian agenda. NRC actively advocated for the rights of IDPs through media campaigns, workshops and meetings. Before closing its programmes, NRC and other interested members of the Nepal IDP Working Group published an assessment of the situation of conflict-induced IDPs. The report called for government approval of IDP Policy implementation directives, effective dissemination of information on the policy, increased allocation of state resources at central and district levels, intensification of integration and resettlement efforts, and greater attention to housing, land and property restitution and compensation issues (Nepal IDP Working Group press release, 15 June 2009).

Since 2008, priorities have again shifted back to development programmes and funding for humanitarian operations has decreased. Donor response to the UN's 2009 Consolidated Appeal (CAP) was good in comparison with other post-conflict contexts, reaching 85 per cent of the total requirement of \$129 million. However, while donors pledged support for food and education, other sectors critical to durable solutions for conflict-affected people, including agriculture, shelter, and water and sanitation, remained largely under-funded. Protection and human rights-related projects have also received little support. The European Commission followed by the United States and the United Kingdom were the three top donors in 2009. The Central Emergency Response Fund (CERF) also remained an important funding instrument in 2009, providing \$6 million to the WFP to fill an urgent funding gap at the end of 2009 and allow it to continue feeding 1.6 million people in 2010 (OCHA, 11 January 2010, p.3).

**Note:** This is a summary of IDMC's internal displacement profile on Nepal. The full profile is available online [here](#).

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## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people.

In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org).

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