RECOVERING FROM ARMED CONFLICT: RETURN, REINTEGRATION AND REHABILITATION OF INTERNALLY DISPLACED PERSONS (IDPs) AS ELEMENTS OF PEACE BUILDING IN NEPAL

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"We cannot hold a torch to light another's path without brightening our own."

Ben Sweetland

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Abstract

The armed conflict between Maoist insurgents and government security forces (1996 to 2006) has resulted in the internal displacement of many Nepalese people, most particularly, those from remote hill districts to district headquarters, regional and capital cities following the declaration of a State of Emergency in 2001. This thesis undertakes to investigate the experience of people directly caught up in the crises of war and conflict − Internally Displaced Persons (IDPs). A qualitative methodology was adopted using an ethnographic approach to conduct this research. It involved informal discussions, participant observation and in-depth interviews.

This thesis reveals that there is a lack of consensus as to the definition of how to identify and register IDPs, a poor estimation of their numbers (with estimates ranging from 25,000 to 400,000), how to address their needs, and about who should be responsible for addressing them. This study emphasises that timely and accurate data collection is needed for determining the numbers and understanding the conditions surrounding internally displaced persons. This is a key step towards designing effective protection responses to internal displacement. Addressing the needs and respecting the rights of IDPs is not only a humanitarian and human rights issue, but also a strategic one affecting peace, security and sustainable development. The research suggests that resolving the displacement problem is inextricably linked to the future of the peace process. The findings of the research study suggest that the commitments of the government of Nepal in relation to internal displacement have not yet materialized into effective implementation of policy and their good intentions. This thesis suggests that introducing a national policy alone is not enough to ensure the protection of IDPs or to end displacement; it is necessary to implement the policy and monitor whether the policy provisions are producing viable results.

This research thesis further suggests that the restoration of the property rights of the internally displaced is necessary for the reestablishment of order and the creation of an environment conducive to the successful return, resettlement and reintegration of IDPs. This in turn is linked to the establishment of producing the conditions for a sustainable peace after the end of a violent conflict in Nepal. This research then concludes that solving the internal displacement problem is crucial for building long term peace, and

any solution to the problem of internal displacement must include institutionalized property rights for IDPs. This requires the government of Nepal to provide comprehensive support and appropriate action to enable this to happen.

Key words: Forced migration, IDP policy, Nepal, IDPs and qualitative research, Return, Property restitution

Certification

I certify that the substance of this thesis has not already been submitted for any other degree or qualification.

I certify that any help received in preparing this thesis, and all sources used, have been acknowledged in this thesis.

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Glossary of Terms

ABNMM:	Akhil Bharatiya Nepali Mitra Muncha
ADB:	Asian Development Bank
ALNAP:	Active Learning Network for Accountability and Performance
APF:	Armed Police Force
CA:	Constituent Assembly
CAP:	Consolidated Appeal
CAR:	Central African Republic
CCS:	Creation of Creative Society
CDO:	Chief District Officer
CHAP:	Consortium of Humanitarian Agencies Programme
COHRE:	Centre on Housing Rights and Evictions
CPA:	Comprehensive Peace Agreement
CPN:	Communist Party of Nepal
CPN-M:	Communist Party of Nepal – Maoist
CPN-UC:	Communist Party of Nepal – Unity Centre
CPN-UML:	Communist Party of Nepal (United Marxist-Leninist)
CRPC:	Commission for Real Property Claims of Displaced Persons and Refugees
CWIN:	Child Workers in Nepal Concerned Centre
CSWC:	Community Study and Welfare Centre
DAO:	District Administration Office
DDC:	District Development Committees
DRC:	Democratic Republic of the Congo
EC:	European Commission
ECOWAS:	Economic Community of West African States
ERC:	Emergency Relief Coordinator
FAO:	Food and Agriculture Organisation
FY:	Fiscal Year
GoS:	Government of Sudan
GPCWG:	Global Protection Cluster Working Group
GTZ:	German Technical Cooperation
HC:	Humanitarian Coordinator
HLP:	Housing, Land and Property

HMG/N:	His Majesty's Government of Nepal
HPD:	Housing and Property Directorate
HRO:	Human Rights Organisation
HREC:	Human Research Ethics Committee
HQ:	Head Quarters
IASC:	Inter-Agency Standing Committee
ICG:	International Crisis Group
ICISS:	International Commission on Intervention and State Sovereignty
ICRC:	International Committee of the Red Cross
IDD:	Internal Displacement Division
IDMC:	Internal Displacement Monitoring Centre
IDP:	Internally Displaced Person
IDU:	Internal Displacement Unit
IGAD:	Inter-Governmental Authority on Development
IISDP:	Internal Integrated Security and Development Plan
ILO:	International Labour Organisation
INSEC:	Informal Service Centre
INGO:	International Non-Government Organisation
IOM:	International Organisation for Migration
IPS:	Inter-Press Service
IRCS:	International Red Cross Society
IRIN:	Integrated Regional Information Network
KIRDEC:	Karnali Integrated Rural Development Centre
LPC:	Local Peace Committees
LTTE:	Liberation Tigers of Tamil Eelam
LURD:	Liberians United for Reconciliation and Democracy
MILF:	Moro Islamic Liberation Front
MCRG:	Mahanirban Calcutta Research Group
MODEL:	Movement for Democracy in Liberia
MoF:	Ministry of Finance
MoHA:	Ministry of Home Affairs
MoLD:	Ministry of Local development
MoP&R:	Ministry of Peace and Reconstruction
MuAN:	Municipal Association of Nepal

NA:	Nepal Army
NC:	Nepali Congress
NCP:	Nepali Congress Party
NGO:	Non Government Organisation
NGOCC:	Non Government Organisation Coordination Committee
NHRC:	National Human Rights Commission
NMVA:	Nepal Maoists Victims' Association
NPC:	National Planning Commission
NPRR:	National Policy on resettlement and Rehabilitation
NRC:	Norwegian Refugee Council
OPT:	Occupied Palestinian Territory
OSCE:	Organisation for Security and Cooperation in Europe
PCDIA:	Permanent Consultation on Internal Displacement in the Americas
PLA:	People's Liberation Army
PM:	Prime Minister
PMO:	Prime Minister's Office
PTT:	Land Transer Program
PW:	People's War
RNA:	Royal Nepalese Army
RPP:	Rastriya Prajatantrik Party
RPG:	Refugee Policy Group
RRN:	Rural Reconstruction Nepal
RSC:	Refugee Studies Centre
RSG:	Representative of the Secretary-General
RUPP:	Rural Urban Partnership Programme
SAFHR:	South Asian Forum for Human Rights
SNV:	Netherland Technical Cooperation
SoE:	State of Emergency
SPA:	Seven Party Alliances
SPLA:	Sudan People's Liberation Army
SPLM:	Sudan People's Liberation Movement
SRAP:	State Relief and Assistance Programme
UCLA:	University of California Los Angeles

UC:	Unity Centre
UDHR:	Universal Declaration of Human Rights
UK:	United Kingdom
UN:	United Nations
UNDP:	United Nations Development Programme
UNE:	University of New England
UNESCO:	United Nations Educational, Scientific and Cultural Organisation
UNFPA:	United Nations Population Fund
UNHCR:	United Nations High Commission for Refugees
UNICEF:	United Nations Children's Emergency Fund
UNOCHA:	United Nations Office of the Coordination for Humanitarian Affairs
UNOHCHR:	United Nations Office of the High Commission for Human Rights
UNSC:	United Nations Security Council
UPFN:	United People's Front of Nepal
US:	United States
USAID:	United States Agency of international Development
VDC:	Village Development Committee
VDF:	Village Defence Forces
WB:	World Bank
WFP:	World Food Programme
YCL:	Young Communist Leagues

CHAPTER ONE

INTRODUCTION: THEORIES AND CONCEPTS

INTRODUCTION: THEORIES AND CONCEPTS

Whether large-scale or small, forced or voluntary, compelled by war, famine, social disruption, or the hope for a better life, the complex phenomenon of migration has been fundamental to the whole modern epoch. (Benmayor & Skotnes, 1994, p. 5)

Introduction

The 20th century and the beginning of the 21st century have seen many people on the move for a variety of reasons. Forced migration resulting from armed conflict has been one of the major driving factors displacing millions of people and making forced displacement a global issue. At the turn of the millennium there were (excluding minor skirmishes or serious disputes) more than thirty major wars being waged resulting in close to twelve million refugees, and twenty-six million displaced persons in at least fifty-two countries worldwide (UNHCR, 2008; IDMC, 2009). Though the global number of armed conflicts has declined in the new millennium, with a total number of twenty-nine conflicts in twenty-two countries in 2003 (Eriksson & Wallensteen, 2004), war related displacement and responses to it by the international community remains one of the most pressing challenges of contemporary times.

This thesis undertakes to investigate the experience of people directly caught up in the crises of war and conflict − Internally Displaced Persons (IDPs hereafter). In particular, it explores the protection implications for IDPs of national government policies and responsibilities. The study looks at return, which is seen by the international community as the durable solution to IDPs' crises around the globe. The study also considers the property restitution rights of IDPs, which are the eventual goals of the many peace agreements and key determinants that make the IDPs' return sustainable. Since the origins and nature of complex emergencies can differ considerably, specific responses need to be developed which take into account local circumstances and conditions.

While the plight of refugees is recognised by a highly evolved international legal and institutional regime, IDPs are still in the process of being defined as a special category of concern. Nevertheless, IDP assistance and protection are at the centre of many recent

reforms in the international humanitarian system, and IDPs as a group, are now arguably more prominent than refugees on the international humanitarian and political map (Slim, 2004). Although international humanitarian assistance to the internally displaced dates back at least four decades, it has been extremely inconsistent and sporadic, and usually has been part of more general humanitarian operations on behalf of conflict affected populations and returning refugees (Collinson, 2009). Only recently, in the context of the massive and apparently escalating levels of the internal displacement witnessed since the early 1990s, have the internally displaced been identified as a distinct category of vulnerable people with distinct needs, who might warrant specific protection and assistance efforts from national and international actors.

Growing international recognition, however, does not equate with a distinct international legal status. In legal terms, IDPs remain civilians, and in countries where displacement results from violent conflict, governance and development failure and/or natural disaster, the internally displaced are likely to represent only one among a number of vulnerable groups in that society. The very fact that the IDPs remain as citizens within their country means that their own government, rather than the international community, is primarily responsible for their protection and assistance alongside other citizens, including other war affected civilians. Despite growing international consensus on the need to address IDPs' needs more effectively, many questions surround the IDP label in terms of its significance for determining protection and assistance efforts, as well as outcomes on the ground.

This chapter is organised in three sections. The first section provides a background to the issue of forced migration and the complexity of migration in today's world. Section two introduces refugee and IDP policy while the third section deals with the aim of the research questions and the organisation of the thesis.

The Argument of this Thesis

"Displacement obstructs access to previous livelihood practices, and new forms of livelihood practices are created – many of which are informal or even criminal and detrimental to liberal economic and social order" (Van Hear, 2006, p. 217). In what

follows, it will be argued that restoring the property rights of the internally displaced is necessary for the establishment of order and the creation of an environment conducive to the return and resettlement of IDPs. The argument is as follows:

- Conflict, particularly armed conflict, creates displacement.
- In a post-conflict environment, displacement becomes an obstacle to establishing order.
- Return and resettlement are two ways to end displacement.
- Restoring property rights is essential for both return and reintegration because it:
    - Ensures that IDPs have a place to live in case of return.
    - Secures capital (i.e. a means of rebuilding their lives) in case of resettlement.

Thus, the restoration and effective enforcement of the property rights of the internally displaced is necessary for the establishment of order, creation of an environment conducive to the successful return, resettlement and reintegration of IDPs and contributes to the establishment of a sustainable peace after violent conflict.

Forced Migration in Theoretical Context

Traditional migration theory was based on the notion of "push-pull" factors. Individual and collective decisions to move from one place to another were seen as the proximate cause of migration. These decisions were in turn dependent on an intricate balance between the perceived desirability of the destination, usually based on relative economic opportunity, and the undesirability of the sending country as frequently described in terms of political oppression or severe poverty (Leopold, 1992). Generally, all migration implies some degree of prior relative deprivation (Oliver-Smith & Hansen, 1982).

Although most migrations occur within a context of socioeconomic and political forces that severely constrain options, the number of forced migrations has increased (Wood, 1994, p. 607). The trend is not only the result of ephemeral geopolitical changes, but also a systematic reaction to a wide range of enduring socioeconomic conditions that Castles and Miller (1993) have called the "globalisation, acceleration, differentiation, and feminisation of migration" (p. 8). In relation to conceptual considerations, some authors have touched on various aspects of population displacement, but only a few of

them have focussed on the clarification of the central concept of migration. Petersen (1958) made an important contribution in this regard with his general typology of migration (p. 258). He distinguished two types of migration, namely innovative and conservative (See table 1). Innovative migrations relate to persons who migrate as a means to achieve the "new"; conservative migration refers to persons migrating in response to a change in conditions. The second group tends to move geographically in order to remain where they are in all other respects. Petersen then established five broad classes of migration: primitive, forced, impelled, free and mass migration.

Table 1: Class of migration

Relation	Migratory force	Class of migration	Type of migration	
			Conservative	**Innovating**
Nature and man	Ecological push	Primitive	Wandering	Flight from the land
			Ranging	
State (or equivalent) and man	Migration policy	Forced	Displacement	Slave trade
		Impelled	Flight	Coolie trade
Man and his norms	Higher aspirations	Free	Group	Pioneer
Collective behaviour	Social momentum	Mass	Settlement	Urbanisation

(Source: Petersen, 1958, p. 266)

Primitive migration is a movement related to man's inability to cope with natural forces (Petersen, 1958, p. 259). In primitive migration the activating agent is ecological pressure, but in forced migration it is the state or some functionally equivalent social institution. If a migrant does not retain power to decide whether to move or not this situation is termed forced migration. But in the instance that the migrant retains such power, Petersen (1958) suggests this type of migration would be called impelled migration (p. 261). Therefore, this means that forced and impelled migrations are both rooted in the intervention of an external actor who influences to varying degrees the decision to move. For example, the fact that a government physically removes people by force from their areas of residence induces a forced migration process because the displaced have no power to decide whether to leave or not. Conversely, when the same government issues some discriminatory laws to encourage a social group to leave a country or a given area, this is called impelled migration because the people that are encouraged to move still retain certain power to leave or remain despite the detrimental legal environment. Free migration on the other hand stems from the will of the migrant being considered as the decisive element, which is less important in the case of

primitive, forced or impelled migration. The last type was termed as mass migration, which can also be understood as a further step towards free migration.

Displaced persons movements have predominantly been considered a political phenomenon and have accordingly been omitted from most migration literature and theory, which tends to focus exclusively on the nature of voluntary migration (Lee, 1966), thus providing little guidance for the analysis of displaced persons' movements (Schmeidl, 1997, p. 285). In most instances, economic factors are assumed to be predominant, in both determining the outflow and in interpreting the experience following migration. It also is often assumed that some regularity exists in detecting the flow of economic migrants but that displaced persons movements are, by contrast, spontaneous and thus unpredictable (Richmond, 1988, p. 9). It is also generally believed that while immigrants constitute an economic form of migration, displaced persons are considered a political form (Hein, 1993, p. 44).

Eichenbaum (1975) theorised migration to be a function of volition and the migration process as incorporating two decisions about location. One decision concerns the move away from the original place of residence and the other concerns the selection of a new place. Eichenbaum (1975) defined four empirical categories, which he labelled migrants, refugees, allocates and slaves. The latter three groups result from forced movements. Refugees and slaves are forced to move; allocates and slaves are forced to settle in a determined place. Eichenbaum found that forced movements are often closely connected with a controlling social organisation that overpowers individuals and directs their movements in one way or another.

Clark (1989) describes the characteristics of the intervening factors which contribute to either accelerating or decelerating displacement movements (See figure 1). Clark identifies five groups of intervening factors:

1. Alternatives (coping strategies) to international flight, (e.g. the possibility of resistance or internal displacement);
2. Obstacles to international flight, (e.g. knowledge of flight route, geographic obstacles, proper transportation, health and food factors, security problems and controlled borders, the controlling borders, denial of entry, and the restrictions on immigration laws). Obstacles, however, are not necessarily actual difficulties encountered, but could merely be perceived as such;

Figure 1: Clark's model

Intervening factors
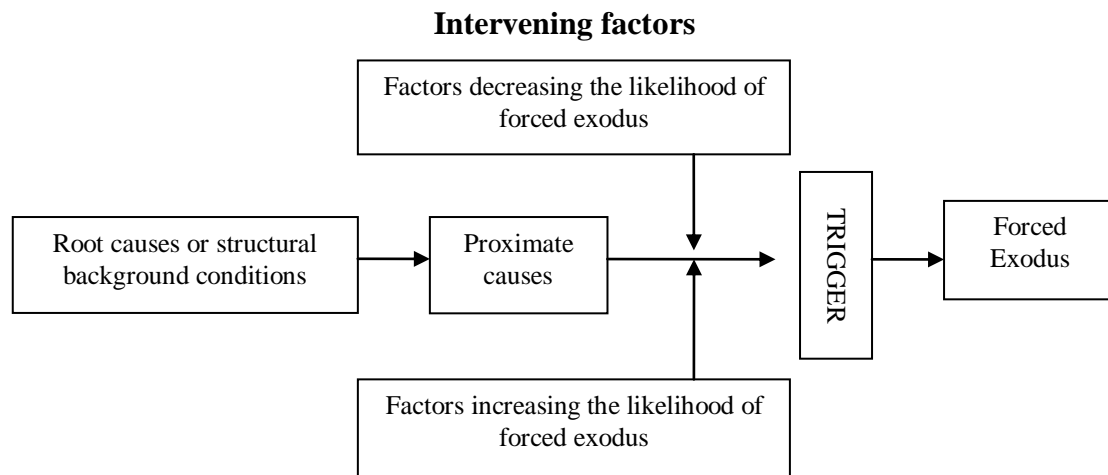
Source: Adapted from Clark (1989)

3. Expected reception in the asylum country (e.g. its economic situation, asylum policies, the existence of cross border ethnic groups). For example, it could be argued that camps providing international assistance are a potential "pull factor" for refugees;

4. Patterns in decision making (e.g. tribal leadership, the "bandwagon effect" the demography of refugees);

5. Seasonal factors (e.g. weather patterns, agricultural cycles). This can be linked to either labour migration or the fact that in conflict situations warring parties tend to fight less during the cold winter months, potentially briefly halting mass migration. (Schmeidl, 2003, p. 139)

Wood (1994) attempts to encapsulate some of the complexity and variety of the interrelated factors that previous theorists have tried to demonstrate in their models in a bid to explain how migrant flow is generated (See figure 2). He correctly recognises several "push" factors that drive forced migration within three overlapping domains:

1. Political instability, war and persecution − the conditions usually blamed for creating refugees and IDPs;

2. Life-threatening economic decline and ecological crisis − the conditions usually attributed to causing international economic migrants; and,

Figure 2: Model of forced migration

FORCED MIGRATION FLOWS:
Subnational Causal Factors
and
International Migration Categories
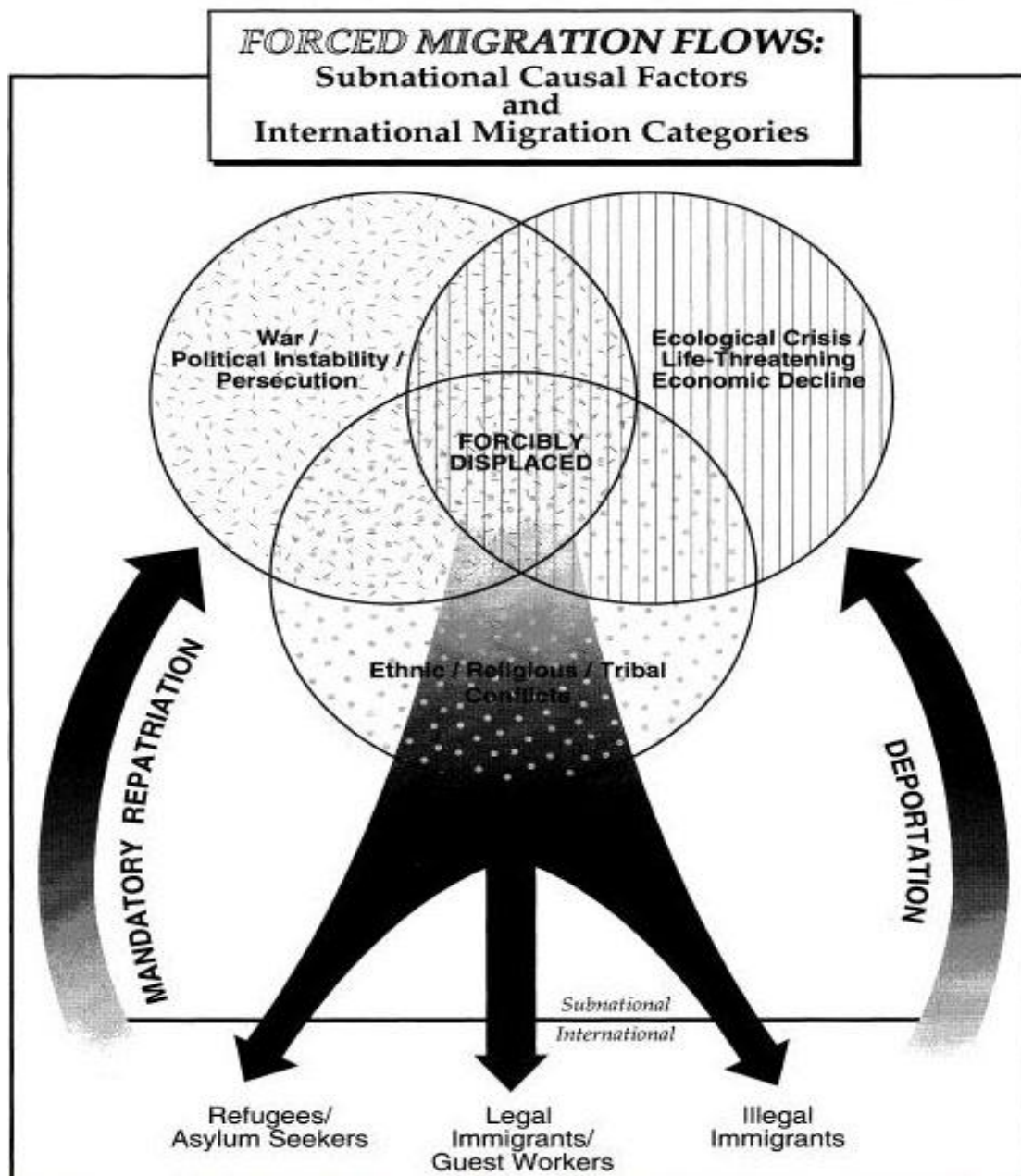
Source: Wood (1994, p. 614)

3. Ethnic, religious, and tribal conflicts − the conditions that create intense territorial and nationalistic emotions, intolerance of "foreigners" and "ethnic cleansing" (Wood, 1994, p. 615).

The overlapping domains emphasise that neat analytical distinctions between "push" factors are obscured during a forced migration, as dilemmas in one are often spilling over into another. Wood (1994) therefore suggests that such distinctions among causal factors are less important than the cumulative effects of two or more causal factors.

It is important to acknowledge, that unlike most models, Wood makes a visible distinction between the "subnational" (IDPs) and "international" (refugees) components of forced migration and treats each differently. Wood claims that IDPs are at a greater risk than refugees, despite sharing similar fears and needs. This is because IDPs are at risk from further oppression and lack the institutional support provided for refugees. He argues that the survival of IDPs often depends on their capacity to cope with "political instability, ethnic discrimination, and economic and ecological degradation," whereas refugees' survival often depends upon the host government and international relief agencies (Wood, 1994, p. 615). Wood (1994) himself acknowledges that his model may convey "too static an image of these adaptations," but believes that it is a starting point provided one realises that forced migration movements are highly dynamic (p. 615).

In her 1997 study, Schmeidl found that political violence is the most important cause of forced displacement (Schmeidl, 1997, pp. 302-303). Schmeidl's (1997) theory distinguishes between three general factors that cause forced displacement: root causes, proximate conditions and intervening factors (p. 286). She argues that there is a clear distinction in the literature between "root causes", which are generally viewed as economically related and "proximate causes", which are generally seen as politically related (Schmeidl, 1997, p. 287). Schmeidl (2003) argues that "root causes" are underlying events which themselves do not lead to forced displacement (p. 136). They are therefore a necessary, but not sufficient cause of displacement and interact with other more proximate factors to create displaced persons.

Proximate conditions are often associated with inter- and intra-state wars or are connected to a government's inability or unwillingness to cope with root causes or unfavourable political, economic, or social conditions. Intra-state wars especially if they are combined with external military intervention are extremely likely to create IDPs and refugees (Schmeidl, 2003, p. 138). Like Clark (1989), Schmeidl (1997, 2003) emphasises the importance of intervening factors, which may either prevent or facilitate the occurrence of a displacement phenomenon.

These theoretical models have attempted to explain the relationship between the various factors that cause displacement. However, as the variations between the models suggest,

Figure 3: Examples of indicators for the early warning of forced migration

Root (Systemic) Causes
Historic
- Past history of conflicts and wars
- Important historical event that influenced country's perception (e.g. partition of India/Pakistan

Political/Institutional
- Level of democratic experience
- Amount of experience in non violent conflict resolution

Economic Equality
- Scarce resources or existing resource competition
- Abundance of natural resources that could be looted or exploited for war
- Level of economic development
- Important regional difference in access to resources

Societal/Socio-Demographic
- Ethnic diversity in country
- Ethnic grievances
- Population distribution in country (which could encourage competition)
- Regional diversity

International
- Historical meddling of neighbouring (or other) states

Geographic
- Geographic location, such as potential trade route as (Afghanistan) important to outsiders
- Arbitrary drawn borders of disputes over territory

Proximate Causes
- Level of democracy
- Legitimacy of government
- Institutional mechanisms able to deal with diversity
- Level of human rights violations
- Strength of social infrastructure
- Level of corruption

Security
- Localized or regional tensions or small struggles
- Presence of warlordism or paramilitary forces
- Independence/profess-sionalism of police force/military
- Presence of small arms
- Societal/Demographic
- Strength of civil society as "counter-weight" to bad governance
- Level of unemployment, especially among youth

Economic
- Strength of economy (e.g. dependency on one export crop)
- Financial dependency on drug or arms trade(war economy)
- Balance between public and military expenditures

International
- Abundance of arms trade into country
- Intervention (political, military) from outsiders
- Border disputes

Decreasing the Likelihood of Exodus
- Efforts by civil society to stop conflict and war weariness of non - state actors
- External conflict resolution or peace building efforts (and support of local efforts)
- Obstacles to flight (difficult territory, security in border areas)
- Alternatives to fight/coping strategies (joining of opposition)
- Cost of flight (not wanting to leave land behind, not being able to afford to leave)
- Expected reception in neighbouring countries (difficult Asylum)

Increasing the likelihood of exodus
- Clear government strategy of ethnic cleaning and forced expulsion
- Scapegoating and isolation from the outside
- Existing migration routes
- Existing migration networks
- Expected reception in neighbouring countries (favourable political environment, existing refugee camp, ability to seek refuge with ethnic kin)
- Past tradition of seasonal or labour migration
- Patterns of decision making ("leaders" decision to leave or stay)

FORCED EXODUS

Source: Schmeidl (2003, p. 137)

a comprehensive theory is difficult to formulate because involuntary migration is based on complex decision-making processes and diverse causal and contextual factors (Wood, 1994, p. 608). Displacement is considered as a type of forced migration. But for this study, further considerations need to be taken into account in order to understand population movements due to conflicts and wars.

Internal Displacement: Conceptualisation

IDPs flee from similar dangers as refugees but are distinguishable from the latter because they have not crossed an international boarder to seek refuge in another country. IDPs therefore remain, for whatever reason, in their own states. That means they don't qualify for refugee status under the 1951 Convention or 1967 Protocol Definitions. Although the UNHCR defines internally displaced persons as "people who are forced to flee… but they either cannot or do not wish to cross an international border," the most widely used working definition is contained in a 1992 report of the Secretary-General of the United Nations, which identifies IDPs as: "persons who have been forced to flee their home suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country" (Cohen & Deng, 1998a, p. 16).

However, in practice, the above definition excludes many cases of internal displacement as it overlooks three important factors: time, the numbers involved and the instigator of flight. IDPs do not necessarily flee "suddenly or unexpectedly", nor do they always flee "in large numbers". Furthermore, IDPs are not always "forced to flee". Sometimes they are expelled from their homes or forcibly moved by their government for political or ethnic reasons (Cohen & Deng, 1998a, p. 17). Therefore, the Representative of the Secretary-General on Internally Displaced Persons and a group of international lawyers have widened the above definition to rectify these discrepancies and define IDPs as:

> Persons or groups of persons who have been forced or obliged to flee or leave their homes or place of habitual residence, in particular, as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized state border. (Cohen & Deng, 1998a, p. 18)

This definition is the broadest one in use at the international and regional levels (UNHCR, 1997, p 5). By contrast, the one employed by UNHCR is limited to persons in "refugee-like" situations who have fled their homes because of "persecution, situations of general violence or massive violations of human rights and do not enjoy the full protection of their own government" (cited in Cohen, 1991, p. 19). Likewise, the Permanent Consultation on Internal Displacement in the Americas (PCDIA) uses a definition that pertains only to persons who, were they to cross a national border, would be refugees (Burr, 1990).

Many non-governmental organisations have warned against limiting the definition to persons who would be refugees on the grounds that it "may not accurately depict the variety of the root causes of displacement, which also include socioeconomic conflicts, drug trafficking, development projects and natural disasters" (Deng & Minear, 1992). The UN definition as modified above recognises that reasons for displacement are often complex and interrelated and that persons uprooted by natural disasters and also by development projects may be persecuted and discriminated against, and thus be of special concern as internally displaced persons. The modified definition tries to strike a balance between too narrow frameworks that risk excluding people and one so broad that it could prove operationally unmanageable (Deng & Cohen, 1998a, p. 18). At first, the term "internally displaced" was not appreciated by many who found it unfeeling, but nobody could come up with a more accurate term to differentiate people uprooted inside their own country (internally displaced) from those who had crossed a border (refugees) (Stoddard, 2004; Weiss, 2006).

Stating the root causes of internal displacement is a complicated task as conditions differ in each instance and context (Deng, 1995; Global IDP Project, 2001). Most of the time IDPs have had to flee their homes because of internal conflicts, communal violence, forced relocation and/or other human rights violations, putting them at risk within the borders of their own countries in a situation where the ability to carry out the responsibility to protect (a task generally associated with state sovereignty) has been compromised or become impossible (Deng, 1995). As Cohen (2004) explains, "They remained inside their own countries under the domestic jurisdiction of their governments, the very governments that may have caused their displacement in the first place and that were often unwilling or unable to provide for their well-being and

security" with "nowhere to run, no place to hide" (p. 36). This highlights the main difference between refugees and IDPs. While refugees cross an international border and flee to another state for security and protection, IDPs find refuge within their own countries. Since IDPs have not crossed international borders like refugees, the 1951 Convention Relating to the Status of Refugees does not apply to them, and the UN High Commissioner for Refugees (UNHCR) does not have an automatic mandate to assist them, with each involvement being decided on a case by case basis (Schmeidl, 1998, p. 25). Furthermore, unlike for refugees, no convention exists which is specifically designated to address IDPs. Occasionally, the UN has designated the UNHCR or its other agencies to organise assistance for IDPs, and on rare occasions, the international community has intervened militarily or politically in civil wars on their behalf (Newman, 2003, p. 6; UNHCR, 1997, pp. 117-118).

Realising this gap in international legislation, on March 5, 1992, the UN Commission on Human Rights called on the Secretary-General to appoint a representative on IDPs who would "seek again views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee laws and standards and their applicability to the protection of and relief assistance to internally displaced persons".[1] The same year, Francis M. Deng became the first Special Representative of the UN Secretary-General on IDPs. By this time, based on the statistics provided by the United States Committee for Refugees (which was the first institution making the growing number of IDPs a public issue), while there were at least 9.5 million IDPs at the end of 1985, this number had risen to 25 million IDPs by the end of 1994.[2]

While most writers consider the end of the Cold War and the changing world order to be the conditions that made the IDP issue one of international concern, Astri Suhrke (2003) argues that the Gulf War was the significant event that pushed the IDP issue back onto

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[1] United Nations Commission on Human Rights resolution 1992/73, "Internally Displaced Persons," 5 March 1992. Here "again" refers to Resolution 1991/25 (5 March 1991) that requested the United Nations Secretary-General to gather the views of governments and of the intergovernmental and non-governmental organisations concerned and to report to the next session, accessed on 29 November 2009 from
http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/8e0c3fc713aaf228802566f6005ba394?Opendocument
[2] See the official website of the United States Committee for Refugees and Immigrants:
http://www.refugees.org

the UN agenda.[3] Security Council Resolution 688 authorised humanitarian assistance to all those in need in Northern Iraq, specifically referring to the urgent critical needs of both the refugees and displaced Iraqi population (Suhrke, 2003). This was a major infringement of Iraq's sovereignty as IDPs in Northern Iraq were internationally supported without regard to the government of Iraq. This was the first sign of the "responsibility to protect"[4] from the international arena. Thus, Suhrke (2003) argues that the commencement of an IDP regime was possible with the implicit permission of the US. Thus, it can be argued that there was a political agenda (the forces of *realpolitik*; the interests and power concerns) behind the new IDP regime (Adelman, 2003).

In the following years, through the appointment and activities of Francis M. Deng, who had teamed up with Roberta Cohen in 1994, there was considerable focus on the plight of IDPs and the drafting of a legislative framework, *The Guiding Principles on Internal Displacement*.[5] This is a broadly recognised framework of normative standards and institutional arrangements that is intended to alleviate the international legal vacuum existing in occurrences of internal displacement. Some critics consider the increasing concern with IDPs to be part of a larger project to contain forced migration in order to decrease the number of people seeking asylum (Van Hear, 2000; Phuong, 2004). As a result, they argue that the novel interest in IDPs is not about helping them, but about taking protection away from refugees and making asylum-seeking harder. This was the result of a post-Cold War politics in which refugees were viewed more as a threat than as political pawns of different blocs that were trying to prove the failures of the other side in regards to its treatment of its own citizens. Considered an innovation of international standard setting, *The UN Guiding Principles 1998* consist of thirty principles related to protection from displacement, protection during displacement, and return, resettlement, and reintegration (Cohen, 2004).

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[3] Some writers, e.g. Weiss and Korn (2006) go further back to the 1989 Operation Lifeline Sudan, while Feller (2006) goes all the way back to the 1972 Sudan crisis when UNHCR first got involved with IDPs.

[4] *The Responsibility to Protect* is the report of the International Commission on Intervention and State Sovereignty, which is a major contribution to the literature on humanitarian intervention. The report argues that states have a responsibility to protect their citizens, and when they are not capable of doing so, international actors must take over this responsibility (ICISS, 2001). The report was widely criticised by the developing countries for paving the way for "too much humanitarian intervention," and it was feared that the concept of the responsibility to protect would become a Trojan Horse that would be used by the great powers to intervene. For further discussion about the criticisms of the report, see Weiss (2004).

[5] This is also called the "Deng Principles" (Muggah, 2003).

Deng (2003) explains their decision to develop Guiding Principles rather than a binding treaty as follows:

> We decided to develop Guiding Principles rather than a treaty which would have taken 20 years to get approved. By restating what actually exists, but in the form of soft law, we have been able to get the Guiding Principles on Internal Displacement more easily accepted. (p. 6)

However, the effectiveness of this form of soft law is open to debate. On the one hand, regional organisations like the Organisation of African Unity (now the African Union), the Economic Community of West African States (ECOWAS), the Inter - governmental Authority on Development (IGAD), the Organisation for Security and Cooperation in Europe (OSCE), and the Parliamentary Assembly of the Council of Europe, have supported the Guiding Principles as a useful tool for addressing internal displacement (Kälin, 2006). Conversely, the utilisation of the Guiding Principles at the state level has been multifaceted. While some governments have chosen to employ the Guiding Principles as the basis for their legislation and policy (See Table 2), others have found them difficult to apply or are less knowledgeable about them (Global IDP Project, 2001; Cepeda-Espinosa, 2006; Jayatilaka, 2003; Kälin, 2006).

Some countries, like Egypt and India, have overtly stated that the Guiding Principles do not enjoy government approval and are not binding (Phuong, 2004, p. 71). In many cases sovereignty and the related principles of territorial integrity and non-interference in the internal affairs of a state generate a serious challenge to the resolution of the issue of internal displacement (Cohen & Deng, 1998a, 1998b). Although most states welcome the Guiding Principles, many are not willing to admit their *de facto* legal character (Kälin, 2006). Hence, the system is far from perfect, and the problem of governing IDPs has become the site for the clash between national sovereignties and the responsibility to protect.

Adding to the problems of the effectiveness of the Guiding Principles, there is also no international institution that specifically deals with the IDP situation.

The problem of allocating responsibility for IDP protection and assistance is a delicate interagency question usually solved by ad hoc restructuring within the UN system (Ogata, 2005). In order to address the issue in crisis situations so far, two alternative

methods have been utilised: the lead agency method that was practised in the former

Yugoslavia and Tajikistan where UNHCR acted as the lead agency and was mostly

Table 2: Affirmative country actions in relation to the Guiding Principles on internal displacement

Country	Action	Year
Africa		
Angola	Norms on the Resettlement of Internally Displaced Populations	2001
Burundi	Protocol for the Creation of a Permanent Framework for Consultation on the Protection of Displaced Persons	2001
Liberia	Declaration of the Rights and Protection of Liberian Internally Displaced Persons	2002
Sierra Leone	Resettlement Strategy	October 2001
Uganda	National Policy for Internally Displaced Persons	August 2004
Asia		
Nepal	National Policy on Internally Displaced Persons	2007
Sri Lanka	National Framework for Relief, Rehabilitation and Reconciliation	June 2002
Tajikistan	The Law of the Republic of Tajikistan on Forced Migrants	June 1994
Americas		
Colombia	Law 387 on internal displacement	1997
Guatemala	Agreement on Resettlement of the Population Groups Uprooted by the Armed Groups	1994
Peru	Law Concerning the Internally Displaced (Law No. 28223)	April 2004
United States	USAID Assistance to Internally Displaced Persons Policy and Implementation Guidelines	October 2004
Europe		
Armenia	The Law of the Republic of Armenia on Population Protection in Emergency situation	1998
Azerbaijan	Decree of the President of the Azerbaijan Republic regarding the approval of the 'State Program for the Improvement of living standards and generation of employment for refugees and IDPs'	July 2004
Bosnia and Herzegovina	Law on Refugees from Bosnia and Herzegovina and Displaced Persons in Bosnia and Herzegovina	1999, amended 2003
Georgia	Law of Georgia on Internally Displaced Persons	amended 2006
Serbia	National Strategy for Resolving the Problems of Refugees and Internally Displaced persons	2002
Russia	Federal Law on Forced Migrants	1993, amended 1995 and 2003
Turkey	Law No. 5233 The Law on the Compensation of Damages that Occurred due to Terror and the Fight Against Terrorism	July 2004
Middle East		
Iraq	Statute of the Commission for the Resolution of Real property Disputes Order No. (2) of the year 2006	2006

Source: Adapted from Brookings Born Project on Internal Displacement accessed on 28 November 2009 from http://www.brookings.edu/projects/idp/Laws-and-Policies/idp_policies_index.aspx

successful, and the highly criticised coordinated agency operation method practiced in Rwanda, Burundi, and Liberia, where lack of clear lines of responsibility between agencies caused problems (Cohen & Deng, 1998b) (See table 3).

Table 3: Internal displacement − key events and documents

Year	Event	Relevance
1972	Crisis in Sudan.	UNHCR's involvement in IDP operations begins with its engagement in Sudan. First international recognition of the IDP problem
1982	The United States Committee for Refugees published its annual Worldwide refugee survey estimating 1.2 million displaced persons within their own countries.	This was the first prominent institution that publicised the growing number of IDPs.
1988	UN Sponsored Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa.	First official meeting that underlined the gap within the UN system regarding the situation of IDPs.
1989	Operation Lifeline Sudan.	Sudanese IDPs were internationally assisted despite the dislike of the Sudanese government.
1990	The Gulf War: Security Council Resolution 688 authorised humanitarian assistance to *all* those in need in Northern Iraq.	Major infringements of Iraq's sovereignty as the IDPs in Northern Iraq were internationally supported without regard to the government of Iraq.
1990	Introducing Refugee Issues into United Nations Human Rights Agenda.	Published by the Refugee Policy Group (RPG), Roberta Cohen's work brought the internal displacement problem on to the UN agenda.
1991	Report on Refugees, Displaced Persons and Returnees prepared by Mr. Jacques Cuenod (UN document E/109/Add.1).	The Cuenod Report underlined the lack of international protection mechanisms for the IDPs.
1991	UN General Assembly Resolution 46/182.	Establishment of United Nations Office for the Coordination of Humanitarian Affairs, OCHA.
1991	Commission on Human Rights Resolution 1991/25 "Internally Displaced Persons".	Requested the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in the system-wide review and to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, based on information submitted by Governments, the specialised agencies, relevant United Nations organs, regional and inter-governmental organisations, the International Committee of the Red Cross (ICRC) and other non-government organisations.
1992	Commission on Human Rights Resolution 1992/73 "Internally Displaced Persons".	Requested the Secretary-General to appoint a representative to undertake a comprehensive study on the issue of IDPs. Subsequently, Francis M. Deng was appointed as the first Special Representative of the UN Secretary-General on IDPs. The mandate was extended in the following years in 1998 and 2001.

1997	UN assigned overall responsibility for coordinating the protection and assistance of IDPs to the Emergency Relief Coordinator (ERC), the senior UN humanitarian official.	Under the leadership of the ERC, the UN's Inter-Agency Standing Committee (IASC: an inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners) increased its focus on internal displacement.
1998	The Guiding Principles on Internal Displacement.	The soft law on protection and assistance of IDPs.
1998	UN General Assembly Resolution 53/125.	Set out the principal criteria governing UNHCR's involvement with IDPs.
1998	The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities Resolution 1998/2.	Entitled *Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons*, it recognised the right of refugees and IDPs to return freely to their homes. The resolution has been affirmed in subsequent years.
1998	The Global IDP Project.	Later renamed as the Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council at the request of the United Nations. The Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.
2002	Internal Displacement Unit (IDU).	Established under OCHA, the main role of the Unit is to assist the ERC to promote better inter-agency coordination (collaborative approach) in relation to the internal displacement problem.
2004	The Inter-Agency Internal Displacement Division (IDD)	Increasing IDU's bureaucratic importance within the UN hierarchy, the IDD was set up to assist in developing more systematic responses to field operations.
2004	Francis M. Deng was replaced by Walter Kälin as the Special Representative of the UN Secretary-General on the Human Rights of IDPs.	The title of the post was extended to include "Human Rights" to underline the connection of the mandate with the human rights agenda of the UN.
2005	The cluster approach.	As a move away from the collaborative approach where lines of division of labour between agencies could be problematic, various UN agencies worked together to identify key problem sectors in relation to IDP protection and assistance that needed specific agency accountability. Subsequently, they classified nine clusters of particular concern followed by the emergence of a cluster approach that designated a lead agency for each cluster that had been identified.
2005	World Summit Outcome Document.	Shows that while the Guiding Principles are welcomed by all governments, many are not ready to admit their legal character.

Sources: Adapted from The Brookings-Bern Project on Internal Displacement at http://www.brook.edu; The Internal Displacement Monitoring Centre at http://www.internal-displacement.org; Helton, (2002); OCHA Inter-Agency Internal Displacement Division at http://www.reliefweb.int/idp; UNHCR at http://www.unhcr.org; UN Documentation Centre at http://www.un.org/documents; Weiss and Korn, (2006).

To fill the vacuum of not having an institution responsible for IDPs, since 2004, the Office of the Coordination for Humanitarian Affairs, OCHA has been housing the Inter-Agency Internal Displacement Division (IDD) consisting of international staff supported by the UNDP, UNHCR, WFP, UNICEF, UNOCHA, UNOHCHR, IOM, the NGO community and the Representative of the Secretary-General (RSG) on IDPs. In addition, the United Nations High Commission for Refugees, UNHCR, also deals with the issue of internal displacement. However, although UNHCR has substantial know-how in the international protection of refugees, this cannot be automatically transferred to the internally displaced. Excessive donor "dependency," excessive impartiality, and excessive flexibility are just a few of the problems that the UNHCR face in relation to the issue of internal displacement (Goodwin-Gill, 2000).

In 1996, the number of IDPs "of concern" to the UNHCR was only 4.85 million, less than one quarter of the actual number, and only 1.53 million of this quarter were assisted by the UNHCR (Bennett, 1998). A report published by the UNHCR Evaluation and Policy Analysis Unit describes UNHCR's use of the existing criteria in operational decision-making as "uncertain, inconsistent, and unpredictable" (UNHCR, 1994, p. 45). Another report depicts "a high degree of polarisation amongst the UNHCR staffs that are proactive and forceful about engaging in IDP situations and those who view the issue as beyond the mandate" (Mattar & White, 2005, p. 3). Even in cases where the UNHCR was actively involved in a policy towards IDPs, such as Bosnia and Herzegovina where the UNHCR as the lead agency was spending about $500 million in the region annually, the international civilian administration needed to make further institutional arrangements to tackle the issue − like the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) that was responsible for confirming real property rights for displaced persons and refugees (Weiss & Pasic, 1998).

Realising the problems within the UN system, a new approach has been developed to tackle the internal displacement problem in recent years. UN agencies have been responding to this issue through a collaborative approach. The Collaborative Response was initially outlined by the IASC in its Policy on the Protection of Internally Displaced Persons in December 1999. It was subsequently modified by then as the preferred means of responding to situations of internal displacement in the Supplementary Guidance to Internally Displaced Persons in April 2000 and the Guidance Note on the

Collaborative Approach in March 2003. In the absence of any one organisation with a specific mandate to protect and assist IDPs, the Collaborative Response is working as a team using available national and international resources within a specific country context. According to Davies and Murray (2005, p. 17), this requires:

- leadership and the presence of actors with the requisite expertise, capacity and resources to respond to the different needs of the displaced;

- consultation with the UN Country Team and international and local NGOs, to decide on the division of labour, addressing gaps and avoiding overlap in apportioning roles and implementing activities;

- participation and consultation with the IDPs themselves in the return planning process;

- Strategic Action Planning by relevant local and international stakeholders − to address key IDP issues (maintenance, return, assistance, protection).

Several studies have identified shortcomings in the implementation of the Collaborative Response.

> In 29 countries there was no UN strategy to address IDP issues while in others a co-ordinated response mechanism existed only on paper. In 14 countries the UN had no involvement in providing targeted assistance to IDPs (The Global IDP Project, 2005, as cited in Eschenbacher, 2005a, p. 15).

The inter-agency IDP policy and the Collaborative Response clearly assign responsibility for developing and implementing a comprehensive response to the UN's in-country Humanitarian Coordinators or Resident Coordinators. However, Eschenbacher (2005a) argued that many Resident/Humanitarian Coordinators have not fully assumed this responsibility, or are not even aware of the obligation to do so (p. 15). Several donors have not backed up their declared commitment to the Collaborative Response. The evaluation study conducted by Burton et al. (2005) documented that donor funding practices may even undermine coordination efforts (p. 13).

The UN's slow response to the situation in Darfur partly because of initial indecision as to which UN agency was responsible for meeting the protection and shelter needs of internally displaced persons, questioned this approach. In 2005, various UN agencies worked together to identify key problematic sectors in relation to IDP protection and

assistance that needed specific agency accountability, and classified nine clusters of particular concern (McNamara, 2006). This was followed by the emergence of a cluster approach that designated a lead agency for each cluster that had been identified. According to the cluster lead approach:

> UNHCR remains the global lead for the Protection Cluster, at the country level, under the overall leadership of the HC/RC, the three core protection-mandated agencies (UNHCR, UNICEF and OHCHR) would consult closely and agree which of the three would assume the role of Cluster Lead for protection either on the basis of existing arrangements or after conducting a common assessment to determine the required operational capacity. (IASC, 2006, p. 3)

The UNDP became accountable for early recovery. Although it is not as far-reaching a reform as creating a new UN agency solely responsible for assisting and protecting IDPs, the cluster approach is useful in outlining the division of labour among different UN agencies in cases of emergency and showing the commitment of the humanitarian community to advance the reliability and efficiency of their response to the needs of IDPs (Feller, 2006).

In any case, the activities of Deng and Cohen did succeed in arousing international awareness and recognition of the problem of internal displacement as well as reframing the concept of state sovereignty into the responsibility to protect (Weiss, 2002, 2006). However, two problems still remain in dealing with the crisis of internal displacement. The first is the result of the clash of *realpolitik* with the idea of the responsibility to protect. States are still not ready to acknowledge the legality of the Guiding Principles and/or to accept a binding treaty on internal displacement that would be comprehensive enough to deal with all the needs of IDPs. The second is the institutional problem of not having a specific organisation to deal with the crisis. The fact that there have been attempts to solve the problem through reorganisation and *ad hoc* solutions within the UN system has not resolved the issue of accountability among different UN agencies, but has actually worsened it in several instances. The last reason is directly linked to the nature of the Guiding Principles themselves. Although the development of the Guiding Principles followed a "needs based approach" that acknowledged the necessities of IDPs and then studied the degree to which the law sufficiently dealt with those needs, they did not provide enough legal instruments to ease the plight of IDPs in certain important areas (Cohen, 2004). Areas that lacked necessary legal instruments were the right to property, recourse (or remedy), and recovery/repatriation (Bailliet, 2003).

Assessing these rights shows the lack of a necessary framework to assist IDPs in reclaiming their houses, lands, and other immovable property upon return at the end of a war, as well as a lack of clarity regarding what a right to property and to restitution means (Bailliet, 2003; Bagshaw, 2003).

A Global Perspective

Uprooted from their homes and trapped within the borders (by conflict) of their own states, the world's twenty-six million "internally displaced persons'' (IDPs) are a defining feature of the post-Cold War era from fifty-two Countries (IDMC, 2009, p. 8). Despite having half the numbers of IDPs, within the field of forced migration, most attention is given to the refugees study.

Table 4: Number of forced migrants as of end of 2007 trends

Category of forced displacement	Total (in millions)
Refugee under UNHCR mandate	11.4
Refugee under UNRWA mandate	4.6
Total number of refugees	**16.0**
Conflict generated IDPs	26.0
Natural disaster IDPs	25.0
Total number of IDPs	**51.0**
Total number of refugees and IDPs	**67.0**

Source: UNHCR (2008, p. 2)

The number of IDPs is estimated at fifty-one million(See table 4) worldwide; some twenty-six million were displaced as a result of armed conflict and another twenty-five million were displaced by natural disasters whereas the number of refugees is sixteen million (UNHCR, 2008, p. 2). Their plight, which now amounts to a global crisis, poses a challenge to established systems of humanitarian relief and protection, as well as to international law's longstanding principle of national sovereignty.

Most of the forced displacement in the last decade was caused by internal armed conflicts rather than international or internationalised conflicts (IDMC, 2009, p. 9). Internal conflict remained by far the most significant cause of conflict-induced displacement. Of the conflicts that led to the displacement of the thousands of IDPs

counted in 2005, only very few are "classic" inter-state conflicts (Ethiopia-Eritrea, India-Pakistan, Israel-Syria) (IDMC, 2006b, p. 14).

Table 5: Facts and figures

Facts	Figures
Number of people internally displaced by conflict or violence as of December 2008	26 million
IDPs generating countries	52
Most affected continent Regions with largest relative change in number	Africa (11.6 million IDPs in 19 Countries) South and East Asia (with 13 Percent of IDPs in 2008 increased from the end of 2007)
Number of countries with new or ongoing conflicts or violence which generated internal displacement in 2008	24
Number of countries with significant proportion of IDPs living in protracted displacement	At least 35
Countries with at least 200,000 people newly displaced during 2008 (in order of scale)	Philippines, Sudan, Kenya, Democratic Republic of the Congo (DRC), Iraq, India, Pakistan, Somalia, Columbia and Sri Lanka
Countries with at least 80,000 people returning during 2008 (in order of scale)	DRC, Uganda, Sudan, Kenya, Philippines, Iraq, Sri Lanka, Georgia, Yemen, Cote d'Ivoire, Central African Republic (CAR) and Timor-Leste
Number of countries in which internally displaced children were recruited into armed forces or groups	At least 13
Number of countries in which internally displaced women and children were exposed to rape, sexual exploitation and gender based violation	At least 18
Number of countries in which IDPs were still exposed to violence in the area of refuge, although they fled to escape violence	At least 26
Number of governments denying the forced displacement of ethnic minorities	At least 26
Countries denying situations of internal displacement caused by conflict, generalised violence or human rights violations	Ethiopia, Indonesia (in Papua), Israel (including OPT), Myanmar, Sudan (Darfur), Turkmenistan, Uzbekistan, Zimbabwe
Number of the countries where the absence of a political settlement or peace agreement was a main obstacle to a durable solution	21
Number of countries with conflict induced IDPs with a UN Humanitarian Coordinator (HC) at the end of 2008	24 (out of 27 complex emergencies)

Source: IDMC (2009, p. 8)

A number of other conflicts causing displacement have been marked by a combination of internal fighting and direct foreign military interventions, such as the conflicts in Afghanistan, Cyprus and the Democratic Republic of Congo (DRC). Most often, however, displacement situations are linked to civil wars typically pitching one or more rebel groups, often with secessionist or revolutionary agendas, against the central government or militias backed by the authorities. This scenario characterises some of the worst displacement situations, including Sudan, Colombia, Uganda, Nepal and Burma (Myanmar) (IDMC, 2008a). In other countries, including Serbia, Montenegro (Kosovo) and Nigeria, outbreaks of inter-communal violence were a major cause of displacement in 2004. In a few countries, including Turkmenistan, Uzbekistan, Burma (Myanmar) and Rwanda, the government has forcibly displaced and resettled individuals or groups of people in attempts to increase control over them or punish dissent.

According to the IDMC report published in 2009, some 4.6 million people were forced to flee their homes as a result of new outbreaks of conflict and violence in 24 of the 52 countries (2009, p. 9). Of these, ten countries (See table 5) had large-scale new displacements of 200,000 people or more. The same report suggests three countries had a slightly larger internally displaced population than others: Sudan, Colombia and Iraq together accounted for 45 percent of the world's IDPs (IDMC, 2009, p. 9).

Five countries had larger IDP populations than any of the others (See table 6), of which the top four remained the same as at the end of 2007. The number of IDPs in Somalia rose 1.3 million following a year of sustained conflict, while the numbers in Uganda fell below the one million mark as return movements continued (IDMC, 2009, p. 13).

Table 6: Countries with most IDPs

Country	IDPs as the end of 2008
Sudan	4,900,000
Colombia	2,650,000 - 4,360,000
Iraq	2,840,000
DRC	1,400,000
Somalia	1,300,000

Source: IDMC (2009, p. 13)

Figure 4: Internally Displaced Persons (IDPs) worldwide 2008
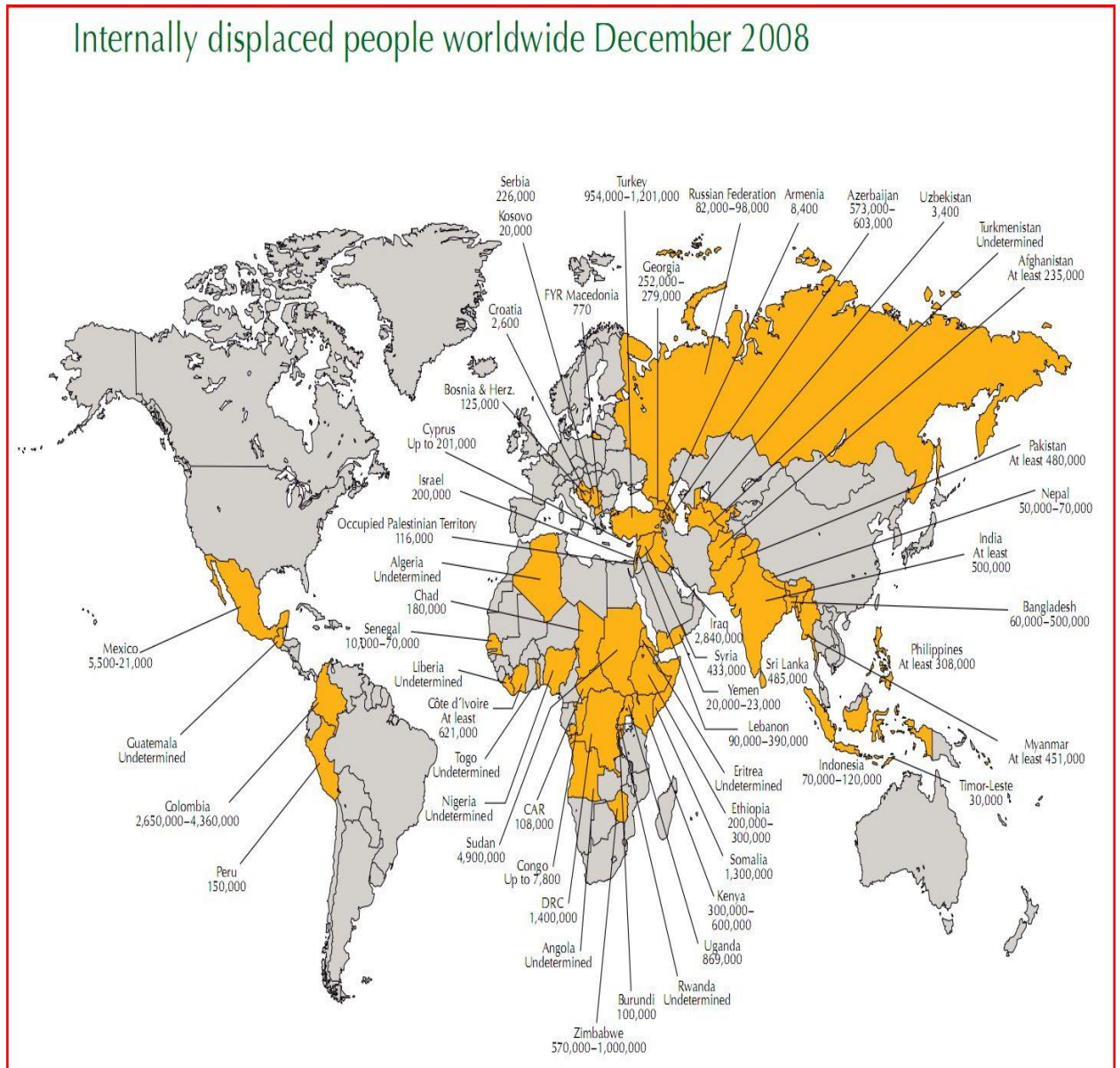
Source: IDMC (2009, p. 2)

Africa is the region worst affected with more than 11.6 million IDPs represented from 19 countries (IDMC, 2009, p. 14). Three out of the world's largest internal displacement situations are found in this region and Africa still hosts 45 percent of the world's IDPs (See figure 4). Rebel activities and inter-communal violence were key factors in the displacement of civilians; although in several countries government armies or proxy forces also forced people to flee. In Latin America, the bloody conflict in Colombia with its complex displacement patterns still accounted for nearly all new displacements. Colombia remains the world's second largest centre of displacement after Sudan. In the region, nearly 2,650,000-4,360,000 of the estimated 4.5 million internally displaced

people are from Colombia (IDMC, 2009, p. 14). It is also the country in Latin America where more than 200,000 Colombians were compelled to leave their homes as the result of internal armed conflict. The region also continued to struggle to find durable solutions for people uprooted in conflicts that had long ended. In Peru and Guatemala, the return and reintegration of the displaced was agreed to in the mid-1990s, but these agreements have never been fully implemented and IDPs were still waiting for effective reparations (IDMC, 2008a, p. 37; IDMC, 2009, p. 92).

In Europe, where internal displacement situations exist in the Balkans, the Caucasus, Turkey and Cyprus, the number of IDPs have been slowly falling over the past several years, however the number of internally displaced people remained at 2.5 million (IDMC, 2009, p. 15), most of them living in Eastern Europe and the Balkans. According to the IDMC (2009) Report, new conflict broke out in Georgia in August 2008, which caused the displacement of 128,000 people of whom around one in four were still displaced by the end of the year.

At the end of 2008, the Middle East was home to an estimated IDP population of 3.9 million, including 2,840,000 in Iraq, 433,000 in Syria, up to 390,000 in Lebanon, 116,000 in OPT, 20,000-23,000 in Yemen, and 200,000 in Israel (IDMC, 2009, p. 82). The largest group of IDPs in this region lives in Iraq. Conflict and instability continue to generate internal displacement in Iraq.

The Internal Displacement Monitoring Centre (IDMC) estimates that, at the end of 2008, 3.5 million people were displaced within the Asian region due to conflicts (IDMC, 2009, p. 15). More than two thirds of Asia's 3.5 million IDPs are in south Asia. New displacement was particularly significant in the Philippines where 600,000 people fled an upsurge in fighting between the government and the Moro Islamic Liberation Front (MILE), and Pakistan where over 310,000 people were forced from the homes due to fighting between government and armed groups. In Sri Lanka, an estimated 230,000 people were displaced as the armed conflict between government and Liberations Tigers of Tamil Eelam (LTTE) escalated. The majority of the 530,000 or so people who were reportedly returned in South and East Asia did so after a relatively short period of displacement (IDMC, 2009, p. 15). New or recent peace processes in the region yielded positive results and allowed for the return of tens of thousands of people.

In Nepal, a peace agreement between the Maoists and the new government encouraged thousands of people to return to their homes, while in Aceh displaced people continued to return to their villages in the wake of August 2005 peace deal, encouraged by improved security conditions and positive political developments. This thesis concentrates predominantly on internal displacement and IDPs in Nepal.

After the peace agreement between the government of Nepal and Maoists was signed in 2006, a new conflict broke out in 2007 with fighting between opposing ethnic groups causing displacement of people in the south-eastern part of the country. Conflict erupted in the Terai region, between the *Pahadis* (People from the hills) and the *Madhesis* (people who lived in the low land, Terai)*,* who were frustrated by decades of political and social marginalisation. From January 2007, *Madhesis'* protests rapidly spread to several towns and culminated in September when riots and inter-communal violence left 14 people dead, hundreds of houses destroyed and an estimated 6000 people, mostly *Pahadis*, were forced to leave their homes and flee (IDMC 2008a, p. 66). After the election of the constitutional assembly in 2008, the Maoists formed a government; IDPs hoped to return and re-establish their lives but the situation remains unstable even today.

Persons displaced as the consequence of an armed conflict, are not always able to return to their home even though the conflict has ceased and peace agreements have been signed. They may remain displaced simply because return is not possible for reasons such as, the dangers of an unstable security situation, complete destruction of housing, loss of basic services, degraded infrastructure, disruption of sustainable livelihoods and various problems associated with reclaiming lost property including land.

Aims, Research Questions and Organisation of the Study

The aim of this study is to: (a) gain a greater understanding about the application of UN guiding principles, (b) explore why persons flee their homes and factors that are affecting IDPs' decisions to return, and (c) explore the discrepancy between the National IDP policy and what is actually implemented in Nepal. This is achieved by employing an ethnographic approach in exploring displaced people's decision-making processes. In today's complex and dynamic return environments there is a need to bridge the gap between the "lived-in" experiences of those displaced by war, as the principal actors, and the socially distant policy makers and staff involved in the

provision of humanitarian aid. A better understanding of displaced people's return intentions, and the beliefs, values and motivations underpinning them is considered fundamental to develop effective strategies that result in appropriate protection, humanitarian assistance and reintegration support for people displaced by armed conflict. The main research concern of this study is to address the following question: "by what means and strategies can the IDPs in Nepal be returned and re-integrated into their place of origin or host communities".

The primary purpose of this study is expressed by the following research questions:

1. How do Government policies, Maoists and non-government organisations define IDPs in Nepal?

2. Why would the people choose to leave their place of origin abandoning their home, livelihood, and social ties in favour of an uncertain future elsewhere?

3. What are the gaps in programs and responses of government, as well as non-government organisations in addressing IDPs in Nepal?

4. Why do some IDPs return to their place of origin and others do not?

5. What is the relation between property restitution, return and re-integration?

My research arose from my own interest in and involvement with the IDPs in Nepal, and my experiences as a humanitarian practitioner, working in Nepal. I initially conceived this research as seeking answers to the above five questions. Of course, as the work proceeded, these questions took me in many different directions, leading to new questions, and to the discovery of issues which could not have been anticipated at the outset. Nevertheless, these questions have remained a key organising framework for the research.

Structure of the Study

The thesis consists of eight chapters including an introduction, the general methodology, the background chapter, four papers constituted into related chapters and general conclusions. Each "paper chapter" (Chapters 4–7), presented in Journal Article format, is comprised of an abstract, introduction, methods, analysis and discussion.

The role of this first chapter is to provide key background information plus to set out the research questions and theoretical framework, as I have done above, and then to present a very brief indication of what follows in subsequent chapters.

Chapter Two explains the research process itself. I explain the methodological framework used to explore the experiences of IDPs. I also describe the various methods adopted to gather and analyse the data through my fieldwork in Nepal and my examination of source documents and theoretical texts here in Australia.

Chapter Three is a report on the development of the armed conflict and displacement in Nepal. It is vital to have an insight into the history and political context in order to understand how the displacement occurred and who should be considered to be responsible for their displacement. The cause of displacement is extremely complex and hence this chapter also explores narratives provided by IDPs on the cause of displacement, showing who the victims of forced displacement generally are from their own stories. This chapter closes with the perceptions of IDPs towards host communities and *vice-versa.*

Chapter Four provides a brief overview of the Nepalese IDPs' situation. The number of IDPs is highly disputed, and the different numbers have been estimated by either inflating or reducing the numbers due to a disagreement among the civil society representatives, government and non-government organisations about the identity and estimated numbers of IDPs in Nepal. This chapter also examines the accuracy and reliability of empirical data presented by different agencies and the government's efforts to address the situation faced by IDPs. This work has been published in the *Pakistan Journal of International Relations* (PJIR) in July 2009.

Chapter Five explores why the national protection that is being provided by the IDPs' own government − based on their general obligations defined by international humanitarian rights law and international humanitarian law − is absent or ineffective. This chapter examines national policy initiatives and implementation gaps in the process of addressing the issues of IDPs and reveals that there is a significant gap as to what the national policy says and what is actually implemented on the ground. This chapter then concludes that introducing a national policy alone is not enough to ensure

the protection of IDPs and in ending displacement; it is necessary to implement the policy and monitor whether this policy's provisions are producing positive results. This paper has been presented at an international conference about Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World, at the Oxford University and is under review by the *Journal of Refugee Studies.*

Chapter Six summarises the context in which return is taking place, reviews return processes and current assistance to returnees. This chapter also explores how IDPs decide whether or not to return to their place of origin. It further reports on return deterring factors and the challenges faced by IDPs on their return. This paper initially has been presented in an international conference on Peace and Reconciliation: Embracing the Displaced at the University of California, Los Angeles and now has been accepted as a book chapter in Kim Sebastian, Pauline Kollontai, and Greg Hoyland (Eds.) *Embracing the Displaced: Shaping Theories and Practices for a Sustainable Peace*, Routledge Publisher, UK.

Chapter Seven provides the nexus between return and property restitution rights of IDPs. Property restitution issues are central to understanding the dynamics of conflict and post-conflict settings. The issues affect both the IDPs choice to return and prospect of recovery after return. This chapter further argues that granting property rights to IDPs is important, not only for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere, i.e. to resettle and reintegrate. This paper will be submitted shortly to the *Asian Survey Journal*.

Chapter eight presents a general conclusion that describes and synthesises the key findings from each chapter, discusses the limitations of the work and highlights future research requirements arising from this study.

Each chapter is presented in a consistent format however, chapters four, five, six and seven stand alone as separate articles as they have already been published or are in the process of being published. As a consequence of this, they include some repetition of the methodology and the background of the Nepalese situation. Also, conclusions and suggestions for future research are sometimes repeated.

CHAPTER TWO

METHODOLOGY

METHODOLOGY

> Qualitative and quantitative social science research involving refugees and Internally Displaced Persons (IDPs) is often undertaken in politically complex, difficult and sometimes dangerous settings and with participants who may be traumatised and vulnerable. (Mackenzie, McDowell & Pittway, 2007, p. 299)

The Research Process

This chapter describes the methodological framework used to explore the experiences of Internally Displaced Persons (IDPs) in Nepal. The chapter commences with a discussion of the appropriateness of qualitative research methods. Following this, the research procedure is outlined, including a description of sampling procedure, the setting and data collection methods. Ethical considerations are then discussed, and the method of data analysis and interpretation are outlined at the end of the chapter.

Internal Displacement and Qualitative Research

The methodological approach chosen ultimately determines the appropriate methods and techniques for collecting and analysing data. This process should link directly to both the research purpose and its intended outcomes (Brown, 2004, p. 99). This study takes a qualitative approach to allow in-depth understanding of stakeholders' (or actors') experiences, which are difficult to convey quantitatively. Shanmugaratnam, Lund, and Stølen (2003) recommend qualitative approaches for research in situations of displacement "to enable the researcher to focus on human experiences in different spatial and cultural settings and to achieve 'insider knowledge' through observation of and interaction with the actors themselves" (p. 13).

Qualitative research allows for greater understanding of a complex phenomenon in ways that numbers could not adequately explain (Kerlin, 1999). Qualitative data, typically measured in words rather than numbers, has always been prominent in the fields of anthropology, history and political science (Miles & Huberman, 1994). However, this type of research has proliferated rapidly in the past decade and is now prominent in a broad range of both basic and applied fields. As a source of well-

grounded data with rich description, qualitative data allows for the detailed explanation of processes, as well as allowing the researcher to witness events and their consequences in a manner that allows copious explanation (Miles & Huberman, 1994). Thus, utilising a qualitative analytical approach when studying the return, reintegration and property restitution of IDPs was a logical choice, as this allowed for the elucidation of information regarding events as they played out in a natural setting and through the shared experiences of those who lived them (Miles & Huberman, 1994).

Qualitative methods are adapted from Sociology and Anthropology to explore social issues and phenomena that have been previously studied, and to further investigate existing knowledge (Agar, 1977, 1980; Bernard, 1988; Denzin, 1970, 1989; Glaser & Strauss, 1967; Naroll & Cohen, 1973; Pelto & Pelto, 1973, 1978; Strauss & Corbin, 1990; Vidich & Stanford, 1994; Werner & Schoepfle, 1987). In the specific context of internal displacement in Nepal, little is known about the lived experiences of IDPs. Even though much is known about internal displacement in other countries, as the literature in chapter one suggests; given the need to explore these same issues in Nepal, an ethnographic qualitative methodology was employed to break new ground in our understanding of this phenomenon in situ.

There are a number of basic assumptions associated with the use of a qualitative study. Some of the basic tenets of qualitative research as they pertain to this study include qualitative research as enhancing a holistic perspective, the incorporation of emergent design, the descriptive nature of the research, the dynamic and complex processes involved, fieldwork, the researcher as an instrument, how people make sense of their lives, and the inductive process involved. Understanding these assumptions as a driving factor in the present study is imperative. Therefore, each tenet is discussed in more detail in the following text.

Experts in the field stress the importance of qualitative research as it allows for a more holistic perspective to be accessed. In qualitative research, there is a basic assumption that the focus of the study is the phenomenon itself. Qualitative research takes on a more holistic approach and, as such, the researcher focuses attention on "nuances, settings, interdependencies, complexities, idiosyncrasies and context" (Patton, 1990, p. 59). For the purpose of the present study, utilising a qualitative framework allowed the

researcher to pay greater attention to the phenomenon as a whole, allowing for a more holistic understanding to be acquired about the protection needs of IDPs, property restitution and its role in return reintegration and the resettlement process.

Another tenant of qualitative research is the incorporation of emergent design. The research design must be fluid and open to changes following the onset of fieldwork. In qualitative design, understanding of the phenomenon develops and evolves during data collection. Through this process, the systematic collection of data and analysis guides the collection of additional data and further analysis, allowing for emergent design while creating greater depth of understanding (Patton, 1990). The present study is exploratory in nature. Therefore, it required a level of flexibility, which allowed for the evolution of my understanding of internal displacement, the organisations involved and the role of property restitution in the return process.

One of the basic tenants of qualitative research is that it is descriptive in nature, which allows the researcher to focus on understanding a phenomenon in great detail, gaining a clearer understanding of the individual intricacies of the phenomenon. Additionally, qualitative research allows for a detailed account and description of the context, processes, activities and participants associated with the phenomenon of interest (Patton, 1990). A goal of this study was to provide a descriptive analysis on the return and restitution processes, strengthen national as well as international understanding and collaborative action to end internal displacement, following many years of armed struggle between Maoist rebels and the State. Thus, qualitative research, with thick and rich data, was a logical choice.

The focus of qualitative research is typically the dynamic and complex processes involved in understanding a particular phenomenon, more so than the actual event itself (Patton, 1990). This was an important facet of the present study, which focused on gaining contextualised knowledge about the dynamics of internal displacement in Nepal. However, while looking at this overall event or outcome, a further detailed aim of the study was to look at the return, reintegration and property restitution process of IDPs. Subsequently, the goal was not to understand the product only but rather the process that occurred, as well as the nuances, allowing for a better understanding of the issue and ultimately for progressing towards a durable solution of IDPs as a whole. This

research project was an opportunity to undertake a systematic investigation of a "real situation" in the study region where the researcher had been engaged for many years as a participatory development practitioner.

Fieldwork is vital to qualitative research and naturally is an important part of this research study. Fieldwork ensures more direct and personal contact between the researcher and those being studied, again adding to the complexity of the research and the quality of the overall understanding of the phenomenon (Patton, 1990). The present study employed in-depth semi-structured interviews and participant observation, both of which required me to conduct fieldwork and have direct contact with participants. During this time, I was able to see, firsthand, the protection concern of a population in need, while witnessing the gap between policy provisions and implementation.

A further tenant of qualitative research includes the role of the researcher as the primary instrument for data collection. Therefore, the researcher guides interviews, conducts observations and thus mediates the process of data collection (Patton, 1990). In the present study, data were collected through interviews, participant observation and examination of documentary evidence.

Qualitative research is normally interested in how people make sense of their lives, how they interpret experiences, and how they structure their social world. A qualitative researcher assumes that there are multiple ways of dealing with situations, various interpretations and differing values (Patton, 1990). These multiple views drive the researcher's need for deeper understanding. The present study aimed to understand individual perceptions and beliefs regarding the dynamics of internal displacement, plus the factors that are preventing their return.

The final tenant relates to the inductive nature of qualitative research. One of the primary purposes of qualitative research is to conduct exploratory research and thus this type of design focuses primarily on discovery (Patton, 1990). The main goal of this study was to explore the processes associated with the return and property restitution of IDPs in Nepal. It is not necessarily concerned with generalisability or predictive power, but rather exploring the process and gaining a clear and thorough understanding to guide future research initiatives.

Due to the nature of the study, the intended outcomes, and the nature of the sample, it was determined that qualitative methods best met the needs of this study. The use of an ethnographic approach to evaluate the role of property restitution for returning IDPs, reintegration and the resettlement process further complemented this approach, as it allowed the researcher to collect data with thick and rich descriptions about reasons for the displacement, return and restitution policy. Qualitative research seeks to understand situations in relation to their uniqueness, as well as in context with the intricacies that are inherent to the subject being studied. This study attempted to do exactly that by evaluating national policy provisions corresponding to their distinctiveness with the intention of determining how these policies were implemented. Just as with all qualitative studies, this study did not attempt to predict what may happen in the future, but rather sought to understand the nature of what is happening currently and to address the protection needs of IDPs as well as ending displacement. In communicating findings, this study also took the widely accepted approach of using the first person.[6]

Strauss and Corbin (1990) explain that qualitative research uncovers knowledge about social issues that cannot be acquired by statistical or quantitative methods (pp. 17-18). Likewise, Denzin and Lincoln (2000) mention a wide range of techniques including case studies, interaction methods, interviews, life stories, and examination of texts that reflect historical and social realities (p. 2). In exploring these possibilities, a decision was made to employ in-depth interviews because these would provide the maximum possible exposure to the issues under study.

Preparing for In-depth Interviewing

In-depth interviewing can be used to study a complex reality that cannot be separated or sliced into units for the application of quantitative analysis (Lincoln & Guba, 1985). In conducting interviews, it is often necessary for the interviewer to be sensitised to broad

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[6] The use of first person is widely accepted and supported in the writing of qualitative studies (Denzin, 1997; Denzin & Lincoln, 2000; Holliday, 2001; Stewart, 1998) and will be used throughout this study. While criticised by some as being unscholarly, qualitative researchers support the use of first person as a "powerful, personal authorship" (Holliday, 2001) which allows the researcher to relate experiences, perspectives and ideologies, while acknowledging the researcher and his or her relationship with the study (Holliday, 2001). The use of first person also allows the voice of the writer to emerge, fitting with the tenants of qualitative research and resulting in an authentic voice.

issues and themes that may arise. Even while exploring a new area of study, this prior exposure allows for a "theoretical sensitivity" to ideas as they come to light. In this study, it was understood that the interviewer's prior Nepali life experience and work in the field of participatory development and humanitarian affairs was sufficient to engage in this manner. While these prior understandings guided the research and allowed in-depth interviews to proceed with greater ease, it is also important to acknowledge that the particular cultural and or life experience of the researcher and the participants is bound to a particular context and time. As such the study is a window through which to examine the phenomena under study. Its limitations for expressing certain views on social life and meaning are also important to consider, as new studies in the future may reveal additional layers of meaning so the study is not necessarily an end point but provides ongoing possibilities for further interpretations.

This inherent limitation, which poses a challenge to making broad generalisations, is a naturalised or well accepted aspect of qualitative research, and necessarily, is an expression of temporal and social interactions of in-depth interviewing as a method of data collection or information gathering. For example, Harre (1986) argues that social reality around phenomena can be studied using interpretative methods. Various authors (Annells, 1996; Charmaz, 1990; Wuest, 1995) have mapped out social reality as "localised" and composed of multiple constructions. These characteristics of phenomena are embedded in specific contexts and times (Leininger, 1985, p. 5). It was therefore necessary to contextualise in-depth interviews prior to engaging in data collection. Daly (1992) noted that the qualitative method can be used to study the interaction of individuals with the family. This assisted the researcher in conceptualising how in-depth interviews with individuals could facilitate a window into relating the participant's experience to the wider social contexts. Additionally, Ruckdeschel (1985) suggested that meaning around phenomena can be elicited on the basis of the personal experiences of people, and that specific symbols and behaviour assist the researcher in appreciating the rich meaning that people experience in their lives. Particularly when considering the rich social and cultural histories of Nepal, as part of the preparation for data collection, these suggestions opened up deep reflections within the researcher to re-engage with Nepalese heritage, culture, present and future issues, and their relation to addressing pressing needs for the protection of IDPs.

Qualitative in-depth interviews offered this project an opportunity to study the phenomena of internal displacement in its natural setting in Nepal. The importance of cross cultural experiences such as reflecting on these issues while studying in Australia, and returning to Nepal to conduct interviews were significant elements where greater insights were gained. This emerged, because by taking time away from Nepal, the retreat allowed time for the researcher to read, reflect, discuss with colleagues and challenge many cultural assumptions and values, which otherwise would have been taken for granted. Upon re-entry into the home culture in Nepal, more insights were forthcoming as the time away opened up a sensitisation to theoretical issues of meaning that may have not arisen otherwise. In this way, qualitative methods such as in-depth interviews emphasise the value of exploring particular contexts and meanings that are made by specific individuals or groups (Denzin & Lincoln, 1994, p. 2; Minichiello et al., 1995). Many things are yet to be understood about internally displaced persons in Nepal. Hence, an ethnographic methodology was considered appropriate. To further rationalise in-depth interviewing as the chosen data collection tool, the methodological discussion is now turned to ethnography and the adoption of an ethnographic approach. Later, interviewing will be re-visited with the aim of explaining the practical issues associated with data collection.

Ethnography

When used as a method, ethnography typically refers to fieldwork conducted by a single investigator who "lives with and lives like" those who are being studied or who are part of the study, usually for a year or more (Maanen, 1996, p. 263). Ethnographic methods allow the researcher close and personal contact with the community of interest. They can allow access to grassroots level insights and experiences as well as to government officials and policy makers.

> Ethnography is a social science research method. It relies heavily on up-close, personal experience and possible participation, not just observation…The ethnographic focal point may include…intensive language and culture learning, intensive study of a single field or domain, and a blend of historical, observational, and interview methods. Typical ethnographic research employs three kinds of data collection: interviews, observation, and documents. (Genzuk, 2003, p. 1)

Ethnography allows the researcher to study people's behaviour in every day contexts; to gather data from a range of sources; and to take systematic yet sometimes unstructured

approaches to gathering data. In many ways ethnography is an approach to gathering and interpreting information similar to the sort of approach that we use in daily life to understand and interpret our environment (Genzuk, 2003). The relevance of ethnographic research to my study is further revealed in three methodological principles which underline this approach to research. These principles are summarised by Genzuk (2003, pp. 3-4) under the following headings: naturalism; understanding; and discovery. Naturalism is the view that,

> [T]he aim of social research is to capture the character of naturally occurring human behaviour, and that this can only be achieved by first-hand contact with it, not by inferences from what people do in artificial settings like experiments or from what they say in interviews about what they do elsewhere. (Genzuk, 2003, p. 3)

It is important for me to carry out aspects of my research in "natural" settings, settings that exist independently of the research process, rather than in those set up specifically for the purposes of research. Central to "understanding" is the argument that,

> [H]uman actions differ from the behaviour of physical objects, and even from that of other animals: they do not consist simply of fixed responses or even of learned responses to stimuli, but involve interpretation of stimuli and the construction of responses. (Genzuk, 2003, p. 3)

As a researcher it is important for me to understand how these methods are integrated and could suggest possible ways for the sustainable return and reintegration of IDPs in each of the study districts. For this reason participant observation and semi-structured interviewing will be a valuable means towards achieving the goal of the study − to find the durable solution for IDPs.

The third principle of ethnographic research identified above is that of "discovery". That is the research process is conceived as "inductive or discovery-based; rather than being limited to the testing of explicit hypotheses" (Genzuk 2003, p. 4). In ethnographic research theoretical ideas and frameworks for action are developed over the course of the research and serve as a "valuable outcome" rather than being articulated prior to the beginning of the research.

This study also combines a narrative approach with anthropological analysis, acknowledging the increasing need in IDP studies that they are "informed by the experiences of people themselves… who are involved in the everyday struggles for war and fight" (Schrijvers, 1999, p. 307). Recognising early on that the effects of violence

would become the meta-narrative of my research with IDPs in Nepal; I believe that the various methodologies, which governed this research, were reflective of my own attempt to conduct both politically and socially relevant ethnography. To this end, the time I spent with IDPs provided me with ample opportunity to both document and reflect upon their testimonies of displacement, inquiring into the "insidious and pervasive effects and mechanisms"(Green, 1994, p. 229) of physical, social and political violence, and exploring how they functioned simultaneously on the level of lived experience. Through both formal interviews and casual conservations, IDPs' words took on a wide variety of overlapping narrative genres, and thus, I found myself at different times playing the different roles of ethnographer, oral historian, life historian and witness.

Though historically, the canon has had little room for unwritten oral narratives (Chamberlain & Thompson 1998, p. 4), recent interest from across the social sciences has emerged as a result of wider social, cultural and political developments since 1945, namely the radical protest and liberation movements in Europe, the USA, the former Soviet Union, Latin America and other former colonies (Rogers et al., 1999). Due to growing interest in radical narrative genres such as *testimonio*, oral narratives have been increasingly recognised as particularly useful in understanding the significance of violence in individual lives, and exploring "both personal trauma as viewed within a social context and society as reflected in an individual's life (Benezer, 1999, p. 30). Indeed, throughout the course of my research, I came to realise the power and potential richness of oral sources, not simply to record the facts or events, per se, but to provide insight into their subjective, personal meanings as well (Passerini, 1983; Porteli, 1998; Thompson, 1998; Tonkin, 1992). I believe the oral narratives were a means through which IDPs in Nepal made sense of, interpreted, or commented upon their experiences of violence and displacement, and thus, they provide great insight into the ways in which relationships between public and private, personal and political are continually negotiated within a turbulent social context (Rogers et al., 1999). The narratives presented in this study come from a range of individuals with differing backgrounds and experiences about different aspects of internal displacement.

Processes for the Research Study

This study employed multiple methods of data collection to explore the research questions. The methods utilised in this study included: (1) review of published literature, (2) identification and analysis of documentary source materials, (3) fieldwork (in-depth semi-structured interviews, participant observations, and reviews of records, reports and relevant news media and social commentaries), and (4) thematic analysis, interpretation and reporting. According to Minichiello et al. (1995), the use of a range of methods to collect and analyse data helps overcome problems of validity, reliability and bias (pp. 176-198). In the sections which follow, each of these methods is discussed in turn, though in the course of the actual project, they did not necessarily occur in this order.

Review of Published Literature

This research has involved extensive use of published literature across the four main fields of study such as forced migration, peace and development studies, sociology and political science. The identification and analysis of the published literature served several purposes, namely: (1) to develop a clear account of the historical context in which displacement occurs in Nepal; (2) to contextualise the research questions with reference to each of the fields of study; (3) to identify appropriate methods for pursuing these questions and to inform the overall research approach; (4) to develop a theoretical framework or set of concepts with which to analyse and interpret the primary data being collected; and (5) to bring the findings and insights from this study into dialogue with current understandings in the literature of forced displacement.

The results of this work are reported at appropriate points in the thesis. Here, it is necessary only to explain briefly how this literature was identified and analysed. University of New England's (UNE) Faculty librarian assisted me with an initial search across a range of social science indexes to identify published material in academic books and journals, using keywords, including: (1) internally displaced in Nepal, (2) forced migration, (3) return and reintegration of IDPs, (4) conflict induced displacement, and (5) property restitution.

The product of these searches was then collated and several key authors were identified in the areas of forced migration and internal displacement. For sources on Nepal, it was decided to read literature across as wide a range as possible, including journalistic accounts, academic studies, historical reviews and the testimonies of Nepalese people themselves. As the research developed it also became necessary to return to the literature, in particular, to examine case studies of IDPs, and to read more widely in the field of "return, reintegration and property restitution" of IDPs.

Primary, Secondary Sources and Unpublished Works

Primary Sources

Primary sources are those that provide original, interpreted information. They consist of words, images, or objects created by persons directly involved in an activity or event or speaking directly for a group.[7] In conducting this research, I drew on a range of primary sources including published and unpublished documents. In terms of written primary sources, I accessed various reports produced by UN agencies, INGOs, NGOs, Governmental agencies (including progress reports, bulletins, newsletters, magazines, and brochures), and local as well as national newspapers in the Nepali and English language. My search for sources of this nature was based on asking personal contacts in different agencies and searching on web pages ranging from UN Agencies to the NGOs.

Secondary Sources

Secondary sources are those that provide interpretation, analysis or summaries of information. They provide commentary on or analysis of events, ideas or primary sources.[8] The secondary sources upon which I drew included books, journals and articles on websites. These have served as secondary sources of information providing access to: (1) detailed information about conflict induced IDPs around the world, (2) theories being developed on the return and reintegration of the IDPs, (3) documents produced by international institutions as well as academic institutions on IDPs.

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[7] University of Washington Information Literacy learning 2001-2004, Research 101 accessed from http://www.lib.washington.edu/uwill/research101
[8] University of Washington Information Literacy learning 2001-2004, Research 101 accessed from http://www.lib.washington.edu/uwill/research101

Fieldwork

The fieldwork was carried out from early July 2007 to late February 2008. The purpose of the fieldwork was to deepen my understanding of the context through immersion in the daily life of IDPs; to build relationships with people and organisations involved in the research; to gather data through a series of interviews, observations and discussions; and to gather resource material not available in Australia. The approach used is largely ethnographic, where the researcher spent significant periods of time in the field. The fieldwork notes and the experience of living among IDPs is an important addition to any other data gathering techniques used. Data was collected from secondary sources as well because the study is exploring the process of change in order to unveil past trends.

Access to Participants

As I had spent significant periods of time working with the people of the region by associating with a non-governmental organisation (NGO), it was easy to network and establish close personal connections with IDPs in the early days of the research project. Besides this, I approached various NGOs and Human Rights Organisations (HROs) which work in the field of IDP protection, return and reintegration. In addition, I provided information about the study to key people in organisations and requested their assistance in informing potential participants about the research project. I provided each organisation with a participant information sheet, which included information about the study and contact details of my supervisors and me. Potential participants were asked to contact me if they were willing to participate in the study. Potential participants who agreed to participate in the study chose the time and place for a meeting. Most participants were interviewed at their place of residence upon their request. Some participants were interviewed in a designated NGO office.

Those IDPs who had already returned home were informed about the research by the outreach staff of associated NGOs. When they expressed an interest in participating in the study, the outreach staff of the NGOs conveyed this information to me, along with the participants' preferred time, date and place to meet. I then visited these designated places with the outreach staff and briefed the potential participant about the research. When they agreed to participate, the interviews were arranged.

The Sampling

A combined strategy of purposive and snowball sampling was used to recruit participants in this study. Purposive sampling, as the name suggests, is suited to situations in which the researcher has a good understanding of the population under study, the types of information that needs to be gathered, and the appropriate people to provide the required information (Brewer & Hunter, 1990; Schofield & Jamieson, 1999, p. 151). Snowball sampling involves the assistance of study participants to help obtain other potential participants by word of mouth. This technique is particularly useful when there is difficulty identifying and accessing members of a population, for example when there is a clandestine group (Simon & Burstein, 1985; Schofield & Jamieson, 1999, p. 151). In this study snowball sampling assisted the researcher to access hidden groups, IDPs who were not visible as a result of real or perceived threats from either state security forces or Maoists.

I had initially planned to use theoretical sampling for this study. However, theoretical sampling is designed to minimise and maximise the differences between participants and, as suggested by Biemacki and Waldorf (1981), must be obtained on the basis of emerging themes which connect the characteristics of groups, or on the basis of what has been learned from previous participants. In other words it is a way of sampling on the basis of concepts that are informing emerging theory. In this study, while theoretical sampling helped to create the initial sampling frame that included IDPs (women, IDPs affiliated with a political party, IDPs who fled leaving families/family members behind), given the invisibility of the potential participants eligible for inclusion in the study, it was not feasible to select participants through theoretical sampling techniques. Nonetheless, purposive sampling allowed access to more appropriate participants. By selecting information rich participants in conjunction with snowball sampling, access to a diverse range of participants was possible, improving the richness of the data being collected.

The Sample

The participants recruited for this study were over 18 years of age. The study did not set the sample to be proportionate for male and female participants. When I arrived in

Nepal and interacted with the organisations that were providing support to the IDPs, I was informed that the number of female IDPs in contact with the organisations had increased. This enabled me to recruit an equal number of women and men for this study. Subsequently, criteria for the selection of the participants were based on the following factors: (1) place of origin (to be able to get a good mix of people from different districts/regions), (2) gender balance (as far as possible equal numbers of men and women), (3) some of those who fled leaving families/family members behind, (4) those who were faced with direct threats/fear of violence by Maoist/state security forces and were forced to flee, (5) political party affiliations, and (6) government officials.

Similarly, house owners/landlords, neighbours/local community, shopkeeper and teachers were selected to represent the host community. Based on the above criteria, the participants were identified in consulting with organisations that have been providing support to IDPs and also their social networks. Key persons from the Ministry of Home Affairs, Ministry of Peace and Reconstruction, Ministry of Finance, Human Rights Organisations, District level Government Officials, and Members of District Development Committees were consulted as well. These persons' roles are seen as important for reasons of their work, portfolio, policy-development, planning and in the implementation of various policies.

Relevant persons from international agencies mainly Action Aid, GTZ, SNV, ICRC, Caritas Nepal, Norwegian Refugee Council, Save the Children US and UN agencies (UNHCR, UNOHCHR, WFP, UNICEF, and UNOCHA), were also interviewed in order to access useful information regarding their plans and programmes for providing assistance to IDPs. In addition to these, NGOs (CCS, INSEC, BEE Group, Red Cross, KIRDEC, and NGOCC) who were working with IDPs in providing protection as well as return support to IDPs were also consulted.

In total the study included 126 participants from three districts, which included 42 participants from each district. The interviews were conducted until identified categories were saturated, new information no longer emerged and thus, theoretical saturation has been reached. As the study reached theoretical saturation (Glaser & Strauss, 1968), no further interviews were conducted.

Setting

This study was conducted in three districts of the mid-western and far-western development region of Nepal.[9] The basis for the selection was their strategic significance in the conflict, the scale of the displacement and the number of IDPs reported. These districts were Banke, Bardiya and Kailali. These areas were all located approximately 600 to 800 kilometres from the capital city, Kathmandu.

Kailali − Located in far western Terai region which was largely affected during the Maoist insurgency. It is a mainly rural district with a majority Tharu ethnic population. Furthermore, Kailali lies within one of the poorest areas in this region. The district headquarters, Dhangadhi, is located close to the Indian border.

Bardiya − Located 600 kilometres from the capital city, Katmandu, Bardiya has the highest concentration of IDPs. It is inhabited by an organised group of IDPs who have formed "The Maoists' Victims Association".

Banke − Banke, which is a regional centre, is a place where many IDPs have concentrated. People displaced from the adjacent districts have been living here as well. The Maoists' Victims Association and Single Women's Group have been active in this district with the intention of supporting the IDPs displaced by Maoists during the decade long conflict.

Data Collection Tools

In-depth Interviews

While Charles Booth (1886) is credited as being the first researcher to develop a social survey that utilises interviewing, the process of interviewing can be found as far back as the ancient Egyptians (Denzin & Lincoln, 1998). Today, many researchers employ interviewing as a prominent means of data collection. Interviews can be either face-to-face or by way of the telephone and serve to enrich either qualitative or quantitative data collection. Interviews are important components of research, allowing one's

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[9] The map of the study districts is given in appendix I.

individually constructed perceptions, understandings and meanings regarding personal lived experiences to be explored in rich detail (Neuman, 1997).

Three main types of interview proceedings exist: (1) unstructured, (2) semi-structured, and (3) structured. This study utilised semi-structured interviews to analyse the return process. Semi-structured interviews are typically used in situations where there is only one opportunity to interview the participant and the researcher is attempting to gain a great deal of information in a short time period. To aid in this process, an interview guide was also utilised (See appendix 2), helping to ensure that essential topics were covered and to allow some uniformity of results. Probing techniques were also used to draw out additional information regarding topics of importance (Bernard, 2000).

Each interview type was evaluated regarding its usefulness in meeting the objectives of the present study. The use of structured interviews is typically employed when the researcher has a predetermined concept for which the interview will provide answers. The structured interview process utilises this predetermined concept to guide questions. Each participant in the study is asked identical questions. The questions follow a set pattern, are closed-ended and often include forced choice responses (Bernard, 2000). On the opposite spectrum are unstructured interviews. Such interviews are versatile and are typically utilised by researchers with a rich hermeneutic tradition or a positivist tradition (Bernard, 2000). Unstructured interviews are important tools in ethnography, particularly when the goal is to expound on lived experiences. It allows the researcher the opportunity to build rapport with participants and often is the predecessor to more formal interviews. During unstructured interviews, the researcher has only a list of domains to be covered but no set order or structure (Bernard, 2000). These interview types appeared either too rigid or too flexible respectively to meet the needs of the present study.

Utilising semi-structured interviews as a means of data collection and the creation of the interview tool was guided by the objectives of the study and the nature of the data collection procedures. Semi-structured interviews, the most common type of interviews conducted, allowed for more freedom in data collection than more traditional structured interviews. However, this tool also allows for control over interview flow, an important issue when interviews necessitate efficient use of time, as was the case in this study.

Additionally, the participants in this study had varied life experiences and, therefore, a structured interview would have lost much of the detail needed for this explorative study rich in detail and description. Utilising a semi-structured interview allowed for some uniformity, with the flexibility of probing where needed, and thus, was the choice best suited for this study. While it was believed that an unstructured interview would enable me to collect thick descriptions regarding the return and restitution process, it was too flexible in design to meet the needs of participants in the present study. Thus, utilising a semi-structured approach helped to meet the needs of both participants and myself, the researcher.

As discussed previously in this chapter, in-depth interviews were conceptualised through acknowledging contextual factors. These included gaining awareness of prior literature, attending to clues found in previous cultural and professional experience, and learning about issues of theoretical sensitisation like protection, return, reintegration and property restitution rights of IDPs and vulnerable groups. Before conducting interviews, I reflected on my previous experiences regarding interviewing skills. This was part of my preparation before carrying out the in-depth interviews. Sitton et al. (1983) and the Survey Research Centre (1966) relate the importance of the researcher's training and experience in encouraging participants to talk freely about their life experiences.

 As pointed out previously, interviews and observations are appropriate techniques to use in the collection of data from participants in relation to qualitative research (Carlson et al., 1995). Some authors (Glaser, 1978, 1992; Glaser & Strauss, 1967; Minichiello et al., 1995; Strauss & Corbin, 1990, 1998) emphasise that interviews and participant observation are important methods to elicit data and explore the realities being experienced by the participants in their situations. Emerson et al. (1995) recommend that an investigator should take the natural setting into account when studying day to day realities. In such a setting, interviews and observations are the ideal methods to collect relevant information. These authors further recommend the use of questions to verify a participant's responses so that the data will be enriched.

Schatzman and Strauss (1973) advise that a researcher should take participants' non-verbal clues into consideration. Non-verbal clues can help the researcher draw specific meaning to shape further interviews. In this way, detailed information and clarity can be

achieved. Accordingly, while conducting in-depth interviews, non-verbal cues were noted and free-flowing conversation was encouraged. This encouraged the participants to talk about their feelings and experiences at length. When necessary the participant's spoken discourses were clarified by the interviewer through the use of verifying questions.

Before collecting data, emphasis was given to rapport building, which could facilitate the process of interviewing. It was understood that good rapport would encourage participants to speak openly about their experiences and divulge personal information. Carlson et al. (1995) reveal that rapport building is crucial for the researcher to become close to the participants and enable participants to share individual information. The importance of developing rapport with respondents was reiterated in the literature on interview technique (Hynes, 2003; Pflegerl et al., 2003; Powels, 2004). Effective rapport between the researcher and participants fosters the process of conducting interviews.

Altogether 126 interviews were conducted. These ranged in time from 1 hour to 2 hours in duration. The majority of the interviews fell into the longer duration category. All interviews were conducted in Nepali language. Consideration was made when arranging interviews to find mutually convenient times and places when and where the interviews would not be rushed; enabling the researcher and respondent to get to know each other through discussion not always related to the interview topics. In many instances, I found myself being questioned as well by respondents and was happy to answer their enquiries.

Before commencing the interviews, I explained the aims and objectives of the study verbally and reminded the participants that they could withdraw from the study at any time. Participants were asked if there were any issues about the research about which they would like clarification. Following this, the participant's consent to participate in the study was sought. The confidentiality of all interviews was assured. Field notes were used to record in-depth interviews, observation and overall impressions. Before conducting interviews, I attempted to understand the contexts associated with each of the participants. This included, for example, their family context, their interactions with a host community and attitudes of the host community towards them. As the interviews

progressed, participant's non-verbal expressions were noted in a log book in order to check consistency between what the participant was saying and what their body language indicated. For example, at the beginning of interviews, some participants seemed shy to engage, which is expected when someone is not accustomed to being interviewed. In such cases, when they were telling their stories, they did not try to maintain eye contact consistently. However, it was observed as the interviews progressed that they usually became more engaged and their body posture suggested increasing confidence and ease with the interview process.

The in-depth interviews employed a series of open-ended questions designed to encourage participants to talk about their life experiences as displaced people. Agar (1980) maintained that open-ended questions helped people to talk about various aspects of their lives, their perceptions, and various things related to their lives. Open-ended or in-depth interviews served as a basis for specific questions in relation to specific problems and then allowed participants to add points they felt were pertinent. According to Carlson et al. (1995), engaging in "free flowing" conversations and informal dialogues elicits rich information related to individual's lives. Agar (1977, 1980) stressed that the researcher should encourage participants to talk about their perceptions, behaviours and values. Clatts (1991) mentioned that the researcher should let the participants speak about their values and beliefs and cautioned researchers not to impose their own values on participants.

In order to retrieve real life experiences, open-ended questions were asked with the help of an interview guide (See appendix II). To obtain a more detailed account, further probing questions were asked where clarification was required. Basic demographic information including gender, age and education were also collected. Participants were informed that the demographic information was needed for statistical purposes only, as this information would be important in order to gain understanding of additional correlations that exist between periods of displacement and return intention.

Strengths and Limitations

There are a number of benefits in conducting semi-structured interviews. Semi-structured interviews are not highly structured and do not consist of closed-ended questions. However, they are not completely unstructured, allowing for totally free

responses. Instead, they offer topics and questions that have been carefully designed to meet the needs of the study while letting the respondent feel like they have some control over the flow and nature of the interview. In general, semi-structured interviews tend to be less intrusive to the participant. Instead of forced responses, the semi-structured interview encourages two way discussions between the researcher and the participant. This type of two way discussion is more natural than a structured interview and often makes individuals more comfortable, particularly when discussing sensitive topics. Semi-structured interviews also allow for the collection of rich detail. Often respondents will provide not just an answer to the interviewer's questions but also the reasons behind their response (Denzin & Lincoln, 1998).

Researchers must be cautious when conducting semi-structures interviews. With the opportunity for some free response comes the opportunity to wander off track. Thus, it is the responsibility of the interviewer to keep the conversation on track, to probe where necessary, and to move the conversation along. It is also important to note that a lot of superfluous information tends to arise during such interviews. Therefore, interviewers need to be extremely skilled in interviewing so as to avoid posing leading questions, failing to probe responses properly, judging answers, and asking vague or insensitive questions. The researcher must also be prepared to handle overwhelming amounts of information during data analysis, as an abundant amount of information, both useful and irrelevant, will be collected (Denzin & Lincoln, 1998).

Participant Observation and Discussion

Participant observation requires going into a social situation and observing. This takes place in a naturally occurring situation not a rehearsed or artificial one. During participant observation, the researcher makes a detailed record of the situation context, events that occur and apparent relationships that evolve between events. Such observations are essential in determining key variables and critical relationships. Observations can be used to expound on information collected in the interview process, helping to provide additional insight into thought and perceptions of the interview respondent (Bernard, 2000). Participant observation also allows the researcher to paint a descriptive analysis of the respondent's environment.

Gold (1958) outlined four methods of collecting observational data: the complete participant, the participant-as-observer, the observer-as-participant, and the complete observer. It is widely acknowledged that the more intermediate of these roles; observer-as-participant is most useful in balancing the detachment, familiarity and strangeness of the differing approaches (Denzin & Lincoln, 1998). However, for the purposes of this study, observer-as-participant and the non-participant observer approach were taken, as the other approaches were not feasible. I used observational techniques to get to know the participants: their context, their motivations, their experiences and interactions in an effort to complement information collected through the interview process. By serving as a non-participant observer, I could go virtually unnoticed, thus limiting the affects of my presence on those being observed and their behaviours, with the intention of reducing bias.

During the field work I participated in an IDP workshop in the Bardiya District. The workshop was organised by UN agencies, including OCHA, UNHCR, UNOHCHR and the National Human Rights Commission (NHRC) and they invited large numbers of participants from UN agencies, NHRC, local civil society organisations, the representatives of government, and representatives of the main political parties including the Maoists. I observed and participated in both plenary sessions and in informal discussions in the breaks. This was an excellent opportunity for me to observe how the organisations were dealing with the IDP issue. It was an opportunity to hear and see first-hand the negotiation that occurred among various stakeholders on protection related issues and conditions needed for the safe, dignified return and property restitution of IDPs. I observed contributions from the floor by district level leaders of various political parties, including the Maoists, and also from a variety of local NGOs, which provided important detail about how they viewed the situation in their different areas.

Strengths and Limitations

Qualitative interviewing and observational methods often go hand in hand (Denzin & Lincoln, 1998). One of the greatest strengths of observational methods is the ease through which researchers can gain access to and collect data. Data collection is unobtrusive and does not require direct interaction with participants. Thus, collection of observational data can occur inconspicuously (Denzin & Lincoln, 1998).

Observation, like other data collection techniques, also exhibits some strengths and weaknesses from its design. Observations are not conducted based on predetermined categories. Rather observers construct theories and generate categories as the process progresses. Throughout the process, the researcher may alter the problem or topics being observed to gain a deeper understanding of the phenomenon being studied. As Denzin and Lincoln (1998) acknowledge that when compared with more structured data collection methods, the flexible nature of observation is well suited as it can provide insight into phenomenon, changing the ways the researcher looks at the incident, event or phenomenon. When combined with other data collection techniques, observations can also produce great rigor. Such designs allow for a natural setting and context, which are especially valuable in cross-checking or triangulation of findings, particularly those findings from the interview process. While bias exists in observational techniques, when added to another method of data collection yielding depth or breadth, observation enhances both the consistency and validity of a study (Denzin & Lincoln, 1998).

As with any data collection method, there are a number of limitations associated with participant observation. Observational interaction can be both tentative and situational (Denzin & Lincoln, 2000). Observational research may also vary depending on personal characteristics, the stage of the project, the setting, and relationships between the observer and participants (Denzin & Lincoln, 1998). Another major criticism of non-participant observation is associated with validity. During observation, the researcher relies on their own perceptions of actions or events. Subjective interpretations are prone to bias and may also lack reliability. Furthermore, in observational situations, researchers are unable to confirm that their findings are real and not merely the effects of chance. However, as in this study, when data is used in combination with interviews, quotes from the interview respondents enrich and either confirm or refute the researcher's observations. Through systematic observation, the researcher can also enhance the credibility or reliability of findings.

Review of Documents, Records and Reports

Written texts are organisational artefacts that provide documentation of past events. Collection of documentation is often used by researchers with the purpose of gaining a clear understanding of a phenomenon, or to provide detail about events that the

researcher was unable to witness (Stake, 1995). Collection of both records and reports were important in this study to provide a historical understanding of prior policy initiatives.

The differentiation between documents and records, as described by Lincoln and Guba (1985) proved useful. Records were considered formal pieces, while documents were described as material prepared for more personal interactions, including memos or notes. Based on the differing origins of records, reports and other media, it became important to understand material in the context in which it was written. In research, the investigator must identify the background of the document to determine the basis on which it was written, including whether it was written firsthand, through secondary resources, solicited, signed or edited (Lincoln & Guba, 1985, pp. 276-279). Throughout the study, I collected available relevant records and reports on the profile and figures of IDPs, government policies and assistance to IDPs. In an effort to better understand the situations, information was also collected on land and property restitution that emerged throughout the interview process.

Ethical Considerations

Qualitative research, which aims to investigate intimate aspects of human life or elicit private information, must follow a set of guidelines, which describe professional ethics (Agar, 1980; American Anthropological Association, 1990; Bernard, 1988; Punch, 1994; Society for Applied Anthropology, 1991; Soloway & Walters, 1977; Weppner, 1977). The research for this thesis was conducted according to the guidelines and standards of the Human Research Ethics Committee (HREC) of the University of New England and was approved[10] prior to its commencement (See appendix III). Among HREC's requirements are consent forms (See appendix IV) to be signed by interviewees, along with copies of interview schedules and an information sheet, explaining the project to participants in this case, in plain Nepalese language. Due to the political nature of the study, confidentiality was considered a potential issue and deterrent from participation in the study. Therefore, my ability to assure all participants

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[10] Approval number HE07/115

of complete confidentiality became a critical issue. I also complied with their standards in terms of maintaining confidentiality.

A number of other considerations were taken into account to ensure that this research was consistent with best-practice participatory research methods, with particular reference to the special requirements for research in conflict-sensitive situations (Smyth & Robinson, 2001). These can be summarised in terms of three key issues: accountability, reciprocity and transparency. Accountability refers to the need to be mindful of the interests of the participants throughout the research project, and that the researcher remains accountable to them as well as to the institution sponsoring the research. Reciprocity refers to the need for the research to involve, as much as possible, benefits to the participants as well as to the researcher. Transparency refers to the need for the position of the researcher to be clear at all times to the participants (Hermann, 2001). For research to be ethical, these issues need to be dealt with on an ongoing basis, and inform the different methods applied. Furthermore, in the context of my fieldwork, I was mindful of the specific ethical issues associated with working in a traumatised society, which is deeply divided.

Carlson et al. (1995) highlighted that a participant should be informed about the aims of the research, including any immediate or potential risk. After providing such information, the decision whether to participate or not rested with the participant. The researcher was aware also of avoiding any harm which might arise as a result of participation in the study. The participants were assured that personal details would not be disclosed in any publication. These conditions were stipulated in a participant information sheet (See appendix V). The participant information sheet was provided to each person before the data collection commenced. If the participant was not able to read the information sheet, the researcher explained the contents verbally. Before commencing the interviews, the researcher ensured that the participants clearly understood the information sheet, and provided an opportunity for participants to ask questions. If they agreed to participate, a consent form was signed. Before commencing the interview, participants were informed that they had the right to refuse to answer any question or to withdraw their participation at any time without prejudice or penalty. The participants were told that if they decided to withdraw their consent to participate in the study, or required any further information, they could contact the researcher at any time.

Given the cultural context of Nepal, interactions between men and women, particularly if they are not familiar with each other, is not acceptable in some cases. This issue was well known to the researcher before conducting interviews thus sensitive situations were accommodated appropriately. The staff members of the NGOs, through whom the participants were approached, told them about the background of the researcher who had worked with the grass roots community in this sector. They further informed the participants that the goal of the research was to know about the individual's life experiences of displacement and such information was being collected with an aim to address or resolve this problem, and that the research would be useful for organisations working with IDPs and their issues. This information encouraged the participants to share vivid lived experiences as much as possible during the interviews. Women IDPs, also, did not hesitate to tell their stories. They felt that if they did not tell their own stories, their problems would remain unheard and as a result they would never get the needed attention from the relevant authorities.

Before conducting interviews, the researcher was aware of the issue that some participants might become distressed as they told their painful stories associated with displacement. In such cases, referring participants to the service centres, especially the counsellor was greatly appreciated. The researcher provided the details of a list of counsellors and organisations offering counselling, where participants could seek help if they wished. The possibility that recalling their experiences during the interview may be upsetting was discussed with the participants prior to commencing the interviews.

The researcher was aware that it was important when approaching participants who had suffered and been traumatised in different ways for more than five years, to assure strict confidentiality of all the material gathered (Singer et al., 1995). To maintain participants' privacy and confidentiality, the names of the participants were not requested. Data files were safely located in the researcher's computer with password protection. Only I had access to these data files. Field notes were stored in a locked cupboard in my office in Kailali during the data collection period. Following the completion of the data collection, field notes and data were placed in a locked cupboard in my office at the University of New England (UNE) for the period of my candidature. After completion of the study; the researcher will retain all the data files in the School of Humanities, UNE, Armidale, Australia. This will enable verification of the data if

required. After five years, all the data will be destroyed in accordance with the university's requirements.

Most importantly, I needed to be conscious of the possibility that my interviews and even casual questions might intrude upon sensitive and traumatic experiences. My aim was to be at all times sensitive to the effects of these experiences on individuals, families and communities; to demonstrate behaviour which was respectful of the complexity of the conflict and its aftermath; to afford the participants both respect and dignity; to indicate my willingness to contribute over the long term; and to convey my intention "to do no harm to participants" (Smyth & Robinson, 2001, p. 5).

Data Analysis

Qualitative data analysis is essentially a search for patterns or emergent themes and ideas that occur as a result of data collection (Neuman, 1997). Qualitative researchers seek to understand the complex interrelationships that exist (Stake, 2000). This is a complex, iterative process that essentially begins with the commencement of data collection. Through this process, the researcher examines words within their context, assigning meanings based on responses and the theoretical base (Stake, 1995). This study aimed to delve into finding durable solutions for IDPs, through the words and actions of those who lived the experience. The study employed three major data collection tools, (1) semi-structured in-depth interviews, (2) participant observation, and (3) examination of records and reports.

While the focal point of this study was the interview process, both the participants observations and the review of the media, records and reports were important to the study and the overall understanding of national, as well as international policy responses, formulated to address the needs of the displaced. Thus, combined analysis of data collected helped to create a better understanding of IDP return and also in finding durable solutions for IDPs on the whole. The following section will discuss that process in more detail.

Miles and Huberman (1994) define qualitative data analysis as a process that consists of three activities: (a) data reduction, (b) data display, and (c) conclusions and

verifications. The purpose of data reduction is to make the data more manageable. Through this process, specific chunks of data, representing important themes are extracted from the data. The data is then displayed in a format that better enables interpretation. In most cases, this includes the display of data as different themes. The data displays are then used to aid in interpretation, a process that includes the determination of relationships and patterns and in-depth explanations of what the data means (Miles & Huberman, 1994). This framework was used to guide data analysis, which consisted of two ongoing phases: analysis and interpretation. The data were analysed to determine if a common thread of perceptions existed, to determine any similarities in perceptions, and to indicate the unusual. Further,

> Data interpretation and analysis involve making sense out of what people have said, looking for patterns, putting together what was said in one place with what was said in another place, and integrating what different people said. (Patton, 1980, p. 246)

It was found that "the task of converting field notes and observations about issues and concerns into systematic categories was a difficult one, and no infallible procedure exists for performing it" (Guba, 1978, p. 53). Analysis was a complex task.

> The analysis of qualitative data is a creative process. It is also a process of intellectual rigor and a great deal of hard work. Because different people manage their creativity, intellectual endeavours, and hard work in different ways, there is no right way to go about organising, analysing and interpreting qualitative data. (Patton, 1980, p. 299)

A particular form of content analysis − thematic analysis − was selected as a suitable technique as it enabled the interview material to be examined at an obvious level with the themes directly observable from the information (Boyatzis, 1998, p. 4). Content analysis is argued by Patton (2002) to refer to any "qualitative data reduction and sense making effort that takes a volume of material and attempts to identify core consistencies and meanings" and the "core meanings" are often called patterns and themes (p. 452). The process for searching for these patterns of themes is called, pattern or theme analysis respectively. However, the distinction between pattern and theme analysis is not very clear cut and researchers are often looking for both as they analyse data. Ryan and Bernard (2000) discuss themes as constructs that investigators identify before, during and after data collection (p. 780). In this study, themes were identified before the in-depth interviews from the literature review and interviews with service providers and key informants. Additional themes were added during the data collection process as respondents raised new issues. Finally, more themes were added as the interview material was recorded and additional themes emerged.

Analysis of Interviews

The next phase included analysing the data. When qualitative research is attempted, it is recommended that analysing and data collection go hand in hand and is imperative due to the copious amounts of data gathering (Grbich, 1999; Miles & Huberman, 1994). Therefore, throughout the study, extensive field notes were written. Immediately following all interviews, a section was added to these notes, regarding thoughts, impressions, issues that emerged and important themes or ideas that arose. I again went through the field notes, checking for accuracy and developing important patterns. This process was carried out following each interview and patterns began to emerge.

Following this process, all interviews were categorised under respective themes (IDP definition, national IDP policy, return assistance, property restitution). To aid with this process, an initial thematic book was created using the research questions and theoretical framework. As this process continued, I looked for patterns among the experiences of respondents, noting the similarities and differences between individuals and checking that pertinent points had not been overlooked during previous readings. Direct quotations were then cut and paste (Patton, 1980) together in a computer text file to form the basis for the data section in every article and/or chapter.

Analysis of Observations

Participant observation was an important part of this study and this was carried out through observations at workshops, in an IDP camp, and in the places where IDPs recently had settled. During observation, careful attention was paid to the overall environment, unspoken and overt interactions among IDPs, host communities, members of the aid organisations, local government representatives, political party members and general observations of activities, efforts, and challenges observed. Observations were recorded in the field notes along with participant interviews. Observations aided in creating a descriptive base for the study but were also helpful in confirming, or in some cases refuting, participant responses. Through analysis of observations, challenges to property restitution and differences between policy and practice emerged.

Analysis of Records

Key records collected from the Ministry of Peace and Reconstruction, Ministry of Home Affairs, respective District Administration Offices were collected and reviewed. Records included IDP policy (2001, 2006, and 2007), Comprehensive Peace Agreement, progress reports and procedural directives. I also reviewed the OCHA situational reports and IDP reports. Furthermore, I reviewed journalistic reports, social commentary, and all scholarly literature pertaining to the internal displacement, forced migration, UN Guiding Principles and Pinheiro Principles on property restitution. All information collected was used, along with a historical analysis of conflict and displacement, to provide a thick and rich descriptive foundation and framework for the study. The data provided a clear description on policy development, and helped to identify gaps on the policies and their implementation.

Interpretation

The final step of data collection included interpretation of the results. The purpose of interpretation is to draw conclusions regarding the patterns of data and the relationships that emerged. The goal of this process is to understand the meaning and the context of data and the relationship of that data to the research questions (Miles & Huberman, 1994). This involved "attaching meaning and significance to the analysis, explaining descriptive patterns, and looking for relationships and linkages among descriptive dimensions" (Patton, 1980, p. 268). The intention was to ensure that:

> [S]ufficient description and direct quotations should be included to allow the reader to enter into the situation and thoughts of the people represented in the report. (Patton, 1980, p. 343)

However, the anonymity of the participants was strictly and rigorously enforced. Chapters three, four, five, six and seven make regular use of direct quotations, but care was taken to clearly distinguish direct quotations from the summaries and analysis provided by the researcher. Gronn (1982) strongly supported this technique by maintaining that:

> [T]he inclusion of transcripts in an interpretative account makes it possible not only to give the feel of the action, but it also enables the reader to make up his or her own mind about the interpretations offered. (p. 30)

Interpretation drew upon the analysis of interviews, as well as field notes, observations, reports and records. The final stage of the interpretation occurred when writing up the thesis. It created new levels of understanding. It constituted "the culmination of the research process" (Bogdan & Taylor, 1975, p. 141), and "the writing in one sense is a refined process of analysis" (Spradley, 1979, p. 94).

Trustworthiness and Quality of Results

Lincoln and Guba (1985) discuss the importance of trustworthiness of results in qualitative data in terms of measuring the utility of a study (p. 301-327). Trustworthiness represents several important constructs including: (a) credibility, (b) transferability, and (c) confirmability. A description of these concepts and their importance to the present study follows.

Credibility

An important indicator of trustworthiness, credibility of conclusions in a qualitative study is synonymous with internal validity in quantitative research. According to Lincoln and Guba (1985) and Miles and Huberman (1994), to ensure creditability, results must be scrutinised to determine if: 1) conclusions were appropriate and made sense, 2) conclusions presented accurately described participants responses, perspectives and beliefs, and 3) conclusions were genuinely representative of the phenomenon being studied, in this case, policy on return and property restitution. Following Miles and Huberman's (1984) advice, this research used "triangulation" (Webb et al., 1965) to help verify and validate the data collected. This meant checking the consistency of findings generated by interviews and observations. As Jick (1979) pointed out, "it allowed researchers to be more confident of their results" (p. 608).

Triangulation is used to enhance the trustworthiness of qualitative data by limiting both methodological and personal biases, while also enhancing generalisability (Denzin & Lincoln, 1998, 2000). Denzin (1978) broadly defined triangulation as the "combination of methodologies in the study of the same phenomenon" (p. 291).

Jick (1979) believed that the effectiveness of triangulation rested on the premise that the weaknesses in each single method would be compensated by the counter balancing strengths of another. In this research, multiple data collection tools ─ document

analysis, observation and interview methods were used in combination, to provide an adequate means of verifying and validating the data analysed and to increase credibility and the overall trustworthiness of the study.

Transferability

Transferability, a concept synonymous with external validity in quantitative studies, is the determination if results can be transferred to other situations or has utility in different contexts (Lincoln & Guba, 1985; Miles & Huberman, 1994). This study sought to enhance transferability by allowing for thick and rich description of the overall findings, participants shared experiences and perceptions, as well as the context in which data was collected. This was aided by detailed field notes and thesis journaling, which allowed for greater description in an effort to enhance transferability further.

Confirmability

In qualitative research, it is assumed that each researcher has a unique world view and incorporates a unique perspective in their work. Therefore, confirmability, the degree to which results could be corroborated if conducted by an independent researcher or confirmed by the work of others, is important to trustworthiness (Lincoln & Guba, 1985; Miles & Huberman, 1994). To improve trustworthiness and confirmability, I continually went back to the data, re-evaluating recurrent themes and emergent findings.

The Role of the Researcher

Inherent to trustworthiness and quality of results is the role of the researcher in data collection and analysis. Particularly with qualitative research, which typically includes observations and the researcher's interpretation of the thoughts, words and the actions of others, the potential for bias exists and the role of the researcher must be addressed. In qualitative research, the researcher must make an effort to view situations and events without making value judgments thus attempting to remain neutral (Fetterman, 1998). A challenging task, the researcher must build rapport, establish a sense of trust and gain the cooperation of participants. This is a difficult undertaking, as researchers are required to ask sensitive questions on post conflict issues and participants may be uncomfortable sharing answers (Neuman, 1997). Additionally, this attempt is

increasingly difficult as all researchers bring with them personal beliefs and individual bias.

Neuman (1997) acknowledged six categories of interviewer bias: 1) errors by the respondent, 2) unintentional errors, 3) intentional errors by the interviewer, 4) influence of interview expectations, 5) failure to probe properly, and 6) the influence of the researcher on responses (p. 297). Each of these categories was addressed in varying degrees in the present study. Overall, the experience and training of the interviewer was vital to the reduction of bias. Having worked on other qualitative studies and being trained to conduct both interviews and focus groups previously helped me to feel comfortable in the interview setting, allowed me to provide an appropriate level of reassurance and empathy to the participant and ensured appropriate probing techniques and methods of elucidating information. Prior experience also helped to reduce any unintentional errors, including sloppiness and failure to probe correctly (Neuman, 1997, p. 298). Experience and training helped me to control my responses to statements made during the interview, reducing error associated with participant responses based on the interviewer's reactions. Additionally, being a well-trained interviewer helped me to enhance the integrity of the study and avoid any intentional errors.

Participants were made aware of the objective of the study, which was to learn more about their experiences as IDPs with the intention of explaining the sensitive nature of some of questions. I also shared my background and orientation with participants and I constantly acknowledged my role as an outsider attempting to learn more. Throughout the entire process, I also took the stance of "knowing nothing." While this was difficult to do, it allowed the participant to take on the role of a teacher in order to teach me about their vivid experiences.

While there were a number of methods for reducing bias that were valued in this study, the most important included implicitly stating my biases prior to conducting the research. Being mindful of my preconceived notions helped to control the effects of personal bias on questioning, ensuring that I was not letting bias come through in the interview. To aid with this, I worked regularly with my friend in Nepalgunj where I stayed during field work. He and I would meet to discuss the potential for bias and methods for overcoming this bias. For example, if I was feeling drawn towards a

particular methodology of NGOs in the identification of IDPs to return to place of origin, I shared that with him and then we made a conscious effort not to let this bias influence my lines of questioning. Throughout the study, I also kept a detailed journal of my thoughts, perceptions, and beliefs. In this journal, I acknowledged potential bias, implicitly stating bias and discussing the possible effect on the research and strategies for overcoming it.

Conclusion

A qualitative ethnographic approach has been taken in this research. This chapter has argued the relevance of this paradigm in relation to the topic, citing the distinctive situation of IDPs as an important factor directing the line of enquiry. Qualitative data has been drawn from three sources; interviews, participant observation and records and reports. A variety of data collection techniques were employed so that results could be cross-referenced. The overlaying of observed action with interview data and reports via triangulation ensured that the data were valid.

CHAPTER THREE

CONFLICT AND DISPLACEMENT IN NEPAL

CONFLICT AND DISPLACEMENT IN NEPAL

Introduction

Migration as a quest for improved economic prospects and progress is a normal phenomenon but displacement triggered by violent conflict at the birth place is more difficult and complex. It is also a usual practice for people to search for safety for themselves and their families and move to a safer refuge, but the decade long armed conflict in Nepal, which started in 1996, caused thousands of people to flee their homes leaving deep wounds in society, and making their lives more vulnerable.

This chapter draws on the oral narratives of Internally Displaced Persons (IDPs) collected over the course of six months spent carrying out research with IDPs in the Mid and Far Western Development Regions of Nepal. The chapter combines a narrative approach with anthropological analysis, and acknowledges the increasing need to study IDPs − "informed by the experiences of people themselves… who are involved in the everyday struggles for war and fight" (Schrijvers, 1999, p. 307). Recognising early on that the effects of violence would become the main story of my research with IDPs in Nepal I believe that the various methodologies which underpin this research were, reflective of my own attempts to conduct politically and socially relevant ethnography. To this end, the time I spent with IDPs provided me with ample opportunity to both document and reflect upon their testimonies of displacement, inquiring into the "insidious and pervasive effects and mechanisms" (Green 1994, p. 229) of physical, social and political violence, and exploring how they functioned simultaneously on the level of lived experience. Through the use of both formal interviews and casual conversations, IDPs' words took on a wide variety of overlapping narrative genres, and thus, I found myself at different times playing the different roles of ethnographer, oral historian, life historian and witness.

Though historically, the canon has had little room for unwritten oral narratives (Chamberlain & Thompson 1998, p. 4), recent interest from across the social sciences has emerged as the result of wider social, cultural and political developments since 1945, namely the radical protest and liberation movements in Europe, the USA, the

former Soviet Union, Latin America and other former colonies (Rogers et al., 1999). Due to growing interest in radical narrative genres, such as *testimonio*, oral narratives have been increasingly recognised as particularly useful in understanding the significance of violence in individual lives, and exploring "both personal trauma as viewed within a social context and society as reflected in an individual's life (Benezer, 1999, p. 30). Indeed, throughout the course of my research, I came to realise the power and potential richness of oral sources, not simply to record the facts or events, *per se*, but also to provide insight into subjective, personal meanings (Passerini, 1983; Porteli, 1998; Thompson, 1998; Tonkin, 1992). I believe that the oral narratives were a means through which IDPs in Nepal made sense of, interpreted, or commented upon their experiences of violence and displacement, and thus, they provide great insight into the ways in which relationships between public and private, personal and political are continually negotiated within a turbulent social context (Rogers et al., 1999).

Creating a written narrative from oral sources has been a troubling process, for as Singer (1997) notes, oral narratives "are intended to be communicated by word of mouth. They are designed to be transient, changing with each retelling. Recording them fixes them in time like a written text" (p. ix), which they are not. This chapter is based upon narrative accounts of IDPs' experiences of different aspects of internal displacement. The narratives presented here come from a range of individuals with differing backgrounds and histories of displacement.

In the first part of this chapter, I shall explore the development of the decade long armed conflict in Nepal. An understanding of the history and causes of armed conflict will be helpful to understand the nature of conflict-induced displacement in Nepal. Then, the chapter progresses via a discussion of: how different causes necessitate people to move; the pattern and phenomena of internal displacement caused by the People's War (PW) of the Maoists; their atrocities; and the counter violence triggered by the state security forces in the name of quelling them.

Development of the Conflict in Nepal: A Historical Analysis

In 1990 the *Partyless Panchyat Regime* was replaced by a multi-party system by popular (Peoples Protest) *Jana Andolan I*. The consequential change of the political system to a multiparty democracy and a constitutional monarchy gave rise to high expectations among the Nepalese population, mainly among the marginalised sections. However, the promised political, societal and/or socio-economic improvements could not be brought about; the economic level of the excluded groups has remained very low. Traditional power relationships persist; the old elites have remained in power, and poverty, corruption, exploitation and nepotism have not diminished (Ojha, 2005, p. 17). The country has failed to achieve stability despite three parliamentary and two local elections. Twelve governments were formed between 1990 and 2002 (Thapa, 2008). Infighting among the political parties characterised the politics on a daily basis and political instability has slowed down the democratic process from its very beginning (Pyakuryal, 2008, p. 1). The succession of governments was unable to achieve any real headway in addressing Nepal's continuing economic underdevelopment and deep-seated social inequalities. It is not democracy that created these inequalities as such, but it did allow the repressed voices to speak out, which promoted equity concerns. In this already unstable situation, an armed insurgency began on 13 February 1996, led by the Maoist Communist Party (CPN-M) Nepal who declared the People's War (PW).

The Reconfiguration of Nepali Politics (1989−1993)

During the late 1980s, all of the various communist parties were involved in the growing mobilisation of various sections of Nepali society in opposition to the political status quo. By 1990, most parties within the communist movement had joined together to bring about the end of the *Partyless Panchyat Regime* orchestrated by the King and the ruling political elite. Jana *Andolan I* was successful in April 1990 (See table 7); the *Panchyat Regime* effectively came to an end. The Maoist parties, however, did not join the Communist coalition and instead formed the United National People's Movement with the United People's Front of Nepal (UPFN) as a vehicle for electoral activity, led by Dr. Babu Ram Bhattarai. The UPFN rejected the November 1990 Constitution promulgated by the King, considering it an inadequate basis for a genuine democracy (Thapa & Sijapati, 2003, p. 35).

In 1991, the two major communist parties unified to form the Communist Party of Nepal (United Marxist-Leninist) CPN-UML, shortly after the downfall of the *Panchyat Regime*. The CPN-UML participated in the first general election of 1991 and established itself as the mainstream communist party of Nepal winning just over two million votes as against the Nepali Congress Party (NC), which secured 2.75 million, while the UPFN won nine seats with around 350,000 votes (Thapa & Sijapati, 2003; Shrestha & Adhikari, 2005, p. 240). When the Nepali Congress won an outright majority in the House of Representatives, the distrust between the centrist Nepali Congress and the Left parties took an ugly turn as Left activists in outlying districts began to face harassment at the hands of the local administration at the instigation of local Congress politicians. This happened most prominently in the western hill districts of Rukum and Rolpa where the UPFN, the political wing of the Unity Centre (UC), had a very good showing, winning both the parliamentary seats in Ropla and faring very well in Rukum.

Table 7: Nepal: Chronology of key events

Year	Event
1768	Gurkha ruler Prithvi Narayan Shah conquers Kathmandu and lays foundations for unified kingdom.
1792	Nepalese expansion halts by defeat at the hands of Chinese resistance in Tibet.
1814-16	Anglo-Nepalese War; culminates in a treaty which establishes Nepal's current boundaries.
1846	Nepal falls under sway of hereditary chief ministers known as Ranas, who dominate the monarchy and cut the country off from the outside world. (Isolationist Policy).
1923	Treaty with Britain affirms Nepal's sovereignty.
Absolute Monarchy	
1950	Anti-Rana forces based in India form alliance with the Nepalese monarch.
1951	End of Rana rule. Sovereignty of crown restores and anti-Rana rebels in Nepalese Congress Party form government.
1953 May	New Zealander Edmund Hillary and Nepal's Sherpa Tenzing Norgay become the first climbers to reach the summit of Mount Everest.
1955	Nepal joins the United Nations.
1959	Multi-party constitution adopts.
1960	King Mahendra seizes control and suspends parliament, constitution and party politics after Nepali Congress Party (NCP) wins elections with B. P. Koirala as premier.
1962	New constitution provides for non-party system of councils known as "*panchyat*" under which a king exercises sole power. First elections to *Rastrya Panchyat* held in 1963.
1972	King Mahendra dies, and is succeeded by Birendra.

Multi-party politics	
1980	Constitutional referendum follows agitation for reform. Small majority favours keeping existing *panchayat* system. King agrees to allow direct elections to national assembly ─ but on a non-party basis.
1985	NCP begins civil disobedience campaign for restoration of multi-party system.
1986	New elections boycotted by NCP.
1989	Trade and transit dispute with India leads to border blockade by Delhi resulting in worsening economic situation.
1990	Pro-democracy agitation co-ordinated by NCP and leftist groups. Street protests suppressed by security forces resulting in deaths and mass arrests. King Birendra eventually bows to pressure and agrees to new democratic constitution.
1991	Nepali Congress Party wins first democratic elections. Girija Prasad Koirala became prime minister.
Political instability	
1994	Koirala's government was defeated in a no-confidence motion. New elections lead to formation of Communist government.
1995	Communist government dissolved. Radical leftist group, the Nepal Communist Party (Maoist), begins insurrection in rural areas aimed at abolishing monarch and establishing people's republic, sparking a conflict that would drag on for over a decade.
1997	Prime Minister Sher Bahadur Deuba loses no-confidence vote, ushering in a period of increased political instability, with frequent changes of prime minister.
2000	G. P. Koirala returns as prime minister, heading the ninth government in 10 years.
Palace massacre	
2001 June	King Birendra, Queen Aishwarya and other close relatives were killed in a shooting spree by drunken Crown Prince Dipendra, who then shoots himself.
June	Prince Gyanendra was crowned King of Nepal after Dipendra dies from his injuries.
July	Maoist rebels step up campaign of violence. Prime Minister G. P. Koirala quits over the violence; he is succeeded by Sher Bahadur Deuba.
November	Maoists end four-month old truce with government, the declared peace talks with government failed. Maoists launch coordinated attacks on army and police posts.
Emergency	
2001 November	State of emergency declared after more than 100 people are killed in four days of violence. King Gyanendra orders the army to crush the Maoist rebels. Many hundreds are killed in rebel and government operations in the following months.
2002 May	Parliament dissolved, fresh elections were called amidst political confrontation over extending the state of emergency. Sher Bahadur Deuba heads interim government; he renews the state of emergency.
October	King Gyanendra dismisses Deuba and indefinitely puts off elections set for November. Lokendra Bahadur Chand is appointed as PM.
2003 January May-June	Maoists and the government agree to declare a ceasefire. Lokendra Bahadur Chand resigns as PM; the King appoints his own nominee Surya Bahadur Thapa as new prime minister.

End of truce	
2003 August	Maoists pull out of peace talks with government and end seven-month truce. The following months see resurgence of violence and frequent clashes between students/activists and police.
2004 May	Royalist Prime Minister Surya Bahadur Thapa resigns following weeks of street protests by opposition groups.
June	King Gyanendra reappoints Sher Bahadur Deuba as Prime Minister with the task of holding elections.
Direct power	
2005 February	King Gyanendra dismisses Prime Minister Deuba and his government, declares a state of emergency and assumes direct power, citing the need to defeat Maoist rebels.
April	The King lifts the state of emergency amid international pressure.
November	Maoist rebels and main opposition parties agreed on a programme intended to restore democracy.
2006 April	King Gyanendra agree to reinstate parliament following weeks of violent strikes and protests against direct royal rule. G. P. Koirala is appointed as Prime Minister. Maoist rebels call a three-month ceasefire
May	Parliament votes unanimously to curtail the King's political powers. The government and Maoist rebels begin peace talks, the first in nearly three years.
June	Maoist's leader Prachanda and PM Koirala hold talks − the first such meeting between the two sides − and agreed that the Maoists should be brought into an interim government.
November	The government and Maoists sign a peace accord, the Comprehensive Peace Agreement (CPA), declaring a formal end to a 10-year rebel insurgency. The Maoists joins a transitional government and their weapons (Maoist combatants' weapons) are placed under UN supervision.
2007 January	Maoist leaders enter parliament under the terms of a temporary constitution. Violent ethnic protests erupt in the south-east; demonstrators demand autonomy for the region.
Maoists join government	
2007 April	Former Maoist rebels join in forming an interim government, a move that takes them into the political mainstream.
May	Elections for a constituent assembly are pushed back to November.
September	Three bombs hit Kathmandu in the first attack in the capital since the end of the Maoist insurgency.
September	Maoists quit interim government to press demands for monarchy to be scrapped. This forces the postponement of November's constituent assembly elections.
October	UN Secretary-General Ban Ki-Moon urges Nepal's parties to sink their differences to save the peace process.
End of monarchy	
2007 December	Parliament approves abolition of monarchy as part of peace deal with Maoists, who then agrees to re-join the government.
2008 January	A series of bomb blasts kills and injures dozens in the southern Terai plains. Groups there have been demanding regional autonomy for a long time.
April	Maoists win the largest bloc of seats in elections to the new constituent assembly, but fails to achieve an outright majority.

2008 May	Nepal becomes a republic.
June	Maoist Ministers resigns from the cabinet in a row over who should be the next head of state.
July	Two months after the departure of King Gyanendra, Ram Baran Yadav becomes Nepal's first president.
August	Maoist leader Prachanda forms a coalition government, with Nepali Congress going into opposition.
Maoists leave government	
2009 May	Prime Minister Prachanda resigns in protest against "unconstitutional and undemocratic" move by President Yadav to block the sacking of the army chief. Maoists leave government after other parties oppose integration of former rebel fighters into National Army.
	Communist leader Madhav Kumar Nepal named new prime minister.
December	Four people are killed during clashes triggered by Maoist-led land grab in the Far West of the country, giving rise to fears over future of peace process.
2010 January	PM Madhav Kumar Nepal warns that time is running out to consolidate the peace process and write a new constitution by the May 2010 deadline.

Source: Adapted from BBC News http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1166516.stm; Caritas, 2006, p. 41-43.

Some of the smaller communist parties were even more sceptical of the possibilities of a parliamentary road to socialism for Nepal. Efforts were made to bring together the various smaller communist parties (including the Maoists) under one platform, and in 1991 the CPN (Unity Centre − UC) was established. They began to consider the strategy of a protracted People's War through the initiation of an open class struggle in the rural areas adopting the classic Chinese model as the appropriate revolutionary strategy for Nepal (Neupane, 2001, p. 8). There followed a period (1993/4) of intense debate and considerable disagreement within the CPN (UC) regarding tactics, timing and other aspects of a programme of armed struggle. As a result, the CPN (UC) divided into two parties, the CPN (UC) and the CPN (Maoist) in 1994. The CPN (UC) continued to work within the framework of parliamentary politics, but the CPN (Maoist) abandoned all political work within the existing legal framework and started preparing for a People's War. The UPFN boycotted the 1994 parliamentary mid-term elections and used the occasion to criticise the parliamentary democratic system and to prepare cadres to bring radical change through armed struggle (Shrestha & Adhikari, 2005, p. 241).

Preparation for a People's War (1994–96)

The outcome of the 1994 mid-term elections was that the CPN-UML became the largest party in parliament, with 88 seats (as against the 83 of the NC), and formed a minority government which lasted nine months. It was replaced by a coalition of the Nepali Congress and the Rastriya Prajatantrik Party (RPP); and shortly afterwards this coalition was replaced in turn by an NC government. During this period, the CPN (Maoist) was able to prepare for a People's War.

In March 1995, the CPN (Maoist) adopted the strategy and tactics of armed struggle in Nepal. This document states that the conscious peasant class struggle developed in the Mid-Western hill districts, particularly in Rolpa and Rukum and represented the high levels of anti-feudal and anti-imperialist revolutionary struggle. "That struggle has given birth to some new tendencies in the Nepali Communist Movement which have inspired us to be more serious about the business of armed struggle" (*The Worker*, 1997). Arguably, it was at this point (in early 1995) that the CPN (Maoist) began to consider launching armed struggle from the Mid-Western hills. Gersony (2003) argued that there were good reasons for adopting this area as the platform for the launch of the PW:

> [T]he physical environment was most suitable for the launching of a guerrilla war, the economy and society of the region was particularly isolated and remote from urban centres and heavily dependent on small-scale predominantly rain fed farming, the people were hardy and self-reliant but deeply aware of their own poverty and marginalisation from the mainstream of Nepal's political economy, local inequalities and class divisions, although less marked than in some areas (notably in the *Terai*), were sharp, and social discrimination intense both within the Brahmin-Chetri-Dalit communities against Dalits and women, and between the Brahmin-Chetris and the ethnic Magars. (p. 31)

After 1991 (and particularly after 1993/4) political activists of the UPFN and other leftist parties increased in numbers in Rolpa and Rukum where they had suffered severe harassment by district government representatives and the local authorities (Karki, 2001, p. 24). This official repression culminated in 1996 in actions taken by the government-appointed Chief District Officers (CDO) of Rolpa and Rukum which were the subject of a statement by the UPFN accusing the authorities of barbaric oppression (Karki, 2001). Meanwhile the response from the Nepali Congress government was a

police operation code named Romeo to "win the hearts and minds" of the people. The result, as described by the top Maoist leader:

> It was a reign of terror against the poor peasants, indiscriminate ransacking and looting of properties of common people by the ruling party hoodlums under the protection of the police force. (Shrestha & Adhikari, 2005, p. 241)

More than 10,000 rural youths, out of a population of 200,000 for the whole district, were forced to flee their homes and take shelter in remote jungles (Shrestha & Adhikari, 2005, p. 241). The Human Rights Yearbook from 1995 reported:

> The government initiated suppressive operations to a degree of state terror. Especially, the workers of United People's Front were brutally suppressed. Under the direct leadership of ruling party workers of the locality, police searched, tortured and arrested, without warrants, in 11 villages of the district. Nearly 6000 locals had left the village due to the police operation. One hundred and thirty two people were arrested without serving any warrants. Among the arrested included elderly people above 75 years of age. All the detainees were subjected to torture. (INSEC, 1996 as cited in Shrestha & Adhikari, 2005, pp. 241-242)

An independent investigation was carried out by a team of all-party parliamentarians and subsequently substantiated many of the claims and accusations made by the UPFN. The UPFN condemned the barbaric repression of the people of Rolpa and Rukum by the Nepali Congress government and requested an end to administrative repression and state terrorism. A 40-point demand was submitted to the Government, and the UPFN insisted that if no progress was made towards fulfilment of the demands within a week, they would have no choice but to resort to armed struggle. His Majesty's Government of Nepal,[11] far from responding positively, cracked down further (Seddon & Hussein, 2002, p. 15; IDMC, 2006b, p. 17).

The People's War (1996–2001)

In their "Plan for the historical initiation of the People's War", adopted by the CPN (Maoist) Central Committee in September 1995, the Maoists had stated, "on the occasion of the formulation of the plan for the initiation of the process that will unfold as a protracted PW, based on the strategy of encircling the city from the countryside according to the specificities of country, the party once again reiterates its eternal commitment to the theory of PW developed by Mao as the universal and invincible

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[11] The name has now been changed into Government of Nepal by the restored Parliament after the popular people's movement in 2006.

theory of war" (*Desanter*, 2001 as cited in Karki 2001, p. 23). On 13 February 1996, the CPN (Maoist) declared a PW in Nepal. Prachanda advocated that the stated objectives were to overthrow the bureaucratic-capitalist class and state system, to uproot semi-feudalism and to drive out imperialism in order to establish a New Democratic Republic with a view to building a new socialist society (Prachanda, 2000, p. 4). To achieve these objectives, the CPN (Maoist) adopted the strategy and tactics of a protracted PW, with the aim or purpose of establishing base areas in the rural and remote areas, so as, eventually, to surround urban areas and seize state power.

The PW was launched in six districts – Rukum, Rolpa, Jajarkot, Salyan and Gorkha in Mid-Western and Western Nepal, and in Sindhuli in the Centre-East of Nepal. Between February 1996 and February 2001, a series of plans provided a clearly stated structure for the objectives and tactics deployed by the CPN (Maoist). One of the early objectives, as suggested by Karki was the elimination of selected enemies, and in 1996/7, the Maoists were successful in capturing weapons and developing guerrilla zones (Karki, 2001, p. 29). During 1998/9, the extent and intensity of the conflict increased significantly with unprecedented attacks on army barracks, police posts, village development committee buildings, banks, local level political party members and displaced many across the country (Ojha, 2007). The successive governments in the 1990s underestimated and ignored the gravity of the causes and dynamics of the conflict. The government initially interpreted the insurgency merely as a "law and order problem" (Upreti, 2004). Only later, the government declared it as an act of "terrorism" (Upreti, 2006). Backed up by the military and other assistance from foreign countries, it fought against the insurgency. The government didn't listen to the voice of its own people who felt similarly let down by the government. The government seemed to have depended on the analysis and advice from a few of the supportive foreign countries – the most prominent of which were the proponents of the "war on terrorism" (Muni, 2003).

Consequently, the government took a suppressive stance towards all those it suspected to be supporters of the Maoists. Successive major police crackdowns on the Maoists were followed by a search and arrest campaign in the Mid-West and reports of police atrocities. In May 1998, for example, the police operation, Kilo Sierra II, was a significant effort to crush the rebels, but its brutality and lack of discrimination in terms

of its targets proved counter-productive and, as argued by Philipson, stimulated a further intensification of activity on the part of the Maoists and increased their support among the Nepali population at large (Philipson, 2002, p. 27). After the Dunai attack in 2000, the army was deployed in the headquarters of 16 districts. The conflict escalated and the displacement had also started to affect other poorer strata of the population who had fled fighting between the rebels and the army. The Government then tried to resolve the conflict by appointing commissions and initiating contact and dialogue with the Maoists.

The June 2001 massacre of the King and the royal family was unforeseen and certainly affected the Maoists plans. The new King, Gyandendra, was evidently prepared to adopt a much stronger line with respect to the Maoists than the previous King, Birendra. The deployment of the Royal Nepalese Army (RNA) to various locations in the hill areas and plans to establish an Internal Integrated Security and Development Plan (IISDP) indicated a greater willingness on his part to listen to the RNA chiefs and entertain a military solution. Nevertheless, preliminary negotiations led to a ceasefire and a programme of talks between the Maoists and His Majesty's Government of Nepal (HMG/N). Three rounds of talks were held, but, in the meantime, the events of 11 September 2001 in the USA and the declaration of the war against terrorism dramatically altered the wider political climate and undoubtedly had its impact on the situation in Nepal. For whatever reasons, on 23 November, the Maoists broke off the talks and breached the cease-fire, launching a series of attacks on various targets, both military and civilian. For the first time the guerrillas attacked the RNA, killing 14 soldiers in the Ghorahi base, in addition to a number of policemen. They looted an estimated NRs. 225 million from banks over the week (Seddon & Hussein, 2002, p. 16). This proved a dramatic turning point.

A State of Emergency (SoE): 2001/2

On 26 November 2001, after talks between HMGN and the Maoists broke down, and the latter had launched attacks on police and RNA posts, a State of Emergency (SoE) was declared. The RNA was called out and an ordinance granting the State wider powers to arrest people suspected of involvement in terrorist actions was put in place. Under the ordinance, the CPN (Maoist) was declared to be a terrorist organisation and

the insurgents were labelled as terrorists. Until this point, the conflict had been, largely, a low intensity conflict; but after the break-up of the talks, the resumption of the conflict and the declaration of the SoE, the intensity and scale of the conflict increased significantly. In many areas, the conflict led to the breakdown in education, closure of businesses, weakening of local economies and interruption of public services. The trend of the displacement also increased. The ordinance was the main source of producing IDPs in Nepal.

Family members and supporters of the Maoists often had a very hard time as they were often tortured and threatened by state security forces. Similarly, acts of retribution, abduction, disappearance, human rights violations and abuses of authority were liberally practiced by the state forces, who were supposed to guard against such practices. Both the state security forces and the Maoists had failed to respect humanitarian laws and to abide by these obligations. According to SAFHR (2005), insecurity and blockades further reduced the availability of food and exacerbated a long standing trend toward rural exodus (p. 36). After November 2001 the conflict moved into a new phase. Increasingly, external agencies were to become involved, with the governments of some countries (notably the USA, UK and India) taking a much more active and interventionist line than previously and development agencies actively seeking to respond to the conflict in a variety of ways.

Since November 2001 HMGN has deployed the RNA to an increasing degree. Increased military activity during 2002 has been accompanied by a dramatic increase in deaths in larger-scale clashes between the guerrillas and the police and the RNA, thus large scale displacement occurred in large cities like Kathmandu, Nepalgunj and across the border to India. Dissidents within the ruling Congress Party and the opposition refused the proposal by the Prime Minister to extend the powers of the security forces under the SoE, arguing that the new anti-terrorist law already gave them sufficient authority. The decision of Prime Minister Deuba in May to dissolve parliament and seek national elections in mid-November led to considerable tensions. Although the King extended the SoE for a further three months, to August 2002, and the dissolution of parliament was eventually upheld, the NCP suspended Mr. Deuba and expelled him from the party for a period of three years.

However, in October, after considerable uncertainty as to whether elections would be held as initially proposed in November 2002, and following various suggestions for their postponement had been made, the King intervened, sacking the Prime Minister and forming his own government. Since August 2002, the war had continued to intensify. Insecurity for ordinary people in the rural areas had increased and lives and livelihoods have become increasingly affected (Seddon & Hussein, 2002, p. 17). The Maoists had also increased their attacks on infrastructure as part of their struggle against the State, concentrating their attentions more on strategic targets than on the smaller-scale infrastructure. These attacks, while directed at power, transport and communications infrastructure, in particular, have affected the economy as a whole, and have had a significant propaganda effect. At the beginning, Maoists used to attack local level political party members and leaders as a war strategy to create a political vacuum to be filled later by the Maoists' own cadres. Mostly, wealthy landowners and local elites who were accused of wrongdoing, active members of political parties who didn't follow the Maoists' ideology, government officials, elected local representatives and the secretaries of the village development committees and district development committees were all forced to either accept the dictates of the Maoists or vacate their residences. Hence, due to the fear of retribution and extortion, many people left their villages. Other people fled due to either real or perceived threats.

The King had ruled the country since 2002 through handpicked Prime Ministers from different political parties. He appointed Mr. Sher Bahadur Deuba as Prime Minister and formed a coalition Government of four political parties after street demonstrations against his handpicked government in 2004. In February 2005, in the face of growing attacks by Maoist activists, King Gyanendra dismissed the Prime Minister, placed major political figures under arrest and seized power (Pyakuryal, 2008, p. 2). This move and the subsequent curtailment of civil liberties in Nepal were sharply criticised by several nations, including the United States and India. In September 2005, the Maoists declared a unilateral cease-fire, which was reciprocated by the government. The main political parties, namely the Seven Party Alliance (SPA)[12], joined with the Maoists in signing the

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[12] The Seven Political Party (SPA) Alliances is a coalition of seven political parties seeking to end direct Monarchy rule and establishment of Federal Democratic Republic of Nepal. The alliance is made up of Nepali Congress (NC), Communist Party of Nepal-Unified Marxist Leninist (CPN-UML), Nepal Workers and Peasants Party, Nepal Goodwill Party, United Left Front, People's Front and Nepal Communist party of Nepal-Maoists.

"12 Point Understanding" on November 2005, aimed at the resurrection of democracy and paving the way for long-lasting peace in the country.

Village Defence Forces (VDFs): A New Invention for Intrusion

In November 2003, the government proposed to launch a "Civil Military Campaign" to counter Maoist violence which included plans to institute *Pratikar Samuha*, literally Rural Volunteer Security Groups. This proposal was met with considerable criticism both domestically and internationally and the proposal was not acted upon at that time (Amnesty International, 2005, p. 3). However, in a couple of years, various so called civilian Village Defence Forces (VDFs) had emerged in parts of the country, especially in the Terai region, sometimes in apparent spontaneous response to attacks, intimidation and threats from the Maoists. In some districts, they were led by a handful of well-known local figures with criminal backgrounds. Some of these men were also former Maoists. Some are reportedly fugitives from justice in India. There is widespread fear of these men in the local community with some describing them as hoodlums and others as freedom fighters. The VDFs, in some districts, are organised at the district level and have even drafted a "Constitution", although this document has reportedly not been approved by the district authorities (Caritas, 2006). Typically, Maoists are accused of terrorising communities by abducting and killing police, military and government officials as well as demanding financial contributions and/or food from every household; even from some of the poorest sections of the society. Amnesty International's report (2005) suggests that in some parts of the Terai region, petty criminals joined Maoists' ranks, using their position as an opportunity for extortion (p. 3). The Maoists regard the VDFs and even those working more loosely as village guards (often under duress), as legitimate targets.

In Kapilvastu, the VDFs came to national prominence following violence in the district from February 2005 onwards. The abduction of two people on 5 February 2005 and the subsequent murder of one of them, apparently because of family links to the army, led to widespread anger at both the killings and at the ongoing extortion by Maoists (Amnesty International, 2005). On 17 February, large-scale local protests in Ganeshpur became violent with nine people killed in the village and three taken to the army barracks. Six more suspected Maoists were killed the following day in the continuing

violence. Official support for the angry popular reaction was made clear on 21 February with the visit to the Village development Committees (VDCs) of some government Ministers.[13] Their speeches (shown on national television), which encouraged and congratulated the community response to the Maoist threat had an inflammatory effect and led to a serious escalation in the violence over the following weeks. The killings were accompanied by the wide-scale burning of houses of those suspected of having Maoist links. According to the human rights organisations, between 17 and 23 February, 31 people were killed and 708 houses were burnt down and almost all of the 400 residents of the VDC fled to India fearing Maoist reprisals (Amnesty International, 2005). This was followed a few days later by retaliatory actions by the Maoists and an estimated 30,000 villagers fled the violence (*IPS*, 2005, p. 3).

The Government supported these defence committees. Funds given to the VDCs for development activities, which could not be spent as a result of the conflict, were being channelled into *Shanti ra Bikash Samiti* (peace and development committees), a sanitised name for the VDFs. Military training of the VDFs was taking place by the Army. According to Caritas (2006), local people were told that if they participated in the training they would be recruited into the police or army or given other government jobs. It was therefore easy to motivate unemployed youth to join the VDFs. Joint military/VDF patrols had taken place and some leaders of the VDFs' shelters in military barracks at night feared that they would be targets for Maoist attacks. All weapons being used by the VDFs were supplied and licensed by the government. However, the authorities refused to indicate how many licenses had been issued (Amnesty International, 2005).

Villagers were pressured into joining the VDFs. There were many accounts of being beaten or accused of being Maoist sympathisers if they refused (Caritas, 2006). Villagers also were forced to make a donation to the VDFs. The money collecting practices of the leaders of the VDFs were no different from those of the Maoists. In some districts families were required to give one person per family to work with the VDFs – in exactly the same way that families are often required to give up one member

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[13] The Ministers included the Home Minister Dan Bahadur Shahi and Minister for Education Radha Krishna Mainali. See also "minister encourages villages to retaliate against Maoists", Kantipur online report, dated 18 March 2005.

for recruitment by the Maoists. The numerous incidents since the creation of the VDFs, testify to the intensification of the conflict.

Given Nepal's complex ethnic and social landscape, creating such VDFs was particularly ill-advised as the creation of VDFs has forced many villagers to take sides in the conflict − something most wish to avoid, since it makes them targets of violence from both sides. VDFs also destroy the social fabric of communities by forcing people to spy on each other thus fostering mistrust among them. Arming untrained VDFs when regular police are often under armed and under trained was counter-productive, disarming and demobilising for these VDFs after a peace deal is extremely difficult as there are no official records of arms distribution and most of the VDFs formed different armed under-ground groups.

Comprehensive Peace Agreement − 2006

In April 2006, the SPA declared a pro-democratic movement against the King. After the 19-day-long people's popular and historical uprising (which received the Maoists active, but unarmed support), the King relinquished his role as head of government and called on the seven-party coalition to designate a Prime Minister and organise elections. The King then ceased to be the commander-in-chief of the army, and Nepal was declared a secular state. A ceasefire was declared by both the government and the Maoists, followed by the signing of a "Comprehensive Peace Agreement" (CPA) on 21 November, 2006 bringing the armed conflict to a formal end. The Maoists then joined the Seven-Party Coalition government.

Although the road map set out in November 2006, the Comprehensive Peace Agreement (CPA) was disrupted by disagreements between the major political parties and the *Madhesis'* movement, the Constituent Assembly (CA) elections were held successfully. The transition to a republic was peaceful and the unprecedented diversity of the new CA raised hope of more inclusive politics. The elections of a president and in August 2008, the formation of a Maoist led government, were both delayed by wrangling, but nevertheless took place.

Causes of Displacement: Compare and Contrast

The causes and regional dynamics of displacement have been analysed by a number of authors who contributed to a comprehensive volume on internal displacement edited by Cohen and Deng (1998b). They stress regional specificities in terms of scale, complexity and policy responses offered by international organisations and national governments. It specifically suggests an explanation of growing internal displacement that is mainly due to the multiplication of internal conflicts also linked to the end of the Cold War. As a result, the civilian population has no choice but to seek safer areas for protection. This constitutes a major challenge for the international community as national governments usually fail to provide adequate protection for the internally displaced. These writers also describe the major factors that come into play when displacement occurs, such as ethnic strife, political manipulation and severe and pervasive human rights abuse.

Causes of conflict-related displacement can be divided into root causes and proximate causes. Root causes are those which initiate a conflict and its displacement, although these can be hard to isolate as most of today's conflicts must be understood as self-perpetuating and their resulting displacement can be seen not only as an effect of the conflict but also eventually as a cause of its continuation. In aiming to identify the cause of forced migration, Summerfield (1999) states:

> It is likely to become increasingly difficult to distinguish the effects of war, of environmental degradation and global economic policies that mean structural poverty for the overwhelming majority. (p. 131)

Some internally displaced people are uprooted by inter-state conflicts such as in Pakistan, Syria, Israel, the Occupied Palestinian Territory (OPT) and Iraq. Most conflicts causing internal displacement imply a combination of internal fighting and direct foreign military intervention, most often linked to civil war (IDMC, 2006b). Rebel activities and inter-communal violence are key factors in the displacement of civilians; although in several countries, including Nepal, the government's army or proxy armed forces also compelled people to flee. In the African region, generalised violence caused widespread displacement, as armed criminal groups forced people to flee and inter-communal tensions flared up between indigenous groups and others perceived as new arrivals, between pastoralists and sedentary farmers, and between supporters of election

candidates. In the Central African Republic, human rights abuses, including unlawful killings, looting and destruction of villages and fields, loss of livelihood, sexual violence, and abduction and recruitment of children caused by road bandits, (known as "*coupeurs de route*" or Zaraguina) became the main cause of displacement (IDMC, 2009, p. 35). Government forces committed atrocities against civilians until late 2007 in retaliation for their support of opposition groups, who as the *de facto* authorities in some areas, punished civilians when their authority was not respected. The IDMC report (2009) suggests that the conflict induced displacement in South and South-East Asia was mainly caused by fighting between government forces and rebel groups striving for autonomy or control of the state or trying to resist assimilation or migration policies resulting in their political and economic marginalisation (p. 55). Similarly, human rights violations, generalised violence, internal and international conflicts along political, religious and ethnic lines, as well as competition for land and other natural resources, were among the causes of internal displacement in the Middle East (IDMC, 2009, p. 81). The causes are fuelled by deep structural problems, often rooted in acute racial, ethnic, religious and/or cultural cleavages, as well as gross inequalities within a country. During the Cold War, these differences, tensions, oppressions and repressions were often supported by the control mechanism and ideological reasoning behind the two superpowers. The end of the Cold War removed these external interests and resulted in the intensification of many internal conflicts and related displacement flows.

In Nepal, the main reason for displacement is conflict and the resulting effects of conflict. In addition to this, the structural factors for displacement are:

- Non-existence of investment in rural areas hence no opportunity for employment
- Increased uninformed migration of young people for better living options
- Decreased development work in rural areas
- Deeply ingrained tradition of domination and exploitation
- Lack of equal opportunity and prospects for development
- Continued economic decline, including reduction of income from remittance and tourism prospects

The government machinery has ceased to function in the villages and there has not been any government representative present for years. Most of the development has come to a halt in the villages and is limited to the district headquarters, which remain under

government control. Maoists imposed a "visa" system for those travelling to and from Maoist controlled territories, for the indoctrination of women and children at compulsory rallies, and the Maoist policy of asking "each family for one child to join their ranks" has resulted in the displacement of thousands of people. The following section describes how the IDPs were created by the conflict in Nepal.

Reasons for Internal Displacement in Nepal

The following section provides some first-hand narratives collected from interviews with a number of displaced persons during fieldwork which are organised under a number of thematic headings.

Displacement due to Different Political Ideologies

Predominantly people from political and wealthy groups have fled their villages because of fear of being Maoist targets. When the conflict began in 1996, it was initially just the cadres of political parties, in particular those of the Nepali Congress, who were displaced. They were targets of the Maoists' violence because of the traditional rivalry between themselves and the Maoists. Most of the NC affiliates stated that the Maoist could not even see them as they were in the governing party (Nepali Congress) during the majority of the conflict.

> *My father was a Nepali Congress party worker. They wanted my father to join their party after quitting the Nepali Congress. But my father refused to do that. Then, they threatened my father. They took our buffalos, cows, clothes and other grains then threatened to destroy our house. They locked up our house and made us leave the village during the festival time. (Young internally displaced women, personal interview, 2007)*

This young woman shared her story about how she had to leave all their property. Ideological difference was seen as a major reason for Maoist threats against the political leader.

> *Maoists acted in ways that compelled me to leave the village in 1997 on the charge of being an anti- democracy activist. I was Pradhanpanch (Village Panchyat Chief) during the Panchyat regime. I fled after the Maoists burned our house and confiscated our lands...we were kidnapped and they demanded ransom but I managed to run away in the middle of the night with just my clothes on. (Male Rastriya Prajantra party worker, personal interview, 2007)*

The majority of the respondents that I interviewed stated that they fled their villages after having different political ideologies or associations with other political parties. They were facing threats, extortion, fear for their lives and property.

Murder of Family Members

In the period preceding the state of emergency, from February 1996 − Dec 2006, the Maoists were responsible for 4970 deaths and the State for 8377.[14] Once the Maoists launched the second phase of the People's War and the army was deployed, both Maoists and state security forces mounted an unprecedented killing spree. In 2002 alone, over five thousand people were killed, 1,062 by the Maoists and 4,151 by the State (INSEC, 2003).

Maoist attacks during the state of emergency were mainly directed toward security forces, ruling party political workers and government employees. A widow who is a teacher by profession shared her experiences about how she was displaced after the murder of her husband.

> *Maoists asked us to pay a cash donation as we both were teachers. We couldn't pay as demanded. They abducted and killed my husband. After killing my husband, they looted my house and seized the lands, forcing my family to flee the village and become displaced persons living here (place to which they had relocated). (Female displaced teacher, personal interview, 2007)*

During the decade long conflict (1996 to 2006), Maoists killed 1348 police, 666 army personnel and 453 political workers as well as 933 agricultural workers and 86 teachers.[15] Similarly, Security forces killed 5264 political workers as well as 1448 agricultural workers and 59 teachers.[16] State forces targeted people suspected to be "Maoist". There was no clear definition of what constitutes a Maoist.

> *They (Maoists) came and stayed at my home. Later, the Royal Nepali Army personnel came and arrested us. When I remember the incident, the village seems like a graveyard. It gives me more pain. (Male IDP, personal interview, 2007)*

Anyone who provides shelter, food or money to an armed Maoist, even if it took place under threat, could be accused later of being a Maoist. Another IDP stated that he had to

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[14] These data were accessed from http://www.inseconline.org/hrvdata.php.
[15] These data were accessed from http://www.inseconline.org/hrvdata.php
[16] These data were accessed from http://www.inseconline.org/hrvdata.php

flee because he had been harassed by the state forces for being a Maoist sympathiser. He said,

> *I did nothing wrong except give food and shelter to the Maoists with whom I could not argue...the army thought that I was a Maoist sympathiser and harassed me and my family continuously therefore I left my village and my business.(Male IDP, personal interview, 2007)*

Taking into consideration the plethora of accounts from people forced to assist Maoist rebels, it would appear that many of the "Maoists" killed by the state could be innocent civilians. To further the evidence of wrongful killings, it has become apparent that security forces have adopted a policy of killing suspects rather than arresting them (Informal talk with security officer, 2007)**.** Both the state and the Maoists were brutal in relation to their methods.

Taxes, Extortion and Donations

The Maoists had established a parallel government funded by a system of "taxes" and donations. Teachers, civil servants, contractors, development agency workers, shopkeepers, agriculturalists are all "taxed" in the Maoist controlled areas.

> *My husband was a VDC secretary. Maoists asked him to pay the tax instead of paying the tax to the government. Once he refused, they killed him and asked me to leave the village. (Female IDP, personal interview, 2007)*

Donations or taxes are sometimes given willingly, but most of the time they entail forcible collection.

> *Maoists were demanding donations regularly but I was not in a position to give it to them. I was abducted by the Maoists who claimed that because I didn't attend district and block level meetings, I had demonstrated that I was not for the People's movement. Whilst abducted, I was heavily tortured. My hands and leg were broken and I was prevented from seeking treatment. Somehow, my family members were able to assist me, but the Maoists forcefully took further NRs 10,000.00. (Male IDP, personal interview, 2007)*

This interviewee aged 63, an agriculturalist and businessmen in the Bardiya district was regularly hounded for donations. He was chairman of several community level committees and was suspected of being hostile. He was abducted by the Maoists and his hands and legs were broken. His family managed to free him and paid up in NRs

10,000. Similar is the plight of another IDP, aged 73 years, who was forced by the Maoists to desert his ancestral home at Kailali five years ago.

> *I left my ancestral home after repeated threats and physical abuse by the Maoists, who had asked NRs 100,000.00 donation from my family. After we failed to pay the amount, they first abducted and tortured my eldest son and then me, alleging that we had leaked information about their activities to the army. It was only good fortune that our lives were spared, recounting the horrors of March 2003. (Male IDP personal interview, 2007)*

This man left his ancestral home after repeated threats and physical abuse by the Maoists, who had asked NRs 100,000.00 donation from his family. A perpetual sense of insecurity forced him and his son to desert the village. Yet conditions worsened, after local Maoists cadres threatened to kill his family members if they failed to call the two (IDP and his Son) back to the village.

> *They would arrive at our house mostly at night and ask the whereabouts of my husband and father in law. Once they came in the afternoon and took me and my three daughters to the country yard. They then poured kerosene on us threatening to burn us alive. Luckily, one of the cadres was kind-hearted and we were left unharmed. (Female IDP, personal interview, 2007)*

In April, the same year, Maoists hoisted their party flag on the top of the house and declared that the house along with the 7 Bigha farms belonging to her family had been seized.

> *They also took away cattle, poultry and a large amount of food and grain. We then had no option but to flee the house at the earliest opportunity. (Female IDP, personal interview, 2007)*

A young lady who surrendered to security forces and has been living under the gaze of the police in Dhangadhi, district headquarters of Kailali spoke of doing "forced" labour in lieu of tax. She was studying in grade 8 at School in Lamki when the Maoists told her to do contributory labour as her three brothers soldiering in India had not paid the Maoists. Her work comprised household chores, collective cultivation and fetching water for mass meetings.

Disruption of Supplies and Essential Services

The Maoists attacked the symbols of state power destroying hydro-electric plants, telecom "repeater" towers, school buildings (used as temporary army camps) agricultural development banks, revenue offices, police posts, village development

offices and the adjoining primary health centres. In Kailali, Banke and Bardiya alone, Maoists destroyed 271 VDC buildings, 138 post offices, 16 health posts and 29 bridges (Ojha, 2005). The destruction of the telecom towers has cut off all phone communication. Bardiya's Karnali Delta and Kailali's Tikapur area have been without electricity for over two years, and public and private vehicles have been banned (Bhandari, 2003). In effect it has resulted in isolating villages and ensuring that state power is confined to district headquarters and larger towns. Financial institutions, schools, post offices, government offices, telecommunications, bridges, power projects, health posts and airport towers also have been targeted.

Terror ruled the villages in Nepal after the declaration of a state of emergency on 26 November 2001. People were afraid to move about even during the emergency, for example, like a visit to a hospital or attending a funeral ceremony. Bans were imposed on transportation of foodstuffs, people were afraid to walk carrying any newspapers in their possession. Noodles, biscuits, pulses, rice, matchboxes and many other things were banned from being transported.

> *The government banned the supply of foodstuffs like noodles, kerosene, gold star shoes, batteries, pressure cookers, electric wire, salt and medicines. We were not allowed to buy a pressure cooker, electric wires and so on. If we wanted to buy such things we had to get permission from the District administration office which was not easy because we had to walk for two days to reach the district headquarters. I moved to the district headquarters and now at least I can get these things easily as compared to my previous place. (IDP, personal interview, 2007)*

The blockade was intended to starve out the Maoists; however it was the villagers who were suffering the consequences. In order to receive their rations, people must first get a letter of authorisation from the District Administration Office (DAO). The journey to the office in the district headquarters could involve days of travel across difficult terrain. Rural life grew miserable after the health posts, police posts, organisations and other development infrastructure were all shifted away from the villages. Subsequently, the people had no other choice but to migrate from their unsafe villages to somewhere that they perceived as safe. The tendency of selling properties in the villages and migrating to towns or just abandoning them was on the rise.

Life has been very difficult in the Mid Western Region and the Far Western Region because of the violence. These people had to cope with lack of food security even during the peaceful times however during the conflict period scarcity of food reached

unprecedented heights. People living in the hilly areas suffered from food scarcity for almost half the year, yet when the security forces and Maoists imposed the bans, as well as the looting that took place, food security became even more uncertain. The villages also suffered from a shortage of medicines. The government had reduced the supply of medicines to the districts fearing looting by the Maoists. The health workers had migrated to safer places fearing physical retribution by the Maoists. Moreover, the Maoists forced the health workers to work for them, and tortured, abducted or physically harmed them if they did not do what they said. The supply of medicines, which used to be distributed for free by the government, has been stopped. The few private drug stores transported whatever medicines they could and sold them to the people. A situation had been created where someone suffering from even a minor disease had to travel to the capital for treatment. The increasing cases of curfew and strikes had an adverse impact on the health of the people because they were dying from delayed or lack of treatment.

Reduction of employment opportunities in the rural areas was another result of the escalation of violence and insecurity and this led to forced migration of the economically active population. People who had to rely on daily wages for their livelihood found lives in the rural areas very difficult and thus shifted to the towns. The increasing trend of violence forced closures of schools, projects, organisations and construction of development infrastructure. The development budget was halved in order to compensate for the increasing security expenditure and people stayed away from investing in new industries. All these factors translated into a reduction of employment opportunities thus people had to move to places where they could find jobs.

Displacement as a Result of Threats of Recruitment

Several persons had been forced to flee after being pressured to join the Maoists. Persons who refused to join and didn't leave the community had to face the consequences. Such violent consequences of resisting recruitment clearly warned others to flee rather than challenge Maoists' recruitment pressures.

> *When I was studying in grade 7 in my village, the Maoists came two or three times to take me with them. As my parents did not allow them to do so, the Maoists threatened my parents that they would abduct me. So my parents sent me to Kathmandu with my maternal uncle. (A young displaced woman, personal interview, 2007)*

In 2004, Maoists declared "*shoes abhiyan*" in the Mid Western regions under the slogan "tie your shoes lace and get ready to join the Maoists" under which they notified that they would be taking all the youths of the village to be enlisted in their army. Hundreds of youths immediately left the villages to avoid recruitment. As the researcher, I met with young girls who had been forcefully recruited by the CPN-M and observed them uniformed and armed. Many young people fled abroad to avoid recruitment, often to work rather than to seek international protection. Forced recruitment in the area has decreased since 2007. "One family − one fighter" policy is no longer strictly enforced by the Maoists and there seemed to be more room to negotiate Maoists' demands to join the party, particularly for women and girls.

> *We are recruiting young girls and boys for the Young Communist League not for the People's Liberation Army (PLA). (Maoist representative, personal interview, 2007)*

Maoists' district representatives acknowledge continued recruitment to the Maoists but not into its armed wing, the People's Liberation Army (PLA). Some Maoist representatives refused to acknowledge recruitment of minors, while others enforce the process.

> *They (Maoists) told me to go to the Jungle. When I refused, they abducted me. They used to order us to cook, support their cultural programme and gather people for the political programme. Some of my friends joined their army as a last resort but I didn't - I was determined not to. (A young IDP woman, personal interview, 2007)*

Many children were recruited as informants, messengers or in other support functions and were therefore not considered child-recruits by the Maoists.

Displacement due to Interference with the School System

Maoists have been abducting teachers and students frequently over a long period of time. The political affiliations of schools and teachers made them a prime target for the Maoists. Consequently, the education system has been left in disarray as teachers have been killed or forced to leave town, and schools have been looted, burned and used as army barracks.

> *Maoists sent a letter to attend a programme on revolutionary education. I have been abducted 6-7 times for periods of 4-5 days to sit through political indoctrination. Non-attendance would be punished with fines or forced labour. (Displaced teacher, personal interview, 2007)*

Also, in district headquarters, the researcher met with many teachers that had been directly displaced by the Maoists for not attending their political programs or paying their "taxes" (1 day's salary per month). According to an Education Officer, in one of the study districts, Bardiya in 2003, schools were opened for an average of 79 days in a year. Both Maoists and security forces had been using school buildings for their purposes, thus triggering incidents such as fires in these places.

> *Maoists conducted cultural programmes in the school during school time. They asked all the students to attend the programme. Once the security forces knew they were conducting programmes in the school, security forces raided the school and both opened fire. Subsequently four students died in the crossfire and more than ten were wounded. (Human rights activist, personal interview, 2007)*

Four students were killed in Sharada Higher Secondary School in Doti and several injured in the crossfire between the Maoists and the state security forces. The Maoists had forced the students to attend their programme and the army opened fire on the Maoists. The Maoists have made schools their training centres and have been levying certain taxes on a monthly basis to the teachers.

> *I was living in my village with my parents. At that time I was studying in 10th grade. The Maoists abducted me and my other friends. They kept us for four or five days. At midnight, we ran away and returned to our homes, but we could not stay there. Our parents sent us with our cousin brother to a safe place where we did not have to be scared by the Maoists. Then, he brought us directly to Nepalgunj. (Young displaced man, personal interview, 2007)*

The Maoists also forced students and teachers to take part in their programmes and whoever denied or tried to argue with them had to face torture, abduction and even murder. On the other hand, the government administration systems suspected them of spying and thus tortured, abducted or arrested them.

> *The security forces came to the office and asked for the headmaster to report to the camp. The next day, I went to the camp and they charged me as a Maoist suspect and released me after interrogation. The interrogation was very humiliating and threatening. (Displaced School Head Master, personal interview, 2007)*

Therefore, teachers sought transfers to schools within the district headquarters, big cities or to places near the capital city, where it was relatively safe. There were also incidents

that caused the teachers to flee their villages and abandon their jobs and the numbers of such cases are on the rise. This has adversely affected children's education.

> *3000 teachers have been displaced from district schools and some 700 private schools targeted by the Maoists have closed down since 1996. (Under Secretary, Department of Education, personal interview, 2007)*

Many private schools in the remote districts have already been closed due to increasing insecurity and parents have also been migrating to safer places to ensure education for their children.

Displacement is not only caused by the abductions and other pressures on the teachers, but also by other interferences within the entire school system, which often contribute to a family's decision to leave in search of peace of mind and quality of schooling elsewhere. According to one displaced teacher, who has been living in the district headquarters of Kailali, schools were open for no more than 100 days out of the 210 scheduled per year, as a result of imposed closures, including military use of the school buildings and abductions of teachers and students. Both Maoists and the Nepal Army used schools for shelter. Maoists mostly used schools for cultural and political activities, training and mass meetings, including People Oriented Education (Janabadi Education).

In meetings with Maoist district commanders, the researcher raised his concern over the link between displacement and the Maoists' interference within the school system. The Maoists representatives considered the education sector inseparable from politics, arguing that the "bourgeois regime" is supported by the current education system which has to be changed in order to produce "aware persons" rather than "educated persons".

Displacement of Suspected "Collaborators"

Displacement is often caused as a result of the armed actors involving the civilian population in provision of services and goods followed by reprisals from opposing armed actors (UNOCHA et al., 2006b, p. 4). However, the researcher found that the remoteness of many of the VDCs limited Nepalese Army (NA) presence to periodic and short operations, while generally the Maoists maintained permanent structures and presence in the rural areas within the districts. Displacement by the Nepal Army (NA)

therefore takes a different and less permanent form. Villagers described how NA patrols previously would come to the VDCs, either on foot or by helicopter, in search of Maoists sympathisers. Search operations used intelligence information that didn't accurately distinguish between Maoist members and other civilians. Information was sometimes provided on the basis of personal animosities, leading to NA persecution and attacks on community members. In order to avoid the complications with these periodic NA patrols, a number of individuals have been forced to flee and go into hiding to remote areas for a couple of days at a time while the NA moved through the area. Another threat in rural areas was the NA's use of lists of alleged Maoist members or supporters.

> *Maoists forced me to attend a one-day political program and then enlisted me without my knowledge and circulated the information that I was their "Area Development Commander". My role as a former local authority allowed me to explain the situation and clear my record with the security forces, but many less influential members of the community that appeared on lists of Maoist supporters would not even approach the NA and hence would have to periodically flee NA patrols. (Ex VDC chairman, personal interview, 2007)*

Those whose names appeared on such lists would flee the periodic patrols carried out by the security forces. Commonly, the villagers, who were forced to attend Maoists' political programmes found themselves enlisted in the Maoist political party and sometimes given important local party roles, often without their knowledge. The security forces initiated actions against people whose resources were forcefully used by the Maoists and who provided food and shelter to them.

> *On September 9 2003, four Maoists forcefully stayed overnight in our house. The security forces arrived the following morning, but only after the Maoists had escaped leaving their bags. My family was accused of sheltering the terrorists. They thrust sand into my husband's mouth and took me to him then asked – 'Is this your wife?' And then turning to me they asked, 'Is this your husband?' We stared at each other helplessly. Then the Security forces dragged me back to the house and tried to push me into the clay granary. I was blindfolded and my hands were tied behind my back. They raped me and my husband was shot dead. (Displaced Woman, personal interview, 2007)*

In that village, the researcher was told that the brutal and frequent violations by NA patrols had forced the villagers to establish a system of "over-night displacement" to temporary shelters in the nearby forest, affecting as many as 400 families in one VDC. The security forces frequently tried to disguise themselves as Maoist rebels, dressing in Maoist style clothing with red bandanas and giving the Maoist greeting (Lal Salaam or Red Greetings) when arriving in villages in an attempt to flush out Maoists

sympathisers if they returned the greetings. Such systematic terrorisation caused an unprecedented human exodus. Sometimes civilians had been killed by the security forces simply on the grounds that the villagers ran away upon the arrival of the troops.

The Maoists used the phones, vehicles and other possessions of different people or organisations by threatening and/or convincing these people that they would return them immediately. The security forces then initiated actions against these same people for being Maoists or for helping them. Subsequently, the people who owned the vehicles or others accessories frequently migrated from their original place of residence to escape reprisal. They also shifted small businesses and other industries to safer places.

Association with Government Service and Security Forces

Most local authorities have been displaced by the Maoists. According to a local development officer[17] in Kailali, some 95% of the VDC secretaries were forced to exercise their functions from district headquarters. According to the UNOCHA report (2006), 68% of VDC secretaries have been displaced all over the country (See figure 5). Almost all displacement of secretaries has resulted directly from the Maoist insurgency; most have been settled in district headquarters or in clusters close to army barracks.

In general, health workers could travel with little or no restrictions and they were free to move around more than any other government staff.

> *We got a lot of pressure from the Maoists to treat their militia who were wounded during the battle with security forces. I was forced to travel 3 days walking distance to treat one combatant who was severely wounded during the fighting with a security force. (Health worker, personal interview, 2007)*

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[17] Personal interview with Local Development Officer, Kailali, 2007

Figure 5: Village Development Committee Secretaries Displacement

NEPAL: Village Development Committee (VDC) Secretaries displacement - as of July 2006

68% of the VDC Secretaries are displaced (2735 cases out of 4017 answers)
Almost all the displaced VDC Secretaries have been displaced as a direct result of the CPN (Maoist) insurgency; most have settled in district headquarters, or in clusters close to Nepali Army barracks. The situation remains dynamic and inhomogeneous, reflecting changes in the political and security environment.

Who are VDC Secretaries?
VDC Secretaries are government civil servants with responsibilities including: administration of the VDC budget - for basic services and development; registration of births, deaths and marriages; management of voter lists; and land tax collection. Since 2002 they have also been required to recommend individuals for citizenship certification and property transfers.

Legend
VDC Secretary
Displaced
Non Displaced
Vacant Post
N/A
Region
District
VDC

OCHA Office for the Coordination of Humanitarian Affairs
Sources: OCHA, UNDP/DLGSP through direct contact with government district officials

Data collection: May-July 2006 with over 70% collected during the week of 24 July

0   25   50   100 Kilometers

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Cartography: OCHA, July 2006

Source: (UNOCHA, 2006, p.1)[18]

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[18] Accessed from http://www.reliefweb.int/rw/fullmaps_sa.nsf/luFullMap/2D0470C0F560226F8525720B006B4DB3/$File/ocha_OTS_npl310706.pdf?OpenElement

The health workers interviewed in three districts reported a high degree of pressure by the Maoists. The pressure ranged from having to take instructions as to where and when they should treat patients to being taken for 1−3 days to treat wounded and sick Maoists. Some health workers shared their experiences of being severely threatened and verbally abused by state security forces as well as forced to provide intelligence reports on Maoist activities to the security forces when travelling to the district headquarters. In addition to this, they paid one day's salary per month in the name of tax. Also 25% of the government allotted medicines were taken to the Maoists.

People tried to abandon their villages if they felt that the Maoists might abduct them for having a family member in the police or army service, for not donating money and for spying on the Maoists or for being involved in politics other than Maoist.

> *My son was in the police force and the Maoists threatened to hang me if I didn't call him back. They tortured me brutally and two bones in my chest were broken. My son was tied by ropes and thrown from a hill. He got stuck in a tree and so didn't die but was badly injured. I took him to India for treatment which cost IRs 60,000.00. Other members of my family were tortured. (Ex VDC chairman, personal interview, 2007)*

Maoists were responsible for the execution of off duty army or police personnel, often capturing them when they returned to their villages to visit family members. In the vast majority of cases, the Maoists officially claimed responsibility for their killings, explaining that the executed individuals were informers, a vague charge which encompassed any act which defied Maoist dictates.

> *Maoists hanged my husband and abducted me and forced me to work for their army in the forest as a porter. However, I managed to escape and reached Kathmandu barefoot after three days despite being pregnant at that time. (Woman IDP, personal interview, 2007)*

There was a tendency for people to make such decisions hastily at night. They fled their villages spending nights in temples, fields, haystacks and other places before they could run away in the morning. Similarly, Maoists locked up the houses of many of these people declaring them as their enemies.

> *Some 1270 members of 292 army families have been displaced. The trend of displacement has been increasing. (NA Colonel, Personal interview, 2007)*

Maoists loot and destroy the properties. Most of the displaced families from Kailali, Bardiya, Dailekh and Surkhet were displaced after Maoists had locked up their houses

and expelled them. As the Maoists targeted security personnel, they were unable to visit their own homes during the holidays and festivals, like Dashain, Tihar, and other cultural festivities. There were cases when Army personnel were abducted, killed or looted when they arrived home on leave.

> *I have three sons. They have been working; one in the Nepal Police and two others in the Nepal Army. When the Maoist activists discovered this, they asked me to call my sons home and asked that my sons quit their jobs. They also threatened me if I did not call them back home. They would physically punish or kill me and my family. Due to fear of the Maoists, my family forced me to move to Kohalpur Banke to save our lives. (Male IDP, personal interview, 2007)*

The Maoists threatened family members of anyone in the security forces in a bid to make the employee quit their job in the forces or the family members would face physical punishment, and afterwards these people would often quit their homelands. A young IDP, age 26, at Rajapur stated that he had to leave the army, which was paying him well because his family was facing regular harassment by the Maoists who wanted him to quit the army and join the Maoists.

Accusations of Spying

People were forced to quit their villages because the Maoists had at different times nominated local people into their "people's government" without their consent or consultation and at other times, these people were killed for spying on them.

> *My family was wrongfully accused of collaborating with the State and working against the 'People's War' by reporting Maoist activities in the village. Maoists captured and tortured me in inhuman ways for seven days; at the end of the seventh day I was released and told not to meet up with my husband who was working as a government official. (Women IDP, personal interview, 2007)*

People like the VDC secretaries, local political leaders, former people's representatives and village leaders, who visited different places at various times, were blamed for spying against the Maoists and were threatened with loss of their lives and other such physical retributions through public notices.

> *Four years ago, I was forced out of my house after the Maoists seized my house and land, on the charge of spying against them. (IDP, personal interview, 2007)*

Maoists tortured, threatened and forced local leaders, people's representatives, VDC secretaries and others to migrate in response to charges of spying against them.

According to one Human Rights activist,[19] the Maoists confiscated properties and homes of more than 25 people in Bardiya in 2004 on the charge of spying against them.

Inter-Personal Conflict Leading to Displacement

The researcher observed several people who had been displaced because of a personal conflict that had turned into a political conflict; a person disliked by the community would therefore end up as an IDP.

> *I was wrongfully accused by my neighbours to the Maoists that I and my family were collaborating with security forces and working against the 'People's War' by reporting Maoist activities in the village. (A woman IDP, personal interview, 2007)*

Upon further inquiry, she suspected that animosities by her neighbours might have been the reason for their actions. Some IDPs claimed that their neighbour denounced them to the Maoists or the NA based on an old argument. There were also examples of money lenders who were reported to the party by a customer who wanted to get away from his/her debt. Although not a large group, such IDPs have had a negative impact on the general public's impression of IDPs, and thus might face problems in returning to their villages.

Patterns and Phenomenon of Displacement

Nepal is a country where the IDP crisis has been a regular phenomenon over the last decade. Rebel activities and counter-insurgencies have been the key factors in the displacement of civilians; although the security forces or proxy forces, such as vigilante groups (or Village Defence Forces), also forced people to flee. The intensity and scale of conflict escalated particularly in the mid-west and far-west regions of Nepal. Due to the conflict, IDPs have dramatically increased in numbers in major municipalities and other towns.

Some IDPs resided in nearby villages with their relatives in order to readily seek refuge from increasing dangers, while others sought refuge, for long term security, in district headquarters where they have some acquaintances (See figure 6).

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[19] Local Human Rights activist, personal interview, 2007

Figure 6: Displacement, Direction and Destination (DDD)

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┌──────────────┐      ┌──────────────┐      ┌──────────────┐
│ Nearby villages│    │ Respective   │      │ Safe regional│
│ or relatives'│      │ regional cities│    │ cities       │
│ house        │      │              │      │              │
└──────────────┘      └──────────────┘      └──────────────┘

┌──────────────┐      ┌──────────────┐      ┌──────────────┐
│ Small town   │      │ Place of Origin│    │ Kathmandu, the│
│ (bazaar) nearby│    │              │      │ capital city │
│ villages     │      │              │      │              │
└──────────────┘      └──────────────┘      └──────────────┘

┌──────────────┐      ┌──────────────┐
│ District     │      │ Indian cities│
│ Headquarters │      │              │
└──────────────┘      └──────────────┘
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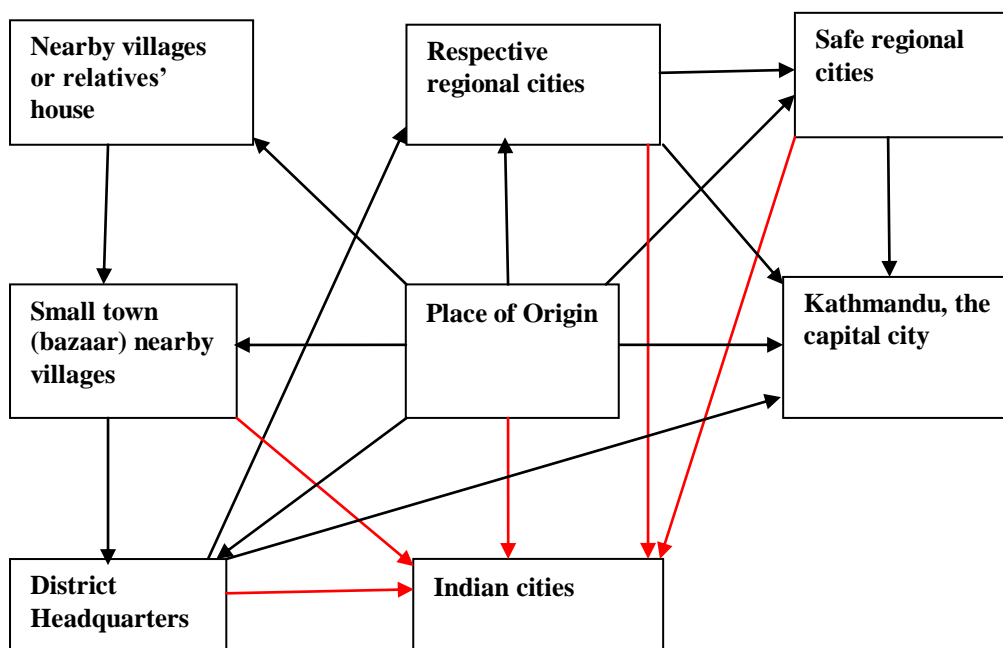
(Source: Adapted from Caritas, 2006, p. 45; Bhattarai-Ghimmire & Upreti, 2008, p. 109).

> *I left my village. We did not find the district headquarters safer for us. We stayed in the district headquarters for a couple of weeks with my relatives. But it was not safe either. So, we moved to the capital. (Young IDP Woman, personal interview, 2007)*

In towns, people tend to seek out people from their own home community to take them in as lodgers for a short period. Following this they have to seek their own lodgings. The stresses of living together with friends or relatives from the home place in this initial period often mean that they wouldn't or couldn't necessarily want to continue living with the people who had helped them when they first arrived. The general pattern appears to be a movement of people from remote hill areas, first to the District Centres and then on to larger towns or the capital city. Many then continue over the border into India.

> *They (Maoists) abducted me and kept me in the jungle for three months. Once I was able to escape from there I came to this place (Kathmandu) via Musikot, Nepalgunj. (IDP, personal interview, 2007)*

There are also many people who travelled directly to the capital city or other larger towns where they had access. Those who moved to the *Bazaars* were family members of personnel in the security forces, ex-Maoists and ordinary people who were forced to leave their places because of the threat from Maoists and also from the security forces.

Cross-border Displacement: A Blurred Phenomenon

The 1950 Indo-Nepal Treaty of Peace and Friendship provided for an "open border" between the two nations, permitting free and unrestricted travel of people and goods allowing the immigration of Indians to Nepal and Nepalese people to India, granting equal rights to them. Nepalese who have fled to India in search of asylum do not come under the mandate of the UNHCR, and therefore, they do not qualify as refugees. Ever since the existence of the "open border" between India and Nepal, there has been controversy in terms of the definition of internally and externally displaced refugees. Normally these people have been treated as internally displaced persons as being within the state border of Nepal. Moreover, sometimes it was easier to be displaced by moving into India than into other parts of Nepal. If the number of persons displaced to India was included, the figure of IDPs would become very much higher. Many young people have moved to India for safety with the intention of seeking new livelihoods:

> Roughly 120,000 displaced Nepalese crossed into India during January in 2003 alone – fleeing both forced recruitment by the Maoists and attacks by the government security forces. (ICG, 10 April, 2003)

The Border Police Office Nepalgunj Report shows that at least 14,583 persons had crossed the border to India between 16 November 2003 and 13 January 2004.[20] According to a member of Akhil Bharatiya Nepali Mitra Mancha (ABNMM), a well-known Nepali Diaspora community welfare organisation, there has been a 50% increase in the number of Nepalese in Delhi in the last few years.[21] Whereas previously single men used to come for work to India, now entire families are migrating. This member of the ABNMM further said that seasonal migrants who used to come to India temporarily now were moving to India with their belongings. Previously, Nepalese tended to come to India during times of economic and political crisis and would then return home when the situation stabilised; however in recent years, these people no longer appeared to be returning to Nepal.

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[20] Personal interview, police officer at Jamunah, 2007
[21] Personal interview with Member of the Akhil Bharatiya Nepali Mitra Mancha (ABNMM), 2007

Profiles of Displaced Persons

Several different groups of people have been displaced during the war. By and large displaced persons are assumed to have had an association with the Maoists or security forces and face suspicions from their host communities, therefore, these people tend to prefer to keep a low profile in their new environments. Admitting to being displaced also involves social stigmatisation as the term "IDP" has become generally associated with an unpopular group of people − "the exploiters or betrayers of the people" as labelled by the Maoists in some areas − but they are also referred to as informers, village bullies, criminals, or corrupt politicians by normal villagers. From discussions in the field, it is possible to distinguish three main categories of people that have been affected by the conflict and whose patterns of displacement differ one from the other.

Wealthier Groups

The core thrust of the Maoist insurgency has been against Government officials, local party members and affluent landowners, whom the Maoists believe have failed to provide open governance and basic rights to the people as was expected after the restoration of a multiparty democracy system in 1990. Consequently, those persons have been directly threatened and targeted by Maoist forces and the vast majority of IDPs are from these groups, the ones that have long dominated landholding, government service and political power in Nepal.

> *I came to Kathmandu in 2000 as Maoists had announced they would kill me and three of my colleagues in 1997. One of my colleagues was eventually killed in 2000. After realising the gravity of the situation, I left the village with my 17-member family. I am a Nepali Congress (NC) cadre. Maoists targeted me after I refused to join them. I have owned 74 ropanis of land in my village, a rice mill and three houses. (NC Supporter IDP, personal interview, 2007)*

Accordingly the first group of IDPs consists of the wealthier and more politically active members of the village communities who were forced to leave by the Maoists. These movements began seven to eight years ago. They were targeted because they were large landowners with tenant farmers, local mayors (Village Development Committee Chairs) with official administrative functions and active political party representatives. Maoists perceived these groups people to be the ones who have instigated the security forces to harass supporters of the former UPFN, since 1996.

> *There are around 200 families living in this city. Most of the residents of this city are political party leaders, government officials and landlords. And they are from the wealthier class and some of the displaced persons are able to rent accommodation in Nepalganj. (Human Rights worker, personal interview, 2007)*

These people are largely, although not exclusively, reasonably well-off and with political support have been able to care for themselves by using their own resources, such as savings and revenue from their landholdings, or through the assistance of relatives.

It is primarily this group of persons who has been registered by the government and recognised as "IDPs" and fit the profile of "IDP" according to government criteria. Among the categories of IDPs, most local authorities and medium level professional groups like teachers, VDC Secretaries, health workers, and postmen have often been displaced by the CPN-M, because they are seen as government servants.

> *I came here, Nepalganj, for some 42 months now. My husband was killed by Maoists four years ago. He was working as a postman. The Maoists thought he was an informant, using his position to give information to the security forces. But he wasn't, it was just his job. They also took my home, my property, some money and my land. (Widow of government employee, personal interview, 2007)*

Throughout the war, individuals have often been targeted by both the Government and Maoists, even if only suspected of being sympathetic to the other side. In response to threats, the State transferred teachers and health workers from one area to another. Occasionally, transferral to a remote area was used as a threat to health workers and teachers who did not cooperate with the government and provide information about the Maoists' activities. Therefore the government expected government employees to be informers in the interests of the government.

Less-affluent People

The second group of internally displaced persons are the "collateral victims" of the armed conflict; primarily poor villagers who fled their homes due to general insecurity, degradation of the local economy and services, food scarcity, fear of abduction by the Maoists, or fear of harassment and violence by either the Maoists or state security forces (including the Nepal Police, Armed Police Force and Nepalese Army). This group includes a wide range of rural castes and ethnicities.

Reduction of employment opportunities in the rural areas owing to the escalation of violence and insecurity has forced migration of the economically active population. (NRC field officer, personal interview, 2007)

People who have to rely on daily wages for their livelihood found lives in the rural areas very difficult and thus shifted to the towns. The increasing trend of violence forced closures of schools, projects, organisations and stopped construction of development infrastructure. The development budget had reduced by half to compensate for the increasing security expenditure and the people refrained from investing in new industries (Karki & Bhattarai, 2005). All these factors forced a reduction in employment opportunities and the people had to migrate to places where they could find jobs.

To avoid retribution and extortion by the Maoists and the state security forces, many poorer rural families have also left their home villages. While some were direct victims of threats or attacks by either or both sides, some families left due to the deterioration of the economic and social life of their communities, which were caused by the armed conflict.

We didn't have enough food to eat for a year. Maoists came and asked us to provide food for more than ten persons. Sometimes, they came at night even when we were sleeping and asked us to cook for them. They came frequently, some 2-3 times in a month. Can you imagine, the situation if you didn't have enough food for yourselves but at the same time you have to feed ten more people? If we didn't follow their instructions, we had to face the consequences. So, I thought it was better to move to another place; at least we wouldn't have to feed them. (Woman IDP, personal interview, 2007)

Requisition of food by both the Maoists and state forces prompted many villagers to leave fields fallow or to abandon their homes. In other homes, the departure of the male members of the family left behind only women or older persons to manage a reduced household. This group most likely represents the bulk of the displaced persons in Nepal, as well as those who have moved to India.

Youth

Another group of displaced persons consists of the youth who were avoiding recruitment by the Maoists. Youths were often suspected of being Maoists' cadres and they feared the security forces as a result. Since the imposition of the State of Emergency in November 2001, a large number of youths, especially the males, have

become displaced to cities or migrated to India.[22] Although this is a traditional phenomenon, the main reasons for the increase in these numbers were the fear of forced recruitment and harassment by the Maoists, as well as intimidation by the security forces.

> *I am 21 years old. I was in grade ten when the Maoist insurgency hit me personally. I was preparing for my School Leaving Certificate examinations when the Maoists came to my house and asked for a donation from my father. I was afraid. I had heard the stories of their cruelty. As my father failed to give them the money, they warned us that I had to join their squad or else my family would bear the consequences. My family was compelled to leave the village. (Displaced young woman, personal interview, 2007)*

Similarly, a report published in *The Kathmandu Post*, December 5, 2004 further stated that over 16,000 youths to date had left Nepal (*The Kathmandu Post*, 2004). The table - 8 shows the profile and reasons behind their displacement.

Table 8: Profile of IDPs and reasons for displacement

Who is displaced?	Prime Reasons for Displacement
Commoner affected by conflict	Sandwiched between both conflicting parties
Political workers	Due to ideological differences and personal security
Elected representatives	Due to ideological differences and personal security
Family of security personnel	Due to revenge and personal security
Government employees	Due to revenge and personal security
Persons involved in education	Due to resentment
Big farmers / businessmen	Due to different ideologies and personal security
Young groups	Due to security and employment reasons
Student groups	Due to the fear of being abducted and/or abused
Elite groups	For safety, better opportunities and physical facilities
Poor groups	For livelihood options and personal security

(Source: Field study, 2007)

Many of those who were displaced and stayed in Nepal moved to urban and semi-urban areas. These youths had fled due to fear of abduction and recruitment by Maoist forces or fear of harassment and violence by Maoists or the security forces (or both). While many of these young men appeared to have migrated to India, many had fled to Nepal's major cities, particularly those in the Kathmandu Valley.

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[22] According to the report published by the South Asia Forum for Human Rights (SAFHR) in 2005, at least 10,000 young youths went to the India in the month of June, July and August 2004.

We could re-group these categories into two broad categories of displaced persons: 1) those who have been the specific targets of threats, pressure or attacks by the Maoists, or those who were afraid because of their local political affiliation or class position; and 2) those who have been affected directly or indirectly by the general level of insecurity and are frightened as much by the security forces as the Maoists. The first category are generally better-off and might be identified in class terms as petty bourgeois or landowners; the second are generally less well off, but represent a far wider range of social backgrounds.

Perception of Hosts towards the Internally Displaced

District Level Government Officials

Major towns have had an influx of IDPs, not only from within their districts but also from adjoining and nearby districts. Most of them have fled from their homes for political reasons, many of whom have left other members of their families behind. Some of them have taken over a small piece of land to live off once they had shifted. They are living in different areas of the municipality.

There was a demand for a water supply for drinking in the municipal area as the current capacity could not serve the additional numbers of people. The capacity of the schools to absorb the additional numbers of children from IDP families was becoming difficult. In many school, classrooms with a seating capacity for 40 children were now holding 60−100 students. There were also problems associated with admission of children to schools as this process required identity papers which understandably many of these people did not always possess because they had lost them or were forced to flee leaving important documents behind or their papers could have been taken off by the Maoists.

The municipal authorities have also time and again been interacting with the local communities to generate empathy with the situation in which the IDPs have found themselves. Since IDPs were living dispersed throughout different locations of the municipality, some problems regarding social integration of these newcomers readily arose. The availability of support for livelihoods and loan provisions was not known to many of the IDPs; therefore very few came for the help. At that time, the municipality

had limited resources, which made it difficult to undertake any kind of rehabilitation activities for the IDPs.

> *If the government brings in programmes, then we can assist. We feel internal displacement is no longer a local issue but an issue of concern for all. Governments should think about livelihood support and rehabilitation of the IDPs. (Municipality official, personal interview, 2007)*

Officials from the Municipality Association of Nepal (MuAN)[23] indicated that while they were well aware of the pressure on the municipalities, especially concerning the added influx of conflict induced IDPs, nothing much had been done. This was due to a lack of clarity about where the responsibility lay and a lack of adequate data and funds for development of basic infrastructure. They also indicated the difficulties in identifying and locating the IDPs. The price of land and real estate had increased. According to a news article[24], there had been a "boom" in the real estate business as "relatively affluent rural people had started buying land in the valley" (*Nepalnews.com*, September 18, 2003).

Discussions with police officials indicated that there had been no significant problems due to the inflow of IDPs. The crime rate was low and there were no problems in maintaining peace and security of the area. They estimated that, per day, approximately 80/90 persons used to arrive at the district headquarters. They found that men were going to India or other places in search of employment. They observed that the IDPs in Nepalgunj were facing many problems concerning lack of food and shelter. IDPs did not come directly to the police for assistance but mostly went to the CDO's office; as such the police had not created or maintained any data about them. IDPs usually went to the police to ask for a recommendation/clearance for foreign employment. These were processed after an investigation and forwarded to the CDO. There was a quota (10 percent) for those IDPs who wished to seek employment in foreign countries. The CDO's recommendation letter was required in order to avail them of such an opportunity.

> *They have not asked for any special security, but we remain alert from our side and send beats on patrol to the areas where they stay. Neither have there been security problems so far, nor have there been any serious incidents. Also there is no (not perceived as a security problem) special attention paid to this group. (Chief District Officer, personal interview, Bardiya, 2007)*

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[23] Member of Municipality Association of Nepal, personal interview, 2007
[24] Nepalnews.com 18 September 2003

The CDO mentioned that their office did not receive 100% of the information. They had a system for registration and maintaining records but since there was no provision for support only a very small number of people had registered, so this would not reveal the actual numbers. Earlier the CDO office had given assistance of NRs.100 per day to the IDPs (first three months of 2002) but there was no such provision in the current budget. They were not aware if the government had any further plans for providing assistance to the IDPs in Bardiya or elsewhere.

House owners

House owners in the study districts said that the influx of displaced had increased in the last 5 years in particular. They were aware that many of the displaced had taken up rented accommodation, with usually at least 5 persons in each family, although a few had come alone or with only one or two other family members. They had not had any problems in general except that the IDPs could not always pay rent on time. In some cases, house owners (Bardiya mostly) had not received rent for the past 12−18 months or more, yet they were generally sympathetic towards their tenants. While house owners did not have the ability to provide financial assistance, they felt that the IDPs had been inhumanly treated. So this was the least (for some time) that they can do for them.

> *I have rented this flat to him (an IDP with a family of 6) for three years. He used to pay the rent on time before. But this time, he was not able to pay the rent. **Jab hola tah di nai halchann ni!** (He will give it, when he has it). (House owner, personal interview, 2007)*

It could also be that, as some of the IDPs had sons working overseas; the hope of getting some accumulated sum of money may have been an incentive for the landlords to retain their IDP tenants. In Kathmandu, while house owners said that they did not have problems with the IDPs, nevertheless I found a higher incidence of IDPs who had moved houses several times in the last couple of years as they were unable to pay the rent or felt insecure. Discussions with IDPs and the general community in regional centres of the study districts revealed that house rents had increased by as much as 100−300 percent in the last three years or so. House owners did not perceive the IDPs as a security threat and felt that they were not "bad people".

Shopkeepers

In general, local shopkeepers were not unduly worried about the IDPs who had taken to small vending or shops-on-wheels as this did not significantly affect their own businesses. Most of the IDPs were selling small items like cigarettes or tea; their earnings were small and therefore the businesses or shops run by the locals had not suffered significantly. However one shopkeeper (in Nepalgunj) said that because of vocational training and loans to IDPs (computers/photography) there had been some increase in competition for business. Many shopkeepers particularly in Nepalgunj and Dhangadhi said that they were providing food stuffs on credit to the IDP families who would pay them as and when they got any money. This was confirmed by many of the IDPs.

IDPs' Perceptions towards Host Communities

IDPs pointed out that they felt discriminated against and "looked down" upon by the people in their new place. An IDP woman expressed how she felt during her period of displacement in Bardiya H.Q.

> *People looked down upon me because I had nothing and no work…I often 'walked naked' and bent looking down (**expression for not possessing anything and feeling ashamed**). (Woman IDP, personal interview, 2008)*

IDPs also expressed that the local communities often knew who were "*bistapits*" or displaced persons thus they treated them differently. A youth living in Rajhena stated, "the locals looked negatively upon us by the way they talked and looked at you". Another displaced person from Jumla, residing in Nepalgunj, felt "let down" by the District and local authority. He pointed out that,

> *I was unable to send my children to the local school because the authority told us that they had no seats for our children and they had no funds to admit them. The district authority also did not intervene and provide the schools with extra capacity to admit the children of IDPs. We are IDPs and we did not get enough support from the authorities. (IDP, personal interview, 2008)*

He further stated that the local authority had also promised a loan of NRs.8,000 to start a small scale business but the funds had been distributed to the local residents of Nepalgunj, with the authority stating that the funds for IDPs must be authorised and given from their own districts of Jumla. One IDP at Nepalgunj felt treated like a

"second class citizen", due to the lack of support from the government and the local authority. He pointed out that on one occasion they had to demand 2 kg of rice over period for 7 days in front of the Chief District Officer (CDO) as they did not have enough to feed their family.

Some IDPs felt that the local community was very supportive while others perceived the locals looked down on them. They also felt a sense of low self esteem due to the conditions that they found themselves in as compared to their status back home.

Conclusion

At the outset of the insurgency, the Maoists had especially targeted party members, government officials, landowners, teachers, local merchants and people they considered spies or informers. Individuals from these groups were most likely to fear for their safety in conflict-ridden areas. Reduction of employment opportunities in the rural areas, owing to the escalation of violence and insecurity, had forced people to become displaced to semi-urban areas in Nepal or even India. These people were forced to abandon their homeland because of the brutal killings, torture, abductions, threats, extortion, enforced feeding of armed combatants and capture of the land. Government forces also often retaliated against villages, groups of people or individuals they considered to be Maoists or Maoist sympathisers. Still most of the causes were associated with the violence and terror inflicted by the Maoists and the counter-violence unleashed by the security forces in the name of controlling them. The Maoists had forced displacement upon people, especially by threatening their lives, extorting their money, taking over their homes and stealing their goods, or forcing them into the militia as well as into joining other Maoist causes. On the other hand, the security forces suspected the helpless villagers of involvement in the "People's War" and often tortured them, threatened them in different ways and the fear of this happening subsequently forced them to move from their places of origin. Political party workers, governmental officials, landowners and teachers were displaced by the Maoists whereas government security forces generally were responsible for the displacement of less-affluent people.

Those displaced by the ongoing violence were not exiled to a certain place and the background of the people being displaced was not the same as those they came to live

beside. Family members, economic means, economic opportunities, relatives and friends all played an important role in determining the destination of the displaced persons. Some people resided in nearby villages with their relatives in order to seek refuge immediately from increasing dangers, while others sought long term security in district headquarters where they had some acquaintances. Still, there were many IDPs who had directly moved to urban regional cities, including the capital city − Kathmandu, as well as India. Some IDPs have been able to buy land or build new houses. Some of them still depended on income by renting their land after their displacement. But many in the category of IDPs, who were much poorer and less able to support themselves, experienced severe problems in maintaining their livelihoods or in supporting themselves with respect to basic needs. Government authorities had not encouraged people displaced by government security forces to come forward with their problems, and also many people were reluctant to register as displaced people for fear of retaliation or of being suspected of being rebel sympathisers.

The regional city centres have had an influx of IDPs, not only IDPs in the same districts, but also those from adjoining districts which have increased pressure on basic service delivery including drinking water, shelter (rentals), health and educational services. There was no policy or policy directives from the government to local authorities to assist IDPs. IDPs frequently were ignorant of the availability of support from district authority for livelihood and loan provisions. The host communities in the study districts have been generally sympathetic towards IDPs, do not perceive IDPs as security threats and feel that they are "not bad people". Contrary to this, IDPs felt they were discriminated against and looked down upon by the host community.

CHAPTER FOUR

CONFLICT INDUCED INTERNALLY DISPLACED PERSONS (IDPS) IN NEPAL: POPULAR ESTIMATION OR NUMBERS GAME?

CONFLICT INDUCED INTERNALLY DISPLACED PERSONS (IDPS) IN NEPAL: POPULAR ESTIMATION OR NUMBERS GAME?

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Abstract

The armed conflict between Maoist insurgents and government security forces (1996 to 2006) has resulted in the internal displacement of many of Nepal's people; most particularly those from the remote districts were forced to move to district headquarters, regional and capital cities following the declaration of a state of emergency in 2001. The qualitative methodology adopted, using the ethnographic approach, to conduct this research involves informal discussion, participant observation and in-depth interviews.

This chapter argues that there is a lack of consensus as to the definition of internally displaced persons, as to their number (with estimates ranging from 25,000 to 400,000), as to how their needs should be addressed, and who should be responsible to address these needs? The official government definition of an IDP only includes those who declare themselves as victims of Maoist violent activities, excluding all those displaced by activities of the state security forces. This study reveals that the government of Nepal has not clearly acknowledged the existence of large numbers of displaced persons in the past, nor has there been an explicit definition of the term internally displaced persons that all parties accept. The chapter also examines the accuracy and reliability of empirical data estimated by different agencies. This research study then concludes that timely and accurate data collection on numbers and conditions of the internally displaced is a key step towards designing effective protection responses for internally displaced persons.

Key words: Conflict Induced Displacement in Nepal, Popular Estimation, Numbers Game, Internally Displaced Persons.

Introduction

> [A]side from the inherent difficulties of counting populations that are often on the move, aid agencies, donors, host countries and countries of origin all have interests at different times in either exaggerating or downplaying the estimates. (Stoddard, 2004, p. 88)

The question of Internally Displaced Persons (IDPs) has become the subject of international debate. The growing number of IDPs and the international concern for preventing massive refugee flows has brought this issue into focus (Cohen & Deng, 1998a, 1998b). This is because forced displacement violates human rights and most often takes place within armed conflict situations. Even though there is now more attention focused on this topic, it does not mean that the situations causing forced displacement would be somehow easier to deal with, quite the opposite. Civil wars and ethnic conflicts that cause people to flee are often prolonged and leave deep wounds in society, thus making the return and reintegration process more difficult. The reasons for the increasing numbers of IDPs are various. Among them are the continuous reasons for global mobility and the fact that civilians are often directly targeted in armed conflicts; thus displacement becomes more or less either an actual aim of the armed conflict or a consequence, especially if the conflict is over disputed territory or a bid to expand territory.

Due to much disagreement about defining IDPs, they are rarely counted accurately. This is because of a lack of awareness of their needs as a population, and a shortage of resources devoted to establishing an accurate statistical base of knowledge about them (Zard, 2002, p. 2). Therefore, the estimate of 24.5 to 25 million IDPs frequently cited by different writers and agencies may well fall short of the actual total (Zard, 2002, p. 2). More specifically, Rasmusson's study on IDPs (2006) in Uganda, Columbia, Burma Rwanda and Guatemala suggests that:

> For, most of the countries affected by internal displacement only rough estimates are available. These often only cover parts of a country, or specific groups of IDPs. The UN official figure for Uganda until recently only included IDPs living in Camps receiving food from the World Food Programme. In Burma, reliable estimates are only available for the more accessible east of the country. In several case − particularly Colombia − there are conflicting estimates from government and civil society. In countries like Rwanda and Guatemala, estimates have not been updated for years after the authorities − prematurely − declared internal displacement as resolved. (p. 16)

The figures used to estimate IDP numbers are notoriously unreliable, as most of them are based on rough estimates rather than as a result of proper surveys or registrations, indicating only the scope of the problem (Eschenbacher, 2005b, pp. 49-60). The information about IDPs worldwide is based not on estimates, but *guess-timates*, or intelligent guesses, since the displaced are often not counted individually and large numbers may be inaccessible to outsiders (Cohen, 2002). There are divergent figures on IDPs when comparing data produced by civil society organisations and government data even within the same period of time. For instance, in Nepal, the Ministry of Home Affairs' (MoHA) figures indicate 18,666 people registered as IDPs as of August 2006 while Caritas, a humanitarian NGO estimates 350,000 IDPs in the same period (See table 10). Similarly, based on several studies and other available information, the Global IDP report produced by the Internal Displacement Monitoring Centre (IDMC) in 2007 provided an estimate of between 100,000 to 200,000.[25]

The basic core information on IDPs – their location and their number − disaggregated by age and gender, is still scarce.

> Only in six − Azerbaijan, Colombia, Iraq, Sri Lanka, Sudan (Dafur), Uganda − out of the 52 countries surveyed was there up-to-date information on IDPs, which gave either their disaggregated numbers or location. Only in two countries, Azerbaijan and Colombia, was there information on both. For the most part, across countries and in all regions, only rough estimates were available. (IDMC, 2009, p. 16)

Some of the South Asian countries like Sri Lanka, India and Nepal have tried to develop National policy documents on IDPs in the past. However, these policies are not strong enough to protect the rights of IDPs during and after the conflict and often selectively benefit some sections of the IDP community, excluding a large number of IDPs.

Although in the past several agencies have attempted to document the number of IDPs in Nepal, there are vast differences in estimates of IDPs, and much disagreement on definitions among UN agencies, donors, NGOs, and Governments. The geographical extent of existing data is limited, and methodology lacks consistency in data collection, reporting and analysis. The aim of this research report is to examine the existing data and identify its limitations. This paper further explores IDP definitions adapted by the government, Maoists and non-government organisations, as well as examines the role of more effective data management as a tool for protecting the internally displaced.

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[25] A more in-depth discussion on the numbers of IDPs is presented on pages 125−127.

The Nepalese Context

In 1990 the partyless *Panchyat Regime*[26] was replaced by a multi-party system by popular *Jana Andolan* (The People's Movement) I. After a short period of time, political instability, corruption, unemployment and deep seated social inequalities have increased and the new government was unable to address these issues (Seddon & Hussein, 2002, p. 1). In this already unstable situation, an armed insurgency began on 13 February 1996, led by the Maoist Communist Party (CPN-M) Nepal, declaring a People's War (PW) with the objective of overthrowing the bureaucratic, Capitalistic class and state system in order to establish a new republic (Prachanda, 2000, p. 4).

This insurgency gradually developed into a full military conflict with the state security forces, resulting in some 13,091 deaths, with hundreds of thousands of people being displaced (INSEC, 2007, p. 25). The report published by the Internal Displacement Monitoring Centre (2008b) reported that 6,000 people from Rolpa and adjacent districts had left their villages due to the massive brutal retaliation of the police campaign, "Operation Romeo", in 1996 (p. 20). After the declaration of a "state of emergency" in 2001 by the government, large-scale clashes occurred between the Maoists and the state security forces, resulting in displacement of the population to urban cities and also across the open border into India (Ojha, 2005, p. 37). It is interesting to note that those who fled into India are classified neither as refugees nor IDPs. Since a treaty between Nepal and India was signed in the 1950s all Nepalese have attained the right to travel freely to and from India without travel documents and thus they are not readily classified as refugees. As IDPs are normally understood to include only those displaced within their country (UNOCHA, 2001), the aforesaid refugees are overlooked in this respect.

A peace agreement was signed by the government and Maoists in November 2006. After the election of the constitutional assembly in 2008, the Maoists formed a

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[26] Declaring parliamentary democracy a failure, King Mahendra dismissed the elected B. P. Koirala government, and declared that a **"partyless" Panchyat system** and promulgated a **new constitution** on December 16, 1962. The new constitution established a "partyless" system of panchyats (councils) which King Mahendra considered to be a democratic form of government, closer to Nepalese traditions. As a pyramidal structure, progressing from village assemblies to a Rastriya Panchyat (National Parliament), the panchyat system constitutionalised the absolute power of the monarchy and kept the King as head of state with sole authority over all governmental institutions, including the Cabinet (Council of Ministers) and the Parliament.

government; IDPs hoped to return and re-establish their lives but the situation remains unstable even today.

Internal Displacement and Qualitative Research

The methodological approach chosen determines the appropriate methods and techniques for collecting and analysing data, and as Brown (2004) argues, should link directly to both the research purpose and its intended outcomes (p. 99). Some authors argue that the existing research on forced migration cannot be trusted. For example, Castles (2003) argues that earlier sociological approaches, which were based on the principle of relatively autonomous national societies, were missing the fact that forced migration is a social process in which human agency and transnational social networks play a major part, and therefore generated misinformed policies. Similarly, Jacobson and Landau (2003) claim that "much of the current research on forced migration is based on unsound methodology, and that the data and subsequent policy conclusions are often flawed or ethically suspect" (p. 185). They underline "non-representativeness and bias, issues arising from working in unfamiliar contexts including translation and the use of local researchers, and ethical dilemmas including security and confidentiality issues and whether researchers are doing enough to 'do no harm'" as the main problems of the current research on forced migration (Jacobson & Landau, 2003, p. 185). These authors criticise modest and small-scale qualitative approaches while advocating a more transnational and interdisciplinary undertaking.

However, in an article reacting to these recommendations, Rodgers (2004) supports what he calls the "hanging out approach," or "modest and small-scale qualitative approaches, generated largely through intensive informal and interpersonal interactions between researchers and forced migrants" (p. 48). He argues that such research is still "relevant, important, ethically desirable and methodologically sound" (Rodgers, 2004, p. 48). He further claims that rigorously-generated qualitative perspectives are vital to informing our understanding of forced migration and cannot be improved by making them more quantitative (Rodgers, 2004, p. 49). Similarly, Shanmugaratnam, Lund and Stølen (2003) recommend qualitative approaches for research carried out around situations of displacement. In their view, qualitative research enables the researcher to: focus on human experiences in different spatial and cultural settings and to achieve

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"insider knowledge" through observation of and interaction with the actors themselves (p. 13).

This study was conducted via a qualitative approach to allow for in-depth understanding of stakeholders' experiences, which are difficult to convey quantitatively. Data was collected through field research using a triangulation of methods: in-depth interviews, key informants and participant observation. However, data were also gathered from secondary sources.[27]

The fieldwork was carried out between July 2007 and February 2008. The purpose of the fieldwork was to deepen my understanding of the context through immersion in daily life; to build relationships with people and organisations involved in the research; and to gather data through a series of interviews, observations and discussions. The approach used is largely ethnographic. A combined strategy of purposive and snowball sampling was used to recruit participants in this research. The participants recruited for this study were males and females over 18 years of age. During fieldwork the researcher consulted with UN agencies, including UNOCHA, UNHCR, UNICEF, UNESCO, UNDP-RUPP, UNOHCHR, WFP,[28] international non-governmental organisations and the National Human Rights Commission (NHRC). Besides these local civil society organisations, the representatives of district as well as central government agencies, and representatives of the main political parties including Maoists, were also contacted.

This study[29] was conducted in three districts, two from Mid-Western Nepal and one from the Far-Western "Development Region" of Nepal. The basis for these selections was their strategic significance in the conflict, the large scale of their displaced persons and the number of IDPs reported. The district headquarters of these three districts are IDP receiving places whereas the villages in the same districts are considered to be in "IDP producing areas". In total, the study included 126 participants from three districts

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[27] Google scholar, relief web, JSTOR, development gateway, Internal Displacement Monitoring Centre (IDMC), UNHCR, UNOCHA and UN Nepal Common Platform were used as secondary data sources.
[28] See Glossary of terms.
[29] This research study was conducted according to the guidelines and standards of the Human Research Ethics Committee (HREC) of the University of New England and was approved (approval number HE 07/115) prior to the commencement of field work. Among HREC's requirements are consent forms to be signed by interviewees, along with the copies of the interview schedule and information sheets, explaining the project to participate in this research in plain Nepali language. The researcher also complied with their standards in terms of maintaining confidentiality.

namely Banke, Bardiya and Kailali. These areas are located approximately 600 to 800 kilometres from the capital city, Kathmandu.

Quest for a Definition: Who are the Internally Displaced Persons (IDPs) in Nepal?

In 1992, after the appointment of a "Representative" for internally displaced persons by the UN Secretary-General, this Representative formulated a set of Guiding Principles on Internal Displacement and provided a working definition of IDP (Mooney, 2005, p. 10). One of the reasons that the issue of IDPs is so controversial and difficult to deal with is the idea of state sovereignty (Mooney, 2003c, p. 159). Since IDPs are, by definition, still operating within their country of origin, the international community feels bound by the principle of sovereignty to respect the borders of states and to tread lightly when considering humanitarian action. This also means that the international community or organisations supporting international efforts must work closely with the government of the sovereign state in question – in this case the government of Nepal. "IDP" is a label − a politically and socially constructed category established to deal with specific people in a specific context (Koskein, 2005, p. 8). It was developed within a particular and increasingly restrictive policy context and has come to embody concrete relationships of power and influence the way in which we categorise vulnerable groups, think about them and act on their behalf (Escobar, 1995).

Before addressing the popular estimation and the role of the government as well as the internal response to IDPs, it is necessary to focus on who IDPs are and how they are defined. The reason why a common definition was deemed necessary within the United Nations was the thought that it would assist with the gathering of statistical data, help to determine the needs of IDPs as well as help in reviewing the legal norms applicable to them, and finally to help identify the possible gaps in legislation (Deng, 2000, pp. xi-xiv).

Categorising internally displaced persons has become a concern of the international community (Koskein, 2005, p. 8), as there has been an uneasiness with the use of the definition "refugee" and how this term excludes certain groups of persons from its sphere. Categories as such can be meaningless and even negative to the extent that

labels are reductive and can mask the heterogeneity of a group, but it is the corresponding entitlements of the people grouped into categories that give particular significance to these categories (Barutciski, 1998, p. 11). Barutciski (1998) argues that the reality of displacement is not the same as the reality of being a refugee, the important distinction being the fact that refugees are outside their country and thus in a fundamentally different situation in the eyes of the international legal order (p. 12). IDPs would not benefit from the types of rights afforded to refugees, since they are still in their country of origin, and being an IDP implies that the state shall protect them and respect their human rights. Refugee rights include basic socio-economic rights that allow refugees to survive in a foreign state where they do not have citizenship rights. Barutciski (1998) further argues that the UN Refugee Convention is not applicable to IDPs since the Convention is based on the notion of having fled one's country (p. 12).

This definition suggests, and perhaps correctly so, that all those people who were displaced in Nepal due to the fighting and have moved to India to pursue a safer or better life are automatically not considered to be IDPs, but refugees. However, the *2005 UNHCR Statistical Yearbook* does not report these refugees (UNHCR, 2006b). Since the treaty was signed between Nepal and India (1950s), all Nepalese have the right to travel freely to and from India without travel documents and therefore are not readily or easily classed as refugees. It is interesting to note then those who fled into India are classified neither as refugees nor IDPs. So, large numbers of those displaced may have been excluded from their state as well as from gaining international protection support. The argument here is that there is a need to re-word (or define) IDPs to include these people, not only in this case, but also in similar situations throughout the world.

Definitions: Although the conditions in which persons are forced to flee their homes may differ, there are some common features shared by all IDPs. These features are visible in the definition of IDPs put forward by the former Special Representative on Internally Displaced Persons, Mr. Francis Deng, in the *Guiding Principles on Internal Displacement (1998)*. This definition states that IDPs include:

> Persons or groups of persons who have been forced or obliged to flee or leave their homes or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights, or natural or human made disasters, and who have not crossed an internationally recognised state border. (Cohen & Deng, 1998a, p. 18)

The defining elements in these sentences are that the movement or displacement has been forced upon otherwise involuntary persons and they remain within national borders. This is the broadest definition at the regional or international level, but as it is descriptive, it can be broad. This definition includes armed conflicts, generalised violence, human rights violations and disasters as being the major causes of displacement.

As for the definition of who qualifies as IDPs, the current definition of the Guiding Principles is widely accepted (Kälin, 2000, p. VI). The wording "in particular" seems to imply that there is still room for change in relation to future situations (Korn, 1999, p. 14). When considering the part whereby persons uprooted due to natural or man-made disasters are included, there is clear controversy in relation to the refugee definition. According to the refugee definition, a person fleeing the consequences of a natural catastrophe would not qualify as a refugee if he/she crosses an international border. Internal displacement can be defined as such movement of persons that takes place against their own will inside their own country (Stavropoulou, 1998, p. 518), including when people are forced to move due to disruptions caused by armed conflict.

Another tool for identifying or defining IDPs is the *London Declaration of International Law Principles on Internally Displaced Persons*, which was adopted by the International Law Association in 2000. The declaration states that IDPs are:

> Persons or groups of persons who have been forced to flee or leave their homes or places of habitual residence as a result of armed conflicts, internal strife or systematic violations of human rights, and who have not crossed an internationally recognised state border. (Lee, 2001, p. 455)

Through dealing with the root causes of displacement and the status of IDPs, the Declaration broadens to include all persons who have been displaced involuntarily from their place of residence. This declaration can be seen as complementary to the Guiding Principles. The London Declaration does not include the victims of natural or man-made disasters in its definition of an IDP in contrast to the Guiding Principles. This is because disaster-related problems are associated with the economic and social sphere and not with the civil and political sphere; therefore IDPs untouched by civil or political problems do not find themselves in a refugee-like situation (Lee, 2001, p. 455).

The definition of an IDP in Nepal has been a controversial issue before the induction of new IDP policy in 2007, as the Government, the Maoists and the UN agencies; each took a different line in relation to understanding it. The difference was most pronounced before the peace agreement, where the government applied a biased definition of IDPs. Their definition was mainly associated with conflict victims affected by the Maoists rather than the state (Gyawali, 2005, p. 8). The official definition of an IDP only included those who declared themselves victims of Maoists' violence or threats (Gyawali, 2005, p. 9).

In the past there were some efforts made to provide humanitarian support for those who had suffered due to the conflict. In 2001, the government adopted a policy to support victims of conflict. The policy mentions the following points under this programme (MoHA, 2001, p. 2):

- Persons and their families who have been victims of terrorist activities shall receive priority of assistance.
- The widow/widower of persons killed by the terrorists will receive financial assistance as well as educational facilities for their dependent children.
- Financial assistance and provision of employment for those persons disabled by attacks by the terrorists.
- Persons, who have been compelled to leave their home and go elsewhere, shall be provided shelter as relief assistance on a temporary basis.
- The making of necessary arrangements for the rehabilitation or the provision of financial assistance to IDPs to enable them to attain their previous situation and status.
- Compensation to persons who have suffered loss/damage of property due to terrorist activities based on assessment as per set standards.
- People to be encouraged to undertake income generation activities through appropriate development programmes and necessary support will be provided so that people do not get attracted towards terrorists (activities).
- An anti-terrorism campaign to influence people's opinion and perspectives.

This policy does not provide a clear definition of an IDP. The policy also treats as salient the families of those terrorists who have been killed in encounters with the government security forces. The inter-agency report mentions:

> The process of being accepted as a Maoist victim requires that an individual's claim be reviewed by security forces, local village development committee chairs as well as political party leaders. Many displaced, including those displaced by the CPN Maoists are not willing to make such overt and public statements… for fear of possible retributions at a later time. (UNOCHA et al., 2006a, p. 8)

The responsibility for the implementation of this policy remained with the District Administration Office (DAO) within every district. Due to the narrow definition of IDPs, persons who have been displaced due to actions by the security forces have not been able to come forward to claim any kind of assistance. This kind of provision by the government has excluded such persons from exercising their equal rights as citizens of Nepal.

After the completion of his visit in 2005, the UN Secretary-General's Representative on the Human Rights of IDPs, Walter Kälin, who described the IDPs in Nepal as "largely overlooked and neglected" by the government of Nepal, promised to develop a new IDP policy which would address their main concerns (Brookings, 2005b, p. 1). The IDP policy issued in March 2006 ignored a number of basic principles and recommendations despite explicit reference to the UN Guiding Principles on Internal Displacement. While genuine attempts have been made to formalise the situation of IDPs, the policy explicitly failed to recognise those persons displaced by the state forces, and thus it remained incomplete and was unsuccessful in addressing the main weaknesses of previous national policies on IDPs (UNOCHA, 2006, p. 2). According to the national policy on IDPs 2006, displaced persons include (MoHA, 2006, p. 4):

- A family dependent on the persons killed by terrorists;
- The dependent family of persons kidnapped and who have subsequently disappeared or been declared dead by the terrorists;
- Persons who have received serious threats or have been forced out of their village after their property was seized by the terrorists;
- Persons or family who have been mentally and physically tortured by the terrorists;
- Persons or family whose house has been destroyed by the terrorists;
- Persons who have shunned terrorist activities and surrendered but cannot live in the place of their residence from the security point of view;
- The dependent family of innocent persons killed during encounters;
- Persons who have been displaced due to damage to their property during clashes.

The national policy identifies the displaced persons or families as the victims of terrorists, leaving aside any victims of state forces or, as defined by the UN Guiding Principles on IDPs – any persons who have been forced or obliged to leave their homes… in order to avoid the effects of armed conflict (Cohen & Deng, 1998a, p. 18). In addition to this, the absence of an implementation plan, which should provide clear guidelines, to district-level government representatives, as well as the lack of financial resources from the state, are other weaknesses of the national policy.

After the restoration of the Parliament and formation of a new government at the end of April 2006, the government adopted a revised IDP policy in 2007, incorporating the comments from all concerned agencies including the United Nations. The National Policy 2007 defines an IDP as:

> A person who is living somewhere else in the country after having been forced to flee or leave one's home or place of habitual residence due to armed conflict or situation of violence or gross violation of human rights or natural disaster or human-made disaster and situation or with an intention of avoiding the effects of such situations. (MoP&R, 2007b, p. 3)

The current definition as presented in the 2007 Policy is more in line with the UN Guiding Principle on IDPs. However the "Procedural Directives" which detail how the IDP policy is to be implemented still remain unapproved and the majority of displaced persons remain unregistered and without state recognition or assistance. Nearly three years after being issued the National IDP Policy has yet to be fully implemented. Hence, this remains a major problem.

The CPN-Maoists, during the interactions in the field, were not satisfied about who was considered to be an IDP. A displaced person may have been an IDP before the conflict but according to the new scenario and peace agreement he/she couldn't be defined as such because he/she could, in theory, return to their village (Maoist Leader, personal interview, 2007). However, one Maoist commander stated that as a "defensive war strategy" they had forcefully displaced people considered informants, and in relation to this accusation also labelled IDPs as political criminals. They also classified IDPs into three different categories (See table 9).

Table 9: Maoists categorisation of IDPs

Group A: IDPs that Maoists and the community (according to Maoists) considered as having committed such "crimes" that could not be forgiven
Group B: IDPs that had committed some "wrong-doing" but could be reintegrated into the community through a Maoist led process
Group C: IDPs that had left preventively or out of fear, without having any specific issue pending with the local Maoist authorities, and who are now welcome to return

Source: Fieldwork, 2007

Maoists', community members' and government officials' perceptions of who is a displaced person are a cause for concern. The researcher found that in the study district the term "IDP" − or rather label − was used for a very limited and specific group of displaced persons, namely the wealthier land owners, the politically affiliated or those openly opposed to Maoists, as well as persons the Maoists judge to be "bad or anti-revolutionary". These include money lenders, "exploitative" employers and persons accused of being Nepalese Army informants. Most of the stakeholders in the field have pointed out that they follow the UN definition, but they also pointed out the challenge of identifying genuine IDPs from that of regular migrants or even fraudulent claimants. For example, an officer said:

> *We follow the UN Guiding Principles on IDPs to define IDPs. Our programme supports both types of IDPs displaced by the state security forces as well as Maoists. Wrong people were benefiting from INGOs assistance while that of dalits and disadvantaged groups were being ignored. (NGO staff, personal interview, 2007)*

Stakeholders who were interviewed felt certain that there would naturally be fraudulent IDP claims from among the thousands of claimants. Accordingly, this is what a Programme Officer said about this issue:

> *[S]uch cases are inevitable in the post-conflict stages, especially where there were benefits attached to it...to identify genuine IDPs it would be best if support and promises were not made. (INGO staff, personal interview, 2007)*

Some of the IDPs had formally registered as IDPs with the government body − the District Administration Office − while others remain either unregistered or registered with human rights NGOs or associations including the "Maoists Affected Victim Association". One of the IDPs interviewed during the field study mentioned that he had registered in two places to enjoy the double benefits:

> *I have registered my name in two district administration offices. They are Banke and Lalitpur (Politically active IDP, personal interview, 2007).*

According to the new National IDP policy, the local district committee has been given the responsibility of identifying IDPs. Therefore, the identification process would be a difficult task given the complexity added by fraudulent claims and seasonal migrants.

How many Internally Displaced Persons: Popular Estimation or a Numbers Game?

In the past, several agencies have attempted to document numbers of IDPs. The various estimations made by different organisations are given below in Table 10 – from the most recent estimates in 2007 to estimations made in 2003.

Table 10: Number of IDPs in Nepal estimated by different organisations

Reference year	Source	IDP figure	Comment/limitation
October 2007	MoP&R	# 25000	The Ministry has estimated 8477 families as IDPs based on the report of the high level committee formed by the Ministry of Peace and Reconstruction.
August 2006	MoHA	# 18666	Only includes those displaced by Maoists
August 2006	Caritas Nepal	* 350000	Only covers IDPs living in the district headquarters
2007	IDMC	* 100000-200000	Estimates based on figure derived from several studies
January 2006	CHR	* 100000	
November 2005	UNFPA	* 400000	
June 2005	ILO/CWIN	* 40000	Children displaced since 1996
May 2005	MoF	# 300000-600000	Statement made during the Donors' Conference
April 2005	INSEC	** 50353	Only covers 2001-2004
Sept 2004	ADB	* 2.4 million	Cumulative figures since 1996 includes displacement across the border to India
August 2004	NMVA	** More than 60000	IDPs in Kathmandu displaced by Maoists
January 2004	CSWC	**350000-400000	Based on the identification of 160000 IDPs in 5 districts
March 2003	GTZ et al.	* 100000-150000	Based on the joint study conducted by INGOs
April 2003	EC & RRN	* 500000	Includes forced migration to India
January 2003	MoHA	# 7343	Only includes those displaced by Maoists

Sources**:** IDMC, 2007; INSEC, 2006; Seddon & Adhikary, 2003; ADB, 2004; Caritas, 2006; MoHA, 2006; MoP&R, 2007.

*Key to data sources: # denotes the government authority,*denotes INGO and donor organisation, ** denotes NGO*

According to the Informal Service Centre's Human Rights Documentation and Dissemination Centre, 50,355 persons were internally displaced in 69 districts up to the end of 2004 after the outbreak of the People's War (INSEC, 2006). The Global IDP Project of the Norwegian Refugee Council has taken as a working figure an estimate of between 100,000 and 200,000 (IDMC, 2007). According to the Nepal Maoists Victims' Association (NMVA), some 60,000 people displaced by Maoists' actions have sought refuge in Kathmandu, while thousands of others had moved to other towns or to India by August 2004.

There have been a limited number of studies attempting to capture the extent of displacement due to the conflict. The UNDP-RUPP survey conducted between 2001 and 2003, suggests that some 80,000 people have migrated to 12 municipalities within Nepal over the last two years, coinciding with the intensified conflict (RUPP, 2003 as cited in GTZ et al., 2003). This figure does not include displacement to other rural areas within Nepal. An IDP study conducted in the beginning of 2003 by a group of INGOs has suggested that a reasonable working figure of IDPs was between 100,000 and 150,000 (GTZ et al., 2003). However, some studies have shown that these figures could well be under-estimated and that the total number of people displaced, not including those who have moved to India, could be closer to 400,000 (UNFPA, 2005; CSWC, 2004).

The Community Study and Welfare Centre (CSWC), a prominent Nepalese NGO working in the area of internal displacement claims to have identified 160,000 IDPs based on a survey conducted between November 2003 and January 2004, in five districts of the Mid-western Region, and contends that if the ratio of total population/IDPs be extrapolated to the rest of the country, between 350,000 and 400,000 people could be internally displaced in Nepal (CSWC, 2004). The CSWC (2004) reports that:

> Available information is the outcome of meeting with several people including some conflict victims, key government officials in the five districts, political workers/leaders from those districts and after having studied the relevant news items appearing in the local and national newspapers/magazines. (p. 8)

They argue that these efforts have enabled CSWC to arrive at a more accurate estimate of the magnitude of the displacement of people within Nepal. Furthermore the report

states that the estimated figure of displacement is based on observations and has no quantitative substantiation and hence might be questionable as an absolute number (CSWC, 2004, p. 8). The Asian Development Bank (2004) estimated that between 1.8 and 2.4 million people had been displaced by the conflict since 1996, including those crossing the border into India. Another study conducted by the International Labour Organisation (ILO) and Child Workers in Nepal Concern Centre (CWIN) suggests that 40,000 children had been displaced by the conflict since 1996 (as cited in IRIN, 2005). Seddon and Adhikary (2003) have argued that the number of IDPs (including migration to India) could be as high as 500,000. The International Crisis Group (ICG), an international think tank group reports:

> Indian embassy officials indicate that roughly 120,000 displaced Nepalese crossed into India during January 2003 alone − fleeing both forced recruitment by the Maoists and RNA attacks. Although some returns have begun with the ceasefire, de-population of parts of western Nepal remains a concern. (ICG, 2003, p. 2)

Dixit and Sharma (2003) believe that nearly 200,000 people have been displaced. These figures do not have a concrete basis to establish empirical source data, but this number can be used as an indication of the extent of internal displacement.

A reporter from the *Himalayan Times* (2003, May 6) in Kanchanpur district reported that about 10,000 Nepali people entered India within a period of a few weeks from the Gaddachowki Police Check Post alone. Another newspaper reporter, Chitranga Thapa, mentions that 9,000 to 11,000 people make their way to India through this post every day, based on the records maintained at the Police Post Office at Gaddachowki (*The Nepali Times*, 2002, December 13−19). As mentioned above, there is no basis for reliable estimates in the absence of an empirical study. Estimates for the number of IDPs, as a result of the armed conflict in Nepal, therefore vary enormously.

The Ministry of Home Affairs (MoHA) released information that suggested that 1,706 persons have been registered as IDPs in a total of 62 districts by the end of June 2002. This figure was re-assessed by the MoHA in January 2003, mid-July 2005 and then by the Ministry of Peace and Reconstruction on October 2007, and still the total number of IDPs in all 75 districts was recorded as being the relatively low figures of 7,343, 18,666 and 25,000 respectively (Joint Secretary, personal Interview, MoP&R, 2007).

Inadequate Government Assistance

IDPs are considered under the broad definition, "victims of armed conflict" in all the government's assistance packages, so that it is difficult to assess the total amount spent on IDPs, except some daily allowances. Besides, there is no effort undertaken at the legal and policy level that has entirely connected with the implementation of any assistance programmes. Some funds for assisting IDPs were allocated in the national budgets and some were announced in package programmes (See table 11). Initially the government of Nepal decided to allow a daily allowance for IDPs under the "Gansesh Man Singh Peace Campaign" in September, 1999. The campaign aimed at providing NRs 100 ($1.4) per day, per person for a family of three members, and if a family had more than three members for whom to provide, NRs 100 ($1.4) to an additional two members of that family. A maximum of two members of a family can receive the relief allowance. Though this was decided in 1999, actual disbursement of funds only began in the Fiscal Year (FY) 2001/02 (Shrestha & Adhikari, 2005, p. 252). Many districts, despite having the significant presence of IDPs, didn't receive any funds at all.

By February 2003, an amount of NRs 15.07 million (nearly $201,040) was distributed to IDPs in various districts − NRs 4.22 million (56296) in the FY 2001/02 and NRs 10.85 million ($144743) in the FY 2002/03 under the Ministry of Home Affairs (Shrestha & Adhikari, 2005, p. 253). Up to October 2004, a sum of NRs 2.61 billion (nearly $3,487,203) was distributed towards daily allowances for IDPs and other relief packages under the campaign (HMG/N, 2005). But, because of haphazard distribution, the money did not cover and reach all the IDPs. Similarly, there are no systematic records of disbursement, neither coordination nor implementation.

Government constituted a "Victim of conflict fund", allocating an amount of NRs 1 billion ($13,340,444) 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 (SAFHR, 2005, pp. 23-25). In 2002, the government introduced a "Relief Package Programme for Displaced Persons".

Table 11: Highlights of Nepal's state commitments and programmes on IDPs

Working committee to study Maoist activities and solutions, 1997 • Recommendation for government concepts regarding rehabilitation of displaced persons	**Ganesh Man Singh Peace Campaign, 1999** • Victim of Conflict Fund, 2001; Relief Package Program, 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 peace talks with the Maoists) • Assisting return to respective homes and peaceful rehabilitation of displaced people
	Concept of forward looking reforms, 2003 (During the peace talks with the Maoists) • High priority for the works related to the rehabilitation of the victims and displaced people; guaranteeing the rights of displaced persons to return to their homes or to places of their choice; and setting up a monitoring body to determine whether rights of the IDPs are being respected
	25 Point Commitment, 2004 • Guaranteeing rights of the displaced persons to return to their homes and to ensure the right to return to their domicile or to the places of their choice
	National Human Rights Action Plan, 2004 • Protection and assistance to the victims of 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 reconstruct-ion of physical infrastructure will be implemented with a high priority • Special package of rescue and relief will be carried out for victims of violence and conflict who became displaced persons	**Budget of Fiscal year 2004/2005** • Immediate relief to the displaced suffering from the problems associated with food and shelter • Effective rescue and compensation as money is paid to the displaced families • Systematic settlement for homeless and inhabitants living in vulnerable places • Prompt rehabilitation of IDPs

Relief package 2004 (Approved by the meeting of Council Ministers on 1 October) • Free education up to secondary level, NRs. 1,000 ($13.3) for materials for displaced children • Skills development and income generating training for one female member of a displaced family • Cash reimbursement of medical bills of up to NRs. 5,000 ($66.7) for displaced people over 60 years of age for treatment in government hospitals • Training in respective district headquarters; one time, small cash-allowance for participating in training or engaging in employment; soft loans after training is completed • Rs. 300 ($4) monthly allowance for displaced elderly who won't have anyone to support them

21 Point Programme 2005 • Those affected by conflict and those Maoists that have (and desire to) surrender will be trained and prepared for employment at home and abroad	**Budget of Fiscal year 2005/06** • Vocational training for IDPs • Mechanism for protection and development of affected children • Arrangement for the provision of basic public services to the displaced • Priority to IDPs in labour intensive public construction work • Waiving of land revenue for registered conflict affected people

Comprehensive Peace Agreement 2006   • Both parties expressed the commitment to allow, without any political prejudice, the people displaced by armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed during the conflict and rehabilitate and socialise the displaced people into society
Immediate Relief Package for Conflict Induced IDPs 2007   • NRs 300 ($4.6) to Rs 1,000 ($14) for transportation cost per IDP to return to their home   • NRs 60 ($1) for subsistence support to each IDP for two months   • NRs 5,000 ($70) per family to repair their home or NRs 10,000 ($140) to reconstruct their home at once   • NRs 1,000 ($14) per child as an educational relief grant at any one time   • NRs 10,000 ($140) for each IDP family to buy agricultural inputs and NRs 10,000 ($140) to buy agricultural tools on an interest-free loan for the period of five years
Budget of Fiscal year 2006/07   • A guaranteed environment will be made to enable all internally displaced people (IDPs) to return to their homes. The relief package will be provided to rehabilitate IDPs, which includes expenses for transportation, educational relief, house repairs, construction, and food. Similarly, an interest free agriculture credit facility, for five years, will be provided to enable them to cultivate their first crops

Source: Adapted from Gyawali, 2005; HMG/N budget speech 2003, 2004, 2005, 2006; CPA, 2006.

It was aimed at providing interest free loans of NRs 5000 ($66.7) for 200 women, educational materials for 1000 orphans from 18 districts, and NRs 1,000 ($13.3) per child per month for education, food, shelter, especially for IDPs through the Ministry of Women, Children and Social Welfare. Similarly, skills training for 25 women in conflict-affected areas were to be provided through the Ministry of Labour. Moreover the government had also announced a plan to send one member each from 545 displaced families to engage in foreign employment.

In 2003, the government announced an IDP rehabilitation program under the broader category of conflict-victim assistance. An amount of NRs 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 an additional NRs 50 million ($667,000) but this effort was also affected by the same problem of poor definition and limited coverage/distribution. 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 a work plan for IDPs. It was approved by the council ministers on 1 October, 2004. The package provided free education for children of IDPs to study lower secondary and secondary level education in public schools, as well as for coverage of one-time expenses of NRs 1,000 ($13.3) for monthly

fees and educational materials. Similarly, NRs 300 ($4) per month was allowed for displaced persons who were above 60 years of age and NRs 5,000 ($66.7) maximum, as per invoice, for elderly citizens who were displaced and requiring support for hospitalisation, were also provisions of the package. It also incorporated income-generating training for female IDPs.

Although the government says that these allocations were made to IDPs, the reality was very different. According senior government officials in the study districts these funds have not only focused on IDPs, the funds also covered compensation payments to the dependents of civilians and families of security personnel killed by the Maoists, and other types of expenses, such as compensation for lost property, and treatment of conflict victims for these particular groups.

Almost all programmes developed up to 2004 were not operationalised. The task force formed by the government in 2004 identified foreign employment as an exception, but all other programmes have not been in operation for the assistance of IDPs in Nepal (HMG/N, 2004, p. 5). Even, the programme for foreign employment of IDPs has not been implemented in a systemic manner. Because of the narrow definition of what an IDP is or might be, these programmes could not and did not address the main problem. As noted earlier via the five point guidelines issued to DAOs in August 2002, the government defined IDPs to include only those displaced by Maoists, thus excluding all those displaced by the state security forces.

In July 2005, the government pronounced arrangements to facilitate the unobstructed availability of basic public services to displaced persons. These included the provision of vocational training for IDPs, the establishment of mechanisms for the protection and development of affected children, the prioritisation of IDPs in labour intensive public construction works, the waiving of land revenue for people who were registered as being affected, and the provision of loans for foreign employment (HMG/N, 2005). Still, the government has not mentioned the sum or total amount available for this assistance and doesn't have any records about how much money has been spent on these programmes. Similarly, the government announced an immediate relief package for the conflict induced IDPs, which was approved by the Council Ministers on 26 February 2007 (See table 11).

Despite the new IDP policy of 2007 being in place, the lack of guidance from the central level of government has affected the way the District Administration Office (DAO) handles these IDP issues in the districts. The Chief District Officer in one of the study districts, Kailali, has been reluctant to initiate major programmes on IDP returns as he considers that it requires "an Eight Party Alliance[30] to resolve". Similarly, in Banke another study district, the CDO expressed concerns and difficulties in identifying and registering genuine IDPs for the purpose of assistance, referring the issue to the Eight Party Alliance. At the local level, some government authorities were not fully aware of the financial support available for IDPs to return home (Government Official, personal interview, Bardiya, 2007).

Government Data Collection System

At the end of 2001 the government had decided to establish a system to collect data on people affected by the Maoist insurgency. The District Administration Offices once they had collected the data had to forward the information to the Ministry of Home Affairs (MoHA). The system aimed to provide accurate information on how many people needed humanitarian relief support in every district. People affected by conflict had to register their name at DAOs in their districts. Once the DAO had considered the validity of the claim, the registered names were forwarded to the Ministry of Home Affairs in the capital for further revision and final approval. Once approved by MoHA, the money is released to the respective district for disbursement.

The government's data collection system cannot be considered a source of accurate information because only the victims of the Maoists' register at the DAOs. People directly or indirectly affected by the actions of the state security forces[31] do not register at DAOs, perhaps in fear that they may be unfairly or incorrectly identified as Maoist sympathisers, which would create many problems for them. The Government's choice to define IDPs as "victims of conflict" is misplaced within a very narrow understanding of who these victims include overall. The terminology of the Government constituted

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[30] The Eight Party Alliances is a coalition of eight Nepali political parties seeking to end autocratic rule and establish the federal republic of Nepal. The alliance is made up of Nepali Congress, Nepali Congress Democratic, Communist Party of Nepal (Unified Marxist-Leninist), Nepal Workers and Peasants Party, Nepal Goodwill Party(Anandevi), United Left Front, People's Front and Maoists.
[31] State security forces consist of Nepali Army, Armed Police Force and Nepal Police.

for the Victim of Conflict Fund, as mentioned earlier, defined IDPs as those persons "whose family member has been killed by the terrorists" (MoHA, 2001, p. 2). The South Asian Forum for Human Rights has highlighted that this narrow definition by the government would exclude all those persons who have been displaced due to the direct act of violence by the security forces or by a well-founded fear of such violence by them (SAFHR, 2005, pp. 23-25).

Why the Discrepancy in IDP Numbers?

The Government of Nepal has no particular system for systematically collecting and recording information about numbers and conditions of IDPs; neither has it formed any mechanism to update the data[32]. The applicants should have been previously registered by the DAO in their districts to be eligible to access the funds. DAOs from the study districts have admitted that only the victims of Maoists were included in the government data[33]. This could be explained by the fear of those affected by the actions of the state security forces to be labelled as Maoists, if they filed a claim. The fact that the Chief District Officer (CDO) chairs the district security committee represented by the Army, the Armed Police Force (APF) and the Nepal police in every district would exacerbate this fear and could be an additional deterrent for affected common civilians to seek some sort of government compensation. In the study districts, to date, only politicians from the ruling party and people well connected with authorities and security forces have approached the government for resources, especially funds related to compensation claims for damage to property and assets. In addition to this, the district security committee, which accesses the data, is represented by the security agencies but not from civil society organisations and political parties. The provision of compensation after registration appears to be heavily politicised and the data is therefore highly likely to be subject to manipulation.

Similarly, none of the agencies conducted a complete and comprehensive survey on IDPs even within a single district. Estimates on the number of IDPs from government

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[32] This was the case at the time of data collection as discussed in the methodology chapter data was collected during July 2007 to February 2008.
[33] Personal interview with Government Officials in Banke, Bardiya, and Kailali, 2007

offices vary widely from each other. For instance, a task force on IDPs formed by the government estimated that there were more than 100,000 IDPs in August 2004. The Minister of Finance, while addressing a donor conference in May 2005 stated that the number of IDPs in Nepal was approximated to stand between 300,000 and 600,000 (*The Rising Nepal*, 6 May 2005). Similarly, the numbers of IDPs in Kailali were 4,000-5,000 (Persons), 1,495 and 525 families as reported by Caritas, INSEC and the government respectively (Caritas, 2006, p. 104; INSEC, 2007, p. 5). These figures show the discrepancies between the agencies on estimates of the number of IDPs. In addition, they indicate that the agencies including the government do not assess the number of IDPs in a consistent way. Holtzman and Nezam (2004) point out "IDP statistics are often inherently political, with a range of incentives on the part of various actors to inflate or deflate numbers" (p. 8). Similarly, Rasmusson (2006) tells us that:

> While governments may try to hide an IDP crisis which they fear could expose and draw unwanted international attention to human rights violations, unresolved conflicts or erosion of state of authority... other governments may wish to inflate numbers to attract more humanitarian aid or to mobilise international opinion against an internal or external adversary accused of being responsible for the displacements. (p. 17)

There are some reasons for the variations in the number of IDPs as reported. Firstly, there is no government mechanism to maintain an accurate set of records about IDPs. MoHA and the DAOs have some limited records but these are only for 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 the many IDPs that actually exist around Nepal. Government authorities have no alternative programme, either to increase voluntary registration or to assess the exact figure and condition of existing numbers of genuine IDPs. As well, all of those displaced by the government security forces have been left unrecognised, meaning that they are not accepted as being genuine IDPs. Secondly, there is no government agency that regularly monitors and documents population movement for reasons such as economic migration, seasonal employment, education, natural and man-made disasters, as well as 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 one district and hence, many IDPs usually stay with their relatives and friends and thus remain hidden. Fifthly, there is no government initiative to register or take into consideration those who have been displaced by the Maoists and are now residing at places other than district headquarters.

The agencies have failed exclusively to document the disaggregated data on age groups, gender, ethnicity, and class, so that the needs of these vulnerable groups can be better addressed. These figures indicate multiple realities, which amounts to the fact that the government has not been able to assess the number of IDPs, accurately. 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 internal displacement. All of the government programmes targeting IDPs have been formulated without baseline information. One of the core concepts reflected in the guiding principles on internal displacement is that the responsibility for protecting and assisting IDPs rests with their national authorities. Indeed, protection is a legal responsibility of the state and its agents (GPCWG, 2008) and collecting data on the number and conditions of IDPs is a key step towards the fulfilment of their national responsibility for dealing with the realities of internal displacement (Brookings, 2005a, pp. 14-15).

In addition, there is no accurate figure on the number of people who have crossed the Indian border. The government is responsible for measuring such important population flows but has not reported on this aspect of the movement of people. If the government recorded and publicised the numbers involved in such a flow of people across national borders, it would be much easier to estimate the intensity of migration and identify the possible factors to be addressed in order to create conducive environments for the remaining IDPs.

One of the reasons why it has been difficult to reach agreement on IDP figures has been the lack of clarity on when a person ceases to be internally displaced. The question of whether people who were displaced but were still capable of carrying on their activities in another place, can continue to be called "displaced" is recurring and problematic with respect to resource allocation (Deng, 1995; Bailliet, 2003). Accurate numbers are necessary in devising programs and policies that deal with the needs and vulnerabilities of the IDPs; and it is important to know when internal displacement ends in order to know when to reallocate resources and change focus from displacement to other issues (Mooney, 2003a, p. 4). Unfortunately, there are no agreed-upon standards by which to judge, but only *ad hoc* and/or inconsistent determinations of cessation of IDP status which sometimes cause arbitrary decreases in the number of IDPs, and which poses the

risk of premature or wrongful withdrawal of protection (Fernandez & Vidal, 2003, pp. 28-29; Bonoan, 2003, pp. 8-9).

The existing literature on the subject offers four possible solutions to the problem of recording the cessation of IDP status. The first one is to apply the IDMC-UNOCHA-IDD inter-agency guidelines on the profiling of IDP populations that are currently field-tested (Rasmusson, 2006). The second solution is to apply UNHCR standards meant for refugees to IDPs based on the assumption that "many of the circumstances that lead to internal displacement are similar to or identical to those that cause individuals to develop a 'well-founded fear of persecution' and seek international protection as refugees" (Bonoan, 2003, p. 8). The third solution is for countries to apply national legislation if they can ensure that these measures are not arbitrary (Beau, 2003, p. 17).

The last solution is to integrate cause-based, solutions-based, and needs-based criteria (Mooney, 2003a, pp. 4-7, 2003b, pp. 38-40). The cause-based approach considers termination of the causes of IDP flight as a point of reference to declare an end to internal displacement (Mooney, 2003a, 2003b). The approach did not work in Bosnia and Herzegovina and Afghanistan, and even though the immediate causes of displacement ended, a durable solution to internal displacement did not come about (Mooney, 2003a, p. 5). The solutions-based approach, which refers to the physical return or resettlement of IDPs used in Guatemala and Sierra Leone, is also problematic because issues such as lack of safety, property compensation, voting rights and access to public services were not dealt with (Mooney, 2003a, p. 6). Finally, while assessing whether or not vulnerabilities specific to IDPs continue to exist, the needs-based criteria tend to fail to notice the long-term needs of IDPs as a specific group (Mooney, 2003a, 2003b). Therefore, there is a need for an integrated approach (Mooney, 2003a, p. 6).

In 2007, the Brookings Institution − University of Bern Project on Internal Displacement published a booklet called *When Displacement Ends: A Framework for Durable Solutions*, which outlines the conditions under which IDPs attain a durable solution and no longer need to be the focus of specific attention (Brookings, 2007). Mainly, the framework determines the point "when IDPs no longer have needs that differ from the population around them" (Brookings 2007, p. 5). Although the intention of developing a framework to identify these conditions is praiseworthy, there is a

problem with comparing the needs of the IDPs with the population at large. For example, applying such a criterion in a poor country like Nepal would lead to IDPs being treated as just another group of poor people instead of a special category. At least in terms of restitution of property rights, IDPs should be treated differently from someone arguing with his neighbour over a fence between their farms. Subjecting IDPs, who had to leave their homes because of the threat of violence, to the same property rights mechanisms as non-IDPs, is simply unjust.

Discussion and Critical Analysis

The situation of displacement in Nepal differs from other crisis zones, where IDPs often flee to and shelter in camps where they receive protection and assistance, however limited, from national as well as international humanitarian agencies. The majority of IDPs in Nepal fled from rural areas to major urban cities where they intermingled with their existing social networks. The unique cultural traditions of hospitality via their extended families, combined with historical patterns of seasonal migration, prompted most people to seek assistance from their relatives.

Some IDPs do have connections in the major cities (especially for politically affiliated people) and/or they have children, friends, acquaintances and other relatives living in the cities to which they moved. Easy access to authorities and humanitarian relief agencies has also attracted them to the major cities. Some IDPs are still living in regional centres and district headquarters throughout Nepal. IDPs from the "well to do strata of society" can afford to rent rooms/houses somewhere in the district, in regional or capital cities or in towns. Limited information is available on those who have sought safety in neighbouring villages. However, all those fleeing their place of origin have not necessarily moved to the city centres. Some have found the neighbouring village a safer place to live.

In the absence of any systematic monitoring of population movements and a reliable registration system of IDPs by government or by humanitarian relief agencies, it is difficult to provide any accurate estimates on the number of IDPs. This problem is further compounded by the hidden nature of displacement in Nepal, where people are

forced from their homes and have either assimilated into their social networks or intermingle with seasonal migrants *en route* for district headquarters or urban cities. A majority of these people also move abroad, including India, in search of safety as well as employment opportunities. Nearly 1,800 km of open border with unregulated freedom of movement between India and Nepal as provisioned in the 1950 Indo-Nepal Peace and Friendship Treaty, makes it very difficult to measure the migration flow or to estimate the number of refugees (and people displaced inside Nepal as IDPs) moving from Nepal into India. This pattern of border crossing was noticed before the declaration of the unilateral ceasefire on September 3, 2005 by the Maoists, and also cross-border mobility, which declined to some extent during the more recent ceasefire enforced after the 2006 April uprising.

The pattern of border crossing, as mentioned above, indicates the extent and scope of displacement. When considering the scope of displacement in Nepal, all figures or estimates are therefore highly exploratory, very rough and difficult to verify. Here lies the problem in planning for the needs of IDPs − what numbers should we be using as estimates in our bid to address the problems and humanitarian issues faced by IDPs in Nepal?

Gathering information on the location, size, and demographic characteristics of IDPs is crucial for their effective protection. Commonly-agreed figures on the number of men, women, children and the elderly, and information on their location, patterns and causes of their displacement, enable targeted responses and persuasive advocacy. This becomes an impossible task in Nepal where responses are not forthcoming partly due to the lack of information on which to base such responses. Local government bureaucracy and political leadership in Nepal do not have the knowledge or resources at hand that are needed to engage in the many issues facing IDPs. Most of the stakeholders' in the field pointed out that they follow the UN definition of IDPs, but they also pointed out the challenge of identifying genuine IDPs by distinguishing them from regular migrants or even fraudulent claimants. They were also finding it difficult to associate the landlords and other well-off people as IDPs in the current situation, as most of them had built houses and/or owned businesses in areas where they are now living and to which they had moved as IDPs. Operational agencies, NGOs, donors and the government require data on the number of IDPs in order to formulate programmes, policies and budget for

effectively addressing IDPs needs. Yet, owing to varying interpretations as to who IDPs are, the figures they use often differ dramatically, impeding an effective, coordinated approach.

Government funding and programmes have not been able to bring about a successful result in resolving the problems of IDPs. Responses to IDPs are prejudiced, lacking direction, inadequate and sometimes altogether non-existent. Even those who are registered under the restricted eligibility criteria of victims of Maoists insurgency, complain that they have not received any compensation. The allowances do not always reach the real IDPs that require assistance; rather it is often distributed to those who are well-connected with the politicians at the district headquarters, including bureaucrats and their relatives. This kind of discrimination and corruption has two consequences: firstly most of the IDPs are excluded from obtaining assistance, and secondly many have not attempted to register with the authorities. Similarly, compulsion of IDPs certified by the DAO prevented most of them from being qualified to receive government allowances and other assistance.

There are three major weaknesses in the assistance provision process, which explain why the programmes failed in attracting IDPs. Firstly, there are no comprehensive plans; secondly, the limited plans that do exist are very scant and do not adequately cover those who need emergency assistance; and lastly, there are very poor management procedures for identifying beneficiaries and utilising allocated resources. Assistance processes adopted by the government also are not scientific. There is no institutional focal point or agency to deal with IDPs in Nepal. The government is totally reluctant to establish an institutional focal point to coordinate the actions of the government, as well as the non-government agencies involved in IDP assistance programmes.

Timely and accurate information is recognised as the fundamental basis for effective protection responses in complex emergencies situation. Through data collection, analysis and dissemination, individual governments, national non-government organisations and the international humanitarian and development community are better positioned to understand the "precise nature of the threats and vulnerabilities people are experiencing and the capacities they have to prevent and cope with them" (ALNAP, 2005, p. 52). Therefore, better information leading to a targeted response directly

benefits affected populations. Over time, the use of efficient information can enable the humanitarian community to analyse good practices within the realm of effective humanitarian assistance and protection responses, plus devise effective models for protection strategies to be integrated into the planning phase.

UN and INGO Responses

Although UN agencies and INGOs have been providing development-oriented assistance for a long time in Nepal, almost none of this assistance has directly targeted humanitarian relief to IDPs, especially in the earlier years of the conflict. Instead, most agencies have wanted to assist IDPs through their existing development assistance programmes. Although the main responsibilities for assisting and protecting IDPs lies with the national government, the UN and INGOs have been gearing up to support internally displaced persons since 2005. The UN agreed on a collaborative approach framework for displacement in Nepal, with UNHCR and UNOHCHR acting as lead agencies on IDP protection and as co-chairs of the IDP Protection Sub-Group of the Human Rights and Protection Working Group (UNHCR, 2006a, p. 8). Several inter-agency IDP missions have been conducted since the end of 2005 with the aim of enhancing the understanding of IDP issues among humanitarian actors and promoting sustainable solutions for the return of displaced persons. The UN agencies are supported by several local or international NGOs, who directly or indirectly address the needs of the displaced population.

The cluster approach (UN-led global initiative to improve coordination of humanitarian and development interventions) was activated later in 2008 in response to the displacement caused by flooding of the Koshi River in eastern Nepal. UNOHCHR 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 (IDMC, 2010, p. 9). 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 percent of the total $129 million (IDMC, 2010, p. 9). 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.

Although some of the international organisations are engaged in assisting IDPs, with a focus on educational support for displaced children, there is no comprehensive or coherent planning behind their programmes, and furthermore the lack of coordination among them is a major subject of concern. The donor approach is top down; it does not have IDPs represented during the programme planning and implementation cycles. Hence, due to these and other problems, the sustainability of such programmes remains in question. How effective are they in dealing with the needs of IDPs?

Directions for Future Research towards Better IDP Data in Nepal

The following points suggest key considerations for future research that is needed to estimate accurate data on internal displacement in Nepal and in other places around the world. It offers some proposals for a research agenda that expands existing work and aims to address crucial gaps in knowledge and practice.

Geographical Scope

Besides a survey conducted by Caritas Nepal, only limited data sets have broad geographical coverage across the region in conflict. Often data are being collected in single or scattered locations with no systematic procedures being followed. Many districts with a high number of IDPs have no IDP data published at all. Future research could aim to expand the scope of inquiry to contexts where no data exists, and ensure collection of data across a broad area affected by conflict and displacement, defined either at a regional or national level.

Methodological Consistency

Existing data are not amenable to comparison due to methodological differences in research design, data collection and analysis. Future studies on IDPs could develop a standard methodology that can be applied as consistently as possible in all research

sites, bearing in mind the inherent limitations of conducting research in humanitarian emergency settings and also unique cultural settings. A method should be defined in relation to existing common practice for assessment of IDPs in conflict and displacement contexts. To this end, a network of humanitarian actors, including donors, international and UN agencies, NGOs, universities, research institutes and governments, need to come together to develop a standard data collection system.

Defining and Profiling the Study Population

Ideally a standard definition of internally displaced person should be adopted, with a reasonably simple and operational means of applying the definition in a household-based survey setting. Surveys should assemble basic data on the gender and age composition of households, so as to create a demographic profile of the study population and facilitate the analysis of different themes. Two other important variables in defining the study population are location and displacement status. Most of the studies in Nepal conducted focus on IDPs residing in large cities, and hence, there is a lack of data on self-settled IDPs and those living outside formal networks. Future research should aim to generate data for all displaced groups in order to estimate numbers and design effective programmes that address the various issues faced by IDPs.

Conclusion

The new national policy 2007 is designed to address the problems of IDPs; however, without any local mechanism for implementation and approval of the Policy Directives, it is unlikely to be successful. The government of Nepal has no reliable mechanism for documenting the number of genuine IDPs within Nepal. This has multiple effects on programme formulation and implementation as well as the return and resettlement process. Inconsistency in estimating the numbers of IDPs makes it much more difficult in responding to IDP needs and issues. There is currently a lack of response to the problems of IDPs in Nepal. The commitments of the government in terms of internal displacement have not yet materialised into reality rather, they have been objects of

mere lip service where policy and intentions have not translated into good planning and implementation of programmes.

The hidden nature of internal displacement coupled with covert mobility patterns in Nepal makes it difficult to provide accurate estimates on the total number of people displaced by armed conflict. Migration flows to India and urban migration to the main cities are difficult to monitor and all estimates are therefore highly exploratory, very rough and difficult to verify. Neither the state nor the international organisations have a comprehensive registration and/or monitoring system to enable a more accurate approximation of population movement. The pertinent question remains unanswered with respect to estimating accurately the numbers of people who have fled Nepal as a consequence of the armed conflict and how to distinguish these numbers from the "regular" urban or economic migrants. Knowing the number of IDPs − how many women, men, boys, and girls, their location and possibly the patterns and causes of their displacement, can lay the ground for further analysis which identifies why both individuals and groups can not enjoy their basic rights? Lack of data or contradictory and inaccurate data can have unintended negative consequences on both affected populations − IDPs and the humanitarian community. Without accurate data on all genuine IDPs, it is impossible to respond to their needs effectively. Credible information about IDPs is essential to provide effective policies, programmes and laws that are relevant and responsive.

Though the government has been implementing some relief packages for assisting IDPs since 2001, they are insufficient, discriminatory and lacking direction. Government discrimination is legitimised through the biased and very narrow definition of IDPs and a lack of national standards and mechanisms. Government funds were accessible to well-connected politicians, bureaucrats and their clients more than to "ordinary citizens". Government assistance has only flowed to people displaced by the Maoists, and not to those displaced by the state security forces. Authorities have not encouraged people displaced by government security forces to come forward with their problems, and people remain reluctant to register as displaced people for fear of retaliation or being suspected as rebel sympathisers. Reports prepared by district authorities consistently do not include victims of the security forces, denying these victims of armed conflict access to government support, which is ultimately discriminatory.

Although UN agencies and INGOs have been providing development-oriented assistance for a long time, the assistance provided by these agencies has not reached the real IDPs due to a lack of coordination among the various agencies involved.

The whole purpose of gathering accurate information on IDPs should be to improve the humanitarian response to their desperate predicament. By working together with international and local humanitarian agencies, government ministries can augment their capacities in information collection and other important aspects of addressing situations of internal displacement. It is imperative to emphasise that sustainable peace will not be achieved without addressing the IDP issues in Nepal, as well as across the world in other places where such problems arise as a result of armed conflict.

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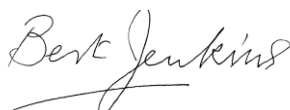Name of Candidate: Chakra Raj Ojha

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This paper has been prepared by the PhD candidate, Chakra Raj Ojha. Coauthor Dr Bert Jenkins is the Candidate's Principle supervisor. He has only contributed to this paper to the extent that would normally be expected of such roles. He has given his consent for having his contribution to this paper included in the thesis and accepted the candidate's contribution as indicated in the Statement of Originality.

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CHAPTER FIVE

BETWEEN PROMISES AND PRACTICES: THE POLITICS OF PROTECTING THE INTERNALLY DISPLACED IN NEPAL

BETWEEN PROMISES AND PRACTICES: THE POLITICS OF PROTECTING THE INTERNALLY DISPLACED IN NEPAL

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Abstract

The armed conflict between Maoist insurgents and government security forces in Nepal (1996−2006) has forced thousands of people to leave their place of origin. This chapter examines national policy initiatives, the national response and implementation gap in the process of addressing the issues of IDPs in Nepal. A qualitative methodology using informal discussions, participant observation and in-depth interviews was adopted to conduct this research.

Addressing the needs and respecting the rights of internally displaced persons is not only a humanitarian and human rights issue, but also a strategic one affecting peace, security and sustainable development. The chapter reveals that even though resolving the displacement problem is inextricably linked to the future of the peace process, the commitments of the government in terms of internal displacement have not yet materialised into effective implementation. It argues that there is a significant gap as to what the national policy says and what is implemented on the ground. This chapter then concludes that introducing a national policy alone is not enough to ensure the protection of IDPs and in ending displacement, it is necessary to implement the policy and monitor whether these policy provisions are producing the desired or planned results.

Key words: Armed Conflict, Politics of Protection, National IDP Policy, Implementation Gap

Introduction

> The guiding principles on internal displacement, based on international human rights and humanitarian law, proved a strong normative framework for upholding the basic human rights of those displaced within the borders of their own country (or their country of habitual residence), but for this normative framework to have any relevance for those who have actually been displaced, it must be incorporated into national laws and policies. (Ferris, 2009, p. 1)

Internally displaced persons (IDPs) have been forced to flee from their homes because their lives were in danger, but unlike refugees they have not crossed an internationally recognised border. Therefore, IDPs are neither protected by the 1951 UN Refugee Convention and its 1967 protocol, nor by any other international agreements or laws. Since IDPs remain within their national territory, the government of the nation state is responsible when it comes to providing security, protection and caring for the well-being of the displaced. However, the national authorities are often directly or indirectly also the perpetrators, and thus unwilling or unable to live up to their obligations to look out for the interests of their citizens. The principle of territorial sovereignty is highly complicated in relation to IDP protection (Brun, 2005; Mooney, 2004). Discussions on the usefulness and consequences of a separate category for IDPs − being different from that of refugees or other victims of human rights violations − have been going on among academics and practitioners since internal displacement became prominent on the international agenda. The question of how to address internal displacement and who is responsible when the state is unable or unwilling to react adequately is also an issue of dispute (as discussed in the introductory chapter 1).

In the aftermath of the Cold War, the number of armed conflicts between nation states decreased, whereas an increasing amount of internal conflicts emerged. Together with increasingly restrictive migration control, massive internal displacement was caused in a number of countries worldwide (Brun, 2005). Until the late 1980s, internal displacement remained a neglected topic on the national as well as international agenda. It was not until the early 1990s that internal displacement came to be widely recognised as not only a humanitarian problem requiring assistance but also a human rights problem requiring specific protection measures (Bagshaw & Paul, 2004, p. 19). Such recognition, however, does not automatically imply a distinct legal status for IDPs or a body of law for IDP protection. While some efforts have been made to develop such a body of law, debate continues as to the extent that this is necessary, feasible or

desirable. Those in favour of IDP-specific legislation at the international level argue that it is necessary because IDPs face specific protection and assistance needs that require specific laws (Islam, 2006). Against this claim, it is argued that IDPs are covered by domestic legislation within their own countries, as well as by international human rights law and international humanitarian law (Phuong, 2004). Phuong (2004) points out that refugees and IDPs share two elements − forced displacement, and breach of bond with a state. However, since IDPs are still under the jurisdiction of the state, the bond in their case is not totally broken (p. 37). As a result, she argues, there is no need for a specific legal status, nor a new treaty or convention.

In 1992, the UN responded to the increasing humanitarian crisis and the lack of attention to internal displacement by appointing Francis M. Deng to be the first United Nations Secretary-General's Representative on Internally Displaced Persons. This Representative developed the Guiding Principles to improve protection and assistance for IDPs. The Principles provide a relatively broad definition of who is to be considered an IDP, outline the rights and the responsibility of the state to seek prevention of displacement, offer protection and assistance when the displacement has occurred, and secure reintegration or resettlement. Over the years, these Principles have gained substantial international acceptance and moral authority. Resolutions of the Commission on Human Rights and the General Assembly describe the Guiding Principles as "an important tool" and "standard" (UN, 2006, p. 3). In March 2005, the United Nations Secretary-General Kofi Annan's report, "In Larger Freedom", urged member states:

> [T]o accept the Guiding Principles on internal displacement prepared by the Special Representative as the basic international norm for protection of such persons, and to commit themselves to promote the adoption of these principles through national legislation. (UN 2005b, p. 51)

Similarly, heads of state and governments assembled at the World Summit in New York in September 2005 recognised the Guiding Principles as "an important international framework for the protection of internally displaced persons" (UN, 2005a, p. 30). Despite the increasing interest in internal displacement in recent years and the creation of a regulatory framework to deal with the problem, the number of IDPs in the world has not decreased but has instead continued to increase. The number of IDPs (generated by conflict) increased from 1.2 million in 11 countries in 1982 to roughly 26 million in 52 countries today (See table 4 in the introductory chapter 1).

The Guiding Principles reflect and are consistent with international human rights law and international humanitarian law, but they are not binding upon states and they have acquired moral authority and serve as a basis for dialogue between governments and assisting agencies (Cohen 1998; Saha 2000; Vincent 2000; Wyndham, 2006). The most effective way to ensure state compliance with the Guiding Principles, therefore, is for states to incorporate the principles into their domestic legislative framework (Kälin, 2006, p. 5; Wyndham, 2006). Some of the South Asian countries like Sri Lanka, India and Nepal have developed National Policy documents to address IDPs. However, these policies are not effective enough to protect the rights of IDPs during and after armed conflict, they are not implemented properly and often selectively benefit some groups of IDPs while excluding large numbers of others.

In order to bring all IDPs under a legal framework, and then assist them with state support, the government of Nepal endorsed the National IDP policy in February 2007. Prior to this policy, the government definition of IDP was limited to persons displaced by the Maoists. Although the government of Nepal endorsed the National Policy in 2007, appropriate implementation did not follow due to the lack of procedural directives that have not been approved as yet. The aims of this research are to examine how provisions made under National Policy have been implemented, draw attention to this challenging issue that requires resolution, as well as to identify gaps in the implementation of this policy while addressing the overall IDP situation in Nepal.

Finally, this paper argues that introducing a National Policy alone is not enough to ensure the protection of IDPs and in ending displacement there is also a need to implement the policy and monitor whether or not this policy's provisions are producing results. The effective implementation of National Policy is an essential factor in ensuring the protection of IDPs and in the creation of a sustainable peace following armed conflict.

The Nepalese Context

Nepal has been experiencing conflict-induced displacement since the internal armed conflict between Maoist rebels and state security forces, which began in 1996. This insurgency gradually developed into a full military conflict with the state security forces, resulting in some 13,091 deaths with hundreds of thousands of people becoming

displaced (INSEC, 2007, p. 25). There are estimates of the number of IDPs ranging from 25,000 to 500,000 IDPs (CSWC, 2004; Caritas, 2006; Dixit & Sharma, 2003; INSEC, 2006; IDMC, 2007; MoHA, 2002, 2003; MoP&R, 2009b; Seddon & Adhikary, 2003; UNFPA, 2005). The actual number of IDPs in Nepal due to armed conflict has never been established with any accuracy, since there has been no systematic registration or movement monitoring mechanisms in place. Non-government organisations, including UN agencies, have been collecting information for their own purposes and hence have made estimates of IDP numbers. However, estimates for the number of IDPs as a result of the armed conflict in Nepal, vary enormously (Ojha & Jenkins, 2009).

At the beginning of the insurgency, members of police, landowners, political party leaders and members, and local government officials were forced to flee from their places of residence by Maoist threats and attacks (NRC, 2009; Ojha & Jenkins, 2009). Most of the displacements were associated with the violence and terror inflicted by the Maoist rebels and the counter violence unleashed by state security forces in a bid to take control of the situation. The Maoists had forced people to move away from their homes and land, especially by threatening to take their lives, through extortion, abduction, and by forcing them into joining the militia, and accusing them of being spies or informants if they did not cooperate. On the other hand, the state security forces often wrongfully suspected helpless villagers of involvement in the People's War and as a consequence harmed, tortured or threatened them in different ways. These kinds of actions by the state security forces compelled rural people to flee their villages, and hence to become displaced from their place of origin.

The fate of IDPs is one of the many outstanding issues of the peace negotiations occurring between the government of Nepal and the Maoists. Granting those who had to flee their homes due to the conflict the opportunity to return safely and reintegrate socially and economically is a significant key to a lasting peace. With the signing of the 12 Point Understanding in November 2005, the Seven Party Alliances (SPA) and the Maoists have already expressed their willingness to unconditionally allow the safe return of "displaced democratic party leaders, activists and common people" (12 Point Understanding, 2005, p. 3). The ceasefire code of conduct signed on 26 May 2006 takes it a step further with specific references to the needs of IDPs and the issue of restitution of land and property to the returnees. Finally, a Comprehensive Peace Agreement (CPA) was signed by the government and the Maoists in November 2006 that states:

> Both sides express commitment to allow without any political prejudice the people displaced during the armed conflict to return voluntarily to their respective places of ancestral or former residence, to reconstruct the infrastructure destroyed as a result of the conflict and to honourably rehabilitate and reintegrate the displaced people into the society. (Article 5.2.8, CPA, 2006)

Through this peace agreement, the SPA and Maoists committed themselves to a peace process that would not only end the conflict but also lay out a road map for elections resulting in a Constituent Assembly (CA). After the peace agreement between the government of Nepal and Maoists was signed, a new conflict broke out in 2007 with fighting between opposing ethnic groups causing displacement in the south-eastern part of the country. Conflict erupted in the Terai region between *Pahadis* (People from the hills) and *Madhesis* (people who lived in the low land, Terai) frustrated by decades of political and social marginalisation. From January 2007, *Madhesis'* protests rapidly spread to several towns, and culminated in September when riots and inter-communal violence left 14 people dead and hundreds of houses destroyed and an estimated 6,000 people, mostly *Pahadis*, forced from their homes (IDMC, 2008a, p. 66). After the election of the Constituent assembly in 2008, the Maoists formed a government; IDPs hoped to return and re-establish their lives but the situation remains unstable even today.

Methodology

The qualitative methodology, using informal discussions, Participant observation and in-depth interviews, was adopted to conduct this research. In total, 126 semi-structured interviews and a number of informal conversations were conducted with IDPs and other concerned stakeholders from three districts namely: Banke, Bardiya and Kailali. The basis for the selection of these districts was their strategic significance in the conflict, the large scale of the displacement and the number of IDPs reported within them. The district headquarters of these three districts are IDP receiving places, whereas the villages in the same districts are IDP producing.

Given the importance of secondary sources in this study, written material such as directives, guidelines, progress and situation reports were also gathered. The fieldwork was carried out between July 2007 and February 2008. The approach used was largely ethnographic. A combined strategy of purposive and snowball sampling was used to

recruit participants in this research. Observation also featured as a crucial part of my fieldwork. I participated in an IDP workshop in the Bardiya district, where I was able to observe the lively discussions among Maoist representatives, government officials, UN officials, the humanitarian community and IDPs. The observations have added crucial insights to my analysis of the situation, which could not have been reached by the interviews alone.

National Laws and Policies

Principle 3(1) of the UN Guiding Principles 1998 states that: "national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within their jurisdiction" (UNOCHA, 2001, p. 2). The development of a national legal framework upholding the rights of IDPs and the adoption of a national policy or plan of action on internal displacement are considered part of the national responsibility of all states (Brookings, 2005a). Brookings (2005a, pp. 5–6) outlines the following 12 key steps for governments to take towards fulfilling their national responsibility towards addressing internal displacement.

- Prevent displacement and minimise its adverse effects
- Raise national awareness of the problem
- Collect data on the number and conditions of IDPs
- Support training on the rights of IDPs
- Create a legal framework for upholding the rights of IDPs
- Develop a national policy on internal displacement
- Designate an institutional focal point on IDPs
- Encourage national human rights institutions to integrate internal displacement into their work
- Ensure the Participation of IDPs in decision-making
- Support durable solutions
- Allocate adequate resources to the problem
- Cooperate with the international community when national capacity is insufficient.

Ferris (2009) emphasises the importance of developing strong laws and policies at the national level for responding to internal displacement. Twenty countries (See table 2 in the introductory chapter 1) have adopted policies or legislation specifically to address internal displacement − many of which are based on the Guiding Principles − and others are in the process of doing so (Brookings, 2009; Ferris, 2009, p. 1). Indeed, no comprehensive empirical study has yet documented whether these new laws and policies have, in fact, improved the protection of IDPs (Weiss et al., 2005, p. 65).

Wyndham (2006, p. 8) suggests the following four principle models on existing laws and policies on internal displacement were developed at different stages of the conflict and are grouped into four different approaches:

- A brief instrument adopting the Guiding Principles, such as in Liberia (Instrument of Adoption, 2004).
- A law or policy developed to address a specific cause or stage of displacement, such as in Serbia, Azerbaijan, Bosnia and Herzegovina, and Nepal.
- A law or policy developed to protect a specific right of the internally displaced, such as Turkey's Compensation Law (2004) or the Hurricane Education Recovery Act in the US (2006).
- A comprehensive law or policy addressing all causes and stages of internal displacement − for example, Colombia's Law no. 387 (1987) and Uganda's National Policy for Internally Displaced Persons.

The first model, as in Liberia, adopts the Guiding Principles "as a source of ongoing guidance and reference for the protection, dignity and rights of internally displaced persons" (Wyndham, 2006, p. 8). Such an approach denies national authorities, relevant governmental bodies, civil society, and IDPs themselves to develop a more tailored law for addressing internal displacement. The Guiding Principles contain abstract general principles of international law that, in order to be effectively implemented in a national context, should be translated into concrete action on the ground that reflect each country's situation (Wyndham, 2006, p. 8).

The second model, the most commonly adopted among existing instruments, is a law or policy that addresses a specific cause or specific stage of displacement. The National Policy on Resettlement and Rehabilitation Project-Affected Families (NPRR)

introduced in 2004 in India, only applies to those displaced due to development projects and is primarily meant to safeguard the interests of resource-poor, landless agricultural labourers, forest dwellers, artisans and *adivasi* groups and ignores the 500,000 conflict-induced IDPs (Banerjee, 2006, p. 18). Similarly, Azerbaijan, Angola, Bosnia and Herzegovina, Colombia, Serbia and Nepal have adopted laws and policies that address only return and resettlement (Ferris, 2009; Wyndham, 2006).

The third model, like the second, is most often developed in relation to an existing situation of internal displacement (Wyndham, 2006). Yet instead of addressing a specific cause or stage of displacement, instruments representative of the third model address a specific right of IDPs. The second and third models were developed in response to existing situations of internal displacement; they reflect − to a greater or lesser extent − the particular institutional, procedural, and regulatory challenges faced by authorities, civil society, and the internally displaced in protecting IDPs' rights. However, their scope is also limited, which leaves broader issues concerning IDPs unattended. In practice, many of these laws and policies fail to address key substantive issues that would contribute to their effective implementation (Wyndham, 2006).

The fourth model, and one which is not yet common, is that of a comprehensive law or policy addressing all causes and stages of internal displacement. The Colombian Law 387 of 1997 (amended in 2005)[34] has been described as a "sophisticated legal framework" (UNHCR, 2007, p. 2) and said to be "the most comprehensive structure in the world for IDPs" (Weiss et al., 2003, p. 16). Although developed in the specific context of an on-going internal conflict, the law addresses all three stages of displacement: prevention, humanitarian assistance and socio-economic stabilisation (Ferris, 2009, p. 6; Wyndham, 2006, p. 9). The law also addresses a variety of causes of displacement, including internal armed conflict, civil tension, general violence, and violations of international humanitarian law. However, it does not address displacement as a result of natural disasters or development projects.

Until the adoption of the National IDP policy 2006, the government of Nepal has announced some occasional (partial) package programmes (2001, 2003, and 2004) to provide humanitarian support to IDPs instead of a complete policy. The National IDP

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[34] For more details please see http://www.brookings.edu/projects/idp/Laws-and-Policies/colombia.aspx

Policy issued in 2006 identified conflict-displaced persons or families as the victims of terrorists, leaving aside any victims of state security forces, but also ignored a number of basic principles and recommendations despite explicit reference to the UN Guiding Principles (MoHA, 2006, p. 4). In addition to this, the absence of an implementation plan, which should provide clear guidelines to district-level government representatives, as well as the lack of financial resources, illustrates the difficulty of translating this policy into practice to prevent displacement and promote durable solutions for IDPs.

The Government of Nepal adopted a new IDP policy in February 2007. This policy is aligned with the UN Guiding Principles articulated in 1998 that encompasses the universally accepted IDP definition and principles in regards to all IDPs, including those displaced by disasters. This policy provides provision of relief to the victims (including shelter, food, security, health services, training and appropriate compensation etc). This also provides institutional mechanisms, such as a Central Directory Committee, Central Programme Coordination Committee, District Programme Coordination Committee and IDP Identification Committee to address internal displacement issues. However, the "procedural directives" which detail how the IDP policy is to be implemented, still remain unapproved and the majority of displaced persons remain unregistered, and without state recognition or assistance. Hence, this remains a major problem. Furthermore, the Ministry of Peace and Reconstruction has been considering IDPs only for the period of the Maoist-state conflict (February 13, 1996 to November 20, 2006) when developing programmes to assist IDPs, but excluding persons displaced during the ethnic tension in Terai in 2007.

IDP Registration

At the end of 2001 the government had decided to establish a system to collect data on people affected by the Maoist insurgency. The District Administration Offices (DAOs), once they had collected the data, had to forward the information to the Ministry of Home Affairs (MoHA). The system aimed to provide accurate information about how many people needed humanitarian relief support in every district. People affected by conflict had to register their name at the DAOs in their districts. Once the DAO had considered the validity of the claim, the registered names were forwarded to the MoHA in the capital for further revision and final approval. Once approved by the MoHA, the

money was then released to the respective district for disbursement. This practice remained in operation until 2006.

After the introduction of the National IDP Policy − 2007, the IDPs' registration applications collected by the respective DAOs, were handed over to the Code of Conduct Monitoring Committee. The government had tried to regulate registration practices through the Local Peace Committees (LPCs) that were formed in a few districts, but the same *ad hoc* practices still exist in other districts where no functioning LPCs exist. During the interaction, the DAO revealed that they had no other alternative than to generate political and civil society consensus for the identification of IDPs in the present context and received only limited instructions from the MoHA on registration procedures. Consequently, the registration process is not consistent and the willingness to ensure efficient registration varies significantly among the different DAOs.

In the course of fleeing a war zone, many IDPs lose or leave behind their documents. Many administrative structures no longer exist, and most IDPs do not have an opportunity to replace their lost documents. An IDP, in this position, needs to return to his/her place of origin in order to submit a valid IDP registration application. Clearly this poses a difficult choice for displaced people, since they fled their homes because of threats or other conflict-related issues, and they have little desire to return to those conditions just to complete some paperwork. IDPs directly affected by the conflict (i.e. their houses were burnt down or they were injured by Maoists) can easily have their case confirmed by the VDC or local Police. Other displaced persons, who have received undocumented threats from the Maoists and state security forces, or have been harmed in some way, cannot easily be registered, since these harassments cannot be verified. For other IDPs, getting a letter of confirmation from the VDC Secretary proves difficult, as VDCs are remotely located, and a state vacuum left after the former conflict period still exists in many areas.

Due to various reasons, not all IDPs have been able to register. Some IDPs remain unaware of the existing registration system, while those who are aware do not want to submit to the lengthy registration process. Lack of information about applying for registration and the limited time period set to register are the major reasons for poor IDP registration. IDPs that are not able to acquire registration will not be entitled to receive

aid from the Return Relief Benefits Package, nor will they be eligible for future resettlement and integration packages. Furthermore, IDP registration is necessary in order to legally obtain civil documents concerning the IDP.

Unlike the processes outlined in the National IDP Policy (2007), a task force publishes public notices at regular intervals encouraging IDPs to fill in registration applications. However, these notices often fail to reach IDPs, since there is little in the way of effective dissemination campaigns undertaken by the DAO offices. In many cases, DAOs have displayed gaps in receiving the information, since there is very little coordination and communication with the Ministry of Peace and Reconstruction.

Implementation of National Policy

The National Policy sets institutional mechanisms at central and district levels to deal properly and efficiently with internal displacement-related issues in Nepal. The Central Steering Committee headed by the Home Minister and the Central Programme Coordination Committee (headed by a chief secretary − the Government of Nepal) are situated at the central level. The District Programme Committees are situated at the district levels.

The current national policy has made provisions for Local Peace Committees (LPCs) to facilitate and coordinate the implementation of the policy (MoP&R, 2007b, p. 23). A typical LPC should be composed of 23 members including District Authorities, members from civil society, conflict victims, a representative from the local Chamber of Commerce and Industries, and two people from various indigenous and ethnic groups. However, LPCs have been formed only in 30 districts and only one is actually functioning (NRC, 2009, pp. 35-36). So the IDPs' registrations are being performed by party committees instead of LPCs in those districts even where LPCs have already been established in an *ad hoc* fashion. Discrete political parties have different political agendas, competing interests and a strong partisan approach in regards to registering IDPs. It has been revealed during the discussion with political parties that Maoist representatives in the study district say that all issues related to IDPs have been

resolved. However, other political parties argue that the registration process was obstructed and that many IDPs are still unable to register.

Although the National IDP Policy has been endorsed, implementation of the policy does not seem to be high on the government's agenda as a priority. Even though the magnitude of the displacement is high and resolving displacement is inextricably tied to the future of the peace process, the government has not turned to effective action, largely because there are so many other issues which are perceived as being more important, such as the integration of the Maoist combatants, arms management and writing a new constitution. Due to the government's lack of political will and commitments, the procedural directives have not been approved[35] yet and as a result, implementation of the IDP Policy is *ad hoc*.

Provisions mentioned in the Policy to develop an institutional mechanism for capacity building at the central and district levels have not been implemented. Coordination mechanisms set out in the IDP Policy have barely functioned even in Kathmandu, where coordination on IDP matters between different ministries is poor (IDMC, 2010, p. 8). The implementation of policy largely depends on the coordination of three Ministries – the Ministry of Peace and Reconstruction (MoP&R), the Ministry of Home Affairs (MoHA) and the Ministry of Local Development (MoLD). MoP&R has the primary responsibility over the rehabilitation of conflict-induced displaced people. The MoHA and the MoLD are both major central level agencies responsible for policy implementation and have equal responsibilities as the DAOs and VDCs fall under their jurisdiction. DAOs have not received specific guidance from this central level. One of the reasons for the difficulties in implementation concerns relations between the national government ministry (Ministry of Peace and Reconstruction) – which adopted policies – and local administrative authorities (DAOs), who are responsible for carrying out IDP-related work on the ground. Local administrative authorities have been given increasing responsibilities, including that of the IDPs, but not the resources required to address their issues. In addition to this, the Ministry of Peace and Reconstruction doesn't have a presence at the local level and depends upon the DAOs which fall under a different Ministry, i.e. the Ministry of Home Affairs.

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[35] The Ministry of Peace and Reconstruction had 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 (IDMC, 2010, p. 8).

Local government bureaucracies and political leadership do not have the knowledge or resources at hand that are required to engage in the many issues facing IDPs. Most of the stakeholders' in the field pointed out that they follow the UN definition of IDPs, but they also pointed out the challenge of identifying genuine IDPs by distinguishing them from regular migrants or even fraudulent claimants. Due to the poor dissemination of the policy from central to district levels, some of the DAO officers are aware of the National Policy but they don't have complete knowledge about the policy. Although the information campaigns were organised by UN agencies and INGOs, only 35 percent of IDPs were aware of the National Policy (NRC, 2009, p. 35). These campaigns were organised as workshops and limited to only eight districts despite having IDP presence in 73 districts. The dissemination of information about National IDP Policy has not been a priority of the government, the UN or of civil society organisations. Government, as well as Non-government agencies, should organise to disseminate an information campaign on National policy in every district where IDPs have a presence.

Government funding and programmes have not been able to bring about a successful result in resolving the problems of IDPs. Even those who are registered under the restricted eligibility criteria of being victims of the Maoist insurgency, complain that they have not received any compensation. The government introduced only a "return focused programme". IDPs willing to integrate into the community where they have been living after being displaced have also not received any support from the government. IDPs displaced during the ethnic conflict in the Terai regions are also excluded from receiving government support as the government is only considering as IDPs those people displaced during the decade-long Maoist insurgency. The allowances are not reaching the real IDPs that need assistance, rather those who are well connected with the politicians at the district headquarters, including bureaucrats and their relatives (NRC, 2009; Ojha & Jenkins, 2009). By June 2009, the MoP&R has only spent 48% of the total budget allocated (MoP&R, 2009b, p. 22). Similarly, no mechanisms have been set up for distribution of agricultural loans as the programme has not started yet (MoP&R, 2009b, p. 22; NRC, 2009, p. 36).

Although the current National Policy on IDPs is now more in line with the UN Guiding Principles about what an IDP is, there remains a huge gap between what the policy says and what is actually implemented on the ground. Passing legislation and developing

policies does not necessarily carry through to its implementation, Yet, according to the Geneva-based Internal Displacement Monitoring Centre (IDMC), the majority of countries affected by internal displacement do not have specific laws or policies guiding national responses, and among those that do, only a handful appear to be making a genuine effort to implement them (IDMC, 2006b, p. 17, IDMC, 2007, p. 13). Therefore Nepal is not the only country that has a policy but is failing in the implementation of this policy, which is mainly due to inefficient administration and institutional capacity as well as the corrupt behaviour of State officials.

Conclusion

The new National IDP Policy (2007), which is designed to address the problems of IDPs, is unlikely to be successful because it does not possess any local mechanism for its implementation and approval of its policy directives. The National IDP Policy requires a working manual to set up a clear mechanism for its proper implementation (MoP&R, 2007b, p. 17). Local peace committees are another important tool for implementation of national policy but most of them are still not functional thus they need specific government resources to make them operational. The registration provision within the policy has grossly deviated from its intentions, as modes of working within the provisions have been impacted upon by political interference. This situation has led to a partisan approach and has blocked registration of many IDPs in some districts (e.g. Kailali, Bardiya).

Though the government has been implementing some relief packages for assisting IDPs since 2001, they are only for those IDPs who are willing to return to their original places of residence. No provisions have been set aside for those willing to integrate within their displacement area or to resettle elsewhere. Government funds were accessible to well-connected politicians, bureaucrats and their clients more than to "ordinary citizens". In addition, government assistance has only flowed to people displaced during the period extending from 1996 to 2006, excluding those displaced after 2007, as a result of the Terai conflict. The commitment of the government in terms of reducing the issues of internal displacement have not yet materialised into reality;

rather they have been objects of mere lip service where the policy and the intentions have not translated into good planning and implementation of programmes.

Effective and constructive coordination of programmes in Nepal is required between all the key stakeholders within the broader context of post-war recovery, development and peace-building while paying due attention to the needs of IDPs. Coordination within government institutions, and members of the international community operating within Nepal, should be guided and informed by coherence and consistency in any initiatives or policies. Given the current situation and prevailing challenges on IDP issues in Nepal, fulfilling these tasks require an effective and well-coordinated effort, more resources, capacity, commitment and time. It should be noted that a genuine implementation of the National IDP Policy depends upon a number of political factors, such as effectiveness of governance by the central government of Nepal, formation of functional local peace committees, and re-establishment of local government institutions such as Village Development Committees and police posts.

Development and adaptation of policy alone is not enough to address the IDP issue; there is also an urgent need for processes to be put in place for effective implementation of the policy, which requires strong and coherent political commitment and will from the Government of Nepal.

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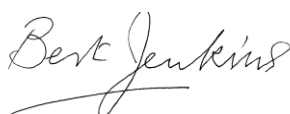

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CHAPTER SIX

BETWEEN HOPE AND FEAR: UNDERSTANDING THE RETURN AND REINTEGRATION OF INTERNALLY DISPLACED IN NEPAL

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BETWEEN HOPE AND FEAR: UNDERSTANDING THE RETURN AND REINTEGRATION OF INTERNALLY DISPLACED IN NEPAL

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Abstract

This chapter seeks to understand the context, in which return is taking place in Nepal, reviews the return process and explores how the internally displaced decide whether or not to return to their place of origin. This chapter reveals that a better understanding of displaced person's return planning, and motivations underpinning them, is fundamental to developing effective strategies that result in appropriate protection, humanitarian assistance and reintegration support as well as sustainable development for people displaced by conflict. This chapter demonstrates that security threats, extortion, return conditions, economic hardships upon return, non-return of land or property are the main factors preventing internally displaced persons' return to their place of origin.

This chapter is a critical evaluation of a "return only" policy that has been adopted by the government to end internal displacement in Nepal. The chapter reveals that effective and constructive coordination is required between all the key stakeholders (government, civil society, UN and donor communities) within the broader context of post-war recovery, development and peace building, while paying due attention to the needs and challenges of the returnees and their communities. The study also argues that the return of internally displaced persons and their sustainable reintegration issues would not be achieved without a strong and coherent political commitment and will. Finally, this chapter concludes that sustainable return of the internally displaced in Nepal depends upon a number of political factors such as the effectiveness of governance, formation of a functional peace committee and re-establishment of local level government institutions.

Key words: Return, IDP, Return Condition, Obstacles to Return

Introduction

> *Go back to what? There is nothing to return back to. The land has been captured or lost and our house has been looted and would need to be restored. We would return only if the situation changes and improved conditions are in place. (Internally displaced female, personal interview, 2007)*

Conflicts today are mostly civil wars. As a result, attacks on civilians have increased dramatically and by the end of 1990, 90 percent of victims from armed conflicts were civilians (Cairns, 1997). Since 1945, more than 70 civil wars have occurred around the world, resulting in approximately 20 million deaths and displacing more than 67 million people (Collier & Sambanis, 2005). One of the most striking pieces of evidence of the rising attacks against civilians is the increasing numbers of internally displaced people and refugees. The global number of IDPs increased from 23.7 million in 2005 to an estimated 26 million in 2008 (IDMC, 2009). This increase is mainly due to the fact that more people were newly displaced than were able to return every year.

Finding durable solutions is both the ultimate goal and one of the most complex challenges in all situations of forced displacement. Three basic solutions have emerged to respond to the plight of those displaced outside their country of origin − local integration in the country of asylum; resettlement in a new country; or voluntary repatriation back to the country of origin. Of the three, voluntary repatriation has been promoted as the preferred durable solution for refugees over the past decade (UNHCR, 1995).

Solutions for the internally displaced mirror those available for refugees with the obvious exception that Internally Displaced Persons (IDPs) are already within the borders of their own country. In most cases, IDPs also have three options: local integration in the area in which they sought refuge; resettlement in another part of the country; or voluntary return to their place of origin (Kälin, 2000). The safe and voluntary return of IDPs to their homes or places of habitual residence poses enormous challenges. Increasingly, internal displacement occurs within the context of violent, internal conflict and gross human rights violations − where displacement is not only an outcome, but also frequently an objective of warfare. Most transition assistance packages for IDPs focus on people who want to return to their homes or places of origin and these are largely donor driven, and success is measured in terms of timely provision

of physical transportation and resettlement opportunities for returnees, rather than on the subsequent crucial process of reintegrating them into the society. In large part all this is happening because returning society to its pre-conflict situation is considered to be the most desirable outcome.

Since the end of hostilities in April 2006, it is estimated that thousands of IDPs in Nepal have returned to their original homes either spontaneously or under the auspices of local human rights organisations. The majority of IDPs are still uncertain about the security situation or unable to make it back to their home place due to financial constraints but apart from these obstacles may well be on the verge of returning.

This paper aims to provide a broad view of how the recent political changes have had an impact on the displacement dynamics of people in Nepal. It also intends to highlight the return deterring factors and the challenges faced by IDPs after their return. This paper focuses on how IDPs decide whether or not to go back to their homes of origin. As often as people want to go back, some IDPs seem never to want to do so, even after the conditions for a successful return appear to be in place. Why do some IDPs in Nepal return and others not?

Methodology

Qualitative methodology which utilised informal discussions, participant observation, and in-depth interviews was adopted to conduct this research. However, data were also gathered from secondary sources. The fieldwork was carried out between July 2007 and February 2008 and the approach employed is largely ethnographic. A combined strategy of purposive and snowball sampling was used to recruit participants in this research. The participants recruited for this study were both male and female, and over 18 years of age. During fieldwork the researcher consulted with UN agencies, international non-governmental organisations and the National Human Rights Commission (NHRC). Besides these organisations, the representatives of district as well as central government agencies, and representatives of the main political parties, including the Maoists, were also contacted.

This study was conducted in three districts, two from mid-western Nepal and one from the far-western development region of Nepal. The basis for these selections encompassed their strategic significance in the conflict, the large scale of the displacement and the number of IDPs reported. The district headquarters of these three districts are IDP receiving places whereas the villages in the same districts are IDP producing. In total, the study included 126 participants from three districts, namely Banke, Bardiya and Kailali. These areas are located approximately 600 to 800 kilometres from the capital city, Kathmandu.

Conflict and Displacement in Nepal

Politically, Nepal was a monarchy till 1990, when widespread protests led to the establishment of a multi-party democracy. The first parliamentary elections were held in 1991, and two further general elections were conducted in 1994 and 1999. Even though the Nepalese Congress obtained a majority in the elections of 1991 and 1999, Nepal has faced considerable political instability and governments have been short-lived. Since 1991, there have been 12 governments in as many years.

The Maoist insurgency was started on February 13, 1996, by members of the Communist Party of Nepal-Maoist (CPN-M), with an attack on a police post at Halleri in the Rolpa district of Western Nepal. The genesis of the insurgency in the districts of Rolpa and Rukum has been attributed to several factors, including the poverty and general underdevelopment of the area, long-standing grievances against the government (for banning the cultivation of hashish in the 1970s, and the crackdown on CPN-M activists during 1994, among other issues), and a long-standing presence of Communist activists in the area (Gersony, 2003). Since 1996, the "People's War" (PW) has spread to most other districts of Nepal, with 73 out of 75 districts affected.

The chief objectives of the "People's War" were to establish a people's republic and set up a constituent assembly to draft a new constitution. In particular, this would mean curtailing some or all of the existing powers of the monarchy. The 75 point manifesto released by the Maoists in November 2001 listed several other aims, including the distribution of land to poor and landless people, equal treatment for all castes and languages, and equal rights for women. Despite being named after Chairman Mao, the

Maoist's activities have been condemned by the Chinese government, and there is no evidence that they enjoyed any support from China (Raj, 2004). However, they were believed to have established links with similar activist groups in India; the 75 point manifesto promised to support all groups fighting against "Indian expansionism". Large parts of rural Nepal were under the control of Maoists, though the district headquarters (district cities) remained under the control of the state.

The government in the first 2−3 years of the "People's War" tried its best to quell the violence by exerting force in the name of different operations including "Operation Kilo Sera Two". The government charged many people (via fake charges), arrested many suspected Maoists (without warrants), inflicted extreme torture on them, raped women, and even arrested children on the charge of being Maoists. The political situation changed dramatically in 2001. In June 2001, Crown Prince Dipendra allegedly killed his father King Birendra and most members of his immediate family, including himself. His uncle, Gyanendra, succeeded to the throne. The then Prime Minister Sher Bahadur Deuba declared a truce with the Maoists and a first round of talks was held. However, the Maoists unilaterally broke the cease-fire in November 2001, when they simultaneously attacked army barracks in the mid-western region (Dang) as well as the eastern region (Salleri). Deuba then imposed a state of emergency, declared the Maoists to be a terrorist group, and mobilised the Nepal Army to counter the insurgency. After the declaration of the state of emergency in 2001 by the government, large scale clashes occurred between Maoists and the state security forces resulting in the displacement of large numbers of people to urban cities and also across the open border into India (Ojha, 2005, p. 37).

> *I fled after the Maoist burned our house and confiscated our land. We were kidnapped and ransom was demanded but I managed to run away in the middle of the night with just my clothes on. (Internally displaced female, personal interview, 2007)*
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> *On September 9, 2003, four Maoists forcefully stayed overnight in our house. The security forces arrived the following morning, but only after Maoists had escaped leaving their bags. My family was accused of sheltering the terrorists. They thrust sand into my husband's mouth and took me to him then asked – 'Is this your wife?'. And then turning to me they asked, 'Is this your husband?'. We stared at each other helplessly. Then security forces dragged me back to the house and tried to push me into the clay granary. I was blindfolded and my hands were tied behind my back. They raped me and my husband was shot dead. (Internally displaced female, personal interview, 2007)[36]*

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[36] Repeated from Chapter 2 for the reader's convenience.

In addition to the insurgency, political instability continued throughout 2002, 2003 and 2004. In February 2005, in the face of growing attacks by Maoist activists, King Gyanendra dismissed the Prime Minister, placed major political figures under arrest and seized power. This move and the subsequent curtailment of civil liberties in Nepal were sharply criticised by several nations, including the United States and India. In September 2005, the Maoists declared a unilateral cease-fire, which was reciprocated by the government. The Maoists began talks with seven major political parties in November 2005 in an attempt to present a common front against the monarchy. In April 2006, King Gyanendra gave up absolute power and called on the seven-party coalition to designate a Prime Minister and organise elections. The King then ceased to be the commander-in-chief of the army, and Nepal was declared a secular state. In November 21, 2006 the Maoists signed the Comprehensive Peace Agreement (CPA) with the seven-party coalition government, ending the decade-long war. In the 12 Point Understanding and CPA, Seven Party Alliance and Maoists committed themselves to a peace process that would not only end the conflict but also formalise the commitment of both sides to peace and constitutional change, while providing for the voluntary and dignified return and rehabilitation of all people displaced by the conflict.

> The CPN (Maoists) has expressed its commitment to create an environment to allow the people and the leaders and workers of the political parties, who are displaced during the course of armed conflict, to return and stay with dignity in their respective places, to return their homes, and land and property that was seized in an unjust manner and to allow them to carry out the political activities without any hindrance. (Article 5, 12 Point Understanding, 2005)

> Both sides shall respect and protect the citizens' right to freedom of movement and rights to choose the location of one's residence in a manner acceptable under prevailing laws, and express their commitments to respect the rights of individuals and families displaced during the conflict to return to their original places of residence or to settle in any other places of their choices. (Article 7.3.8, CPA, 2006)

In April 2008, Nepal peacefully elected a Constituent Assembly (CA) which voted into office a Maoist led government tasked with completing the transition to a federal democratic republic; IDPs hoped to return and re-establish their lives but the situation remains unstable even today.

Peace building and Return − Theoretical Context

Within the fields of both migration and refugee studies, out migration has traditionally been of far more interest to scholars and the international community than return migration. In general, immigration and refugee influxes have been widely studied in the past due to the perceived impact of large-scale population movements on the global order. Indeed, as a result of increasing immigration, the birth of the international refugee regime, the UN Refugee Convention and the previously-favoured practice of refugee resettlement, scholarly inquiry and international attention have come to rest firmly on out migration. To this end, the impact of migrants on their resettlement societies and vice versa, and related processes such as integration, adaptation and acculturation have been central points of inquiry for academics, practitioners and policy makers. Such issues have been taken up by numerous scholars from around the world (Bulcha, 1988; Kuhlman, 1991; Valtonen, 1998), and have inspired both research institutions and social service providers to place significant emphasis on understanding the meaning of out migration at the national, communal and individual levels.

Until recently, however, return migration has been relatively neglected by scholars and the international community. Pending the late 1980s, when refugee repatriation was considered at international gatherings for the first time since the end of the Second World War[37], there was an enormous scarcity in both theory and data on return migration (Coles, 1985; Crisp, 1987; Ferris, 1993; Zolberg et al., 1989). Over the past decade, though, return migration has become an increasingly urgent phenomenon, due primarily to the changing nature of conflict and patterns of displacement around the world, and resulting revolutions within the international refugee regime. Indeed, rapidly increasing numbers of refugees and asylum-seekers world-wide, economic recession in the early 1980s, the growing reluctance of states to grant asylum, and profound changes within international politics (namely, the end of the Cold War,) have resulted in a shift in international refugee policy, making voluntary repatriation, rather than resettlement, the preferred "durable solution" to the global refugee crisis, and UNHCR's organisational goal[38] (Allen &

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[37] In the aftermath of World War II, roughly 6 million refugees were repatriated throughout Europe, though since 1947, voluntary repatriation was replaced by refugee resettlement as the preferred "durable solution", and hardly figured again into international instruments until the 1990s (Feistma, 1989).
[38] Since UNHCR declared the 1990s the decade of voluntary repatriation, repatriation has occurred on a much greater scale than in previous decades, with an estimated 12 million refugees returning home (Koser, 1993, 1997).

Morsink, 1994; Black & Koser, 1999; Harrell-Bond, 1989; Koser, 1993; Newman, 2003). Therefore, a word−frequency analysis of the concept of return in 455 speeches delivered by six different UN High Commissioner of Refugees since 1978 shows that 92 percent of the speeches addressed the issue of return (See table 12).

Table 12: Percentage of UNHCR Commissioners' speeches that mention return 1978 − October 2006

Commissioner	Address return
Hartling (1978 − 1985)	85%
Hocke (1986 − 1989)	100%
Stoltenberg (1990)	87%
Ogata (1990 − 2000)	93%
Lubbers (2001 − 2005)	78%
Guterres(2005 − present)	93%
Total	**92%**

Source: Bradley (2007, p. 4)

In a number of countries, the displaced have played an important part in developing and sustaining peace processes, and provisions for the voluntary return of refugees appear in many peace agreements concluded since the early 1990s (Tennant, 2009, p. 310). Peace agreements have tended also to specifically incorporate the rights of refugees and IDPs to return to their homes or areas of origin, and have included provisions which acknowledge that return is only the first part of a complex process of reinsertion into the home community, making reference to the human rights of returnees, their social and economic reintegration and reconciliation processes. Moreover, almost 50 percent of the peace agreements signed since 1991 include provisions on the right to return of refugees and IDPs, but 70 percent of the countries involved still have ongoing internal displacement (Sert, 2008, p. 7). Therefore, increasing recognition of the issue alone has not brought about its resolution.

Since the San Remo Round Table on Voluntary Repatriation in 1985, voluntary repatriation has been pursued in most refugee situations, and has been the primary response to refugee influxes in recent years. Despite this shift, however, and its weighty implications for international order, refugee repatriation and other forms of return migration have been poorly documented beyond internal agency and government reports, and have been slow to attract international attention. As a result, the myriad of

processes and consequences which follow the actual physical return "home" remain cloaked in relative obscurity (Allen & Morsink, 1994; Harrell-Bond, 1989; Koser, 1993, 1997; Sepulveda, 1994).

In spite of the important role IDP issues play in the post-conflict peace building and reconstruction phase, surprisingly little attention is paid to them in the growing peace building literature. Much of the post-conflict literature focuses on the factors that determine whether or not civil war resumes and on the extent to which liberal democratic institutions take hold after a peace building process has begun (Doyle & Sambanis, 2000, 2006; Fortna, 2004a; Paris, 2004; Walter, 2002). Doyle and Sambanis (2000), argue that, "the probability of successful peace building is a function of a country's capacities, the available international assistance, and the depth of war-related hostility" (p. 782). The number of "deaths and displacements" is one element of the depth of war-related hostility, but beyond this there is no discussion of how IDP population movement in post-conflict settings can affect the durability of a peace process. The same can be said of the branch of literature that focuses on the nature and durability of the peace settlements themselves (Fortna, 2003, 2004b; Hartzell, 1999; Hartzell & Hoddie, 2003; Werner & Yuen, 2005).

The changing dynamics of the post cold war international environment are reflected in strategies undertaken to end civil wars. In *Agenda for Peace,* former UN Secretary-General, Boutros-Ghali (1992) recommended that:

> Peacemaking and peacekeeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation. (p. 6)

An *Agenda for Peace* reflected change in the character of peace operations in the 1990s. These second generation peace operations have become multidimensional and now include a very extensive list of tasks. Tennant (2009) acknowledged that

> As societies begin to emerge from violent conflict and repressive regimes, the voluntary return of refugees and IDPs and their reincorporation within their communities and within a reshaped national identity, are often seen as a crucial element of a

comprehensive process of conflict transformation, particularly where forced displacement was used as a weapon of war. (p. 310)

As Tschirgi (2004) explains, peace building is a "multidimensional enterprise with several pillars" that has political, economic, social, security and legal dimensions (p. 9). With this larger spectrum of peace operations, there was now an opportunity to deal with the issue of internal displacement, and because civil wars are considered one of the main causes of internal displacement, return has become one of the tasks to be carried out during post-conflict peace building. Unfortunately, there are no studies stating what percentage of conflict-induced internal displacement is caused by civil wars but the internal displacement centre database shows that civil war plays a role in almost 70 percent of the cases of conflict-induced internal displacement (Sert 2008, p. 7). The return of refugees and IDPs has indeed been an objective of peace agreements and policy makers and academics all believe that peace requires refugee repatriation, and that every peace agreement must insist on it (Zolberg et al., 1989). However, Adelman (2002) re-evaluates this conventional wisdom and argues that refugee repatriation is not a necessary or a casual condition for peace. His research shows that successful repatriation of refugees is only a marginal factor in the success of peace with different dimensions that can even complicate the peace process.

Though the peace building literature generally pays little attention to IDP issues, other more descriptive accounts of post-conflict processes do recognise the destabilising effects these issues can have (Bieber, 2005; Dahlman & Tuathail, 2005; Duncan, 2005; Heimerl, 2005; Smith, 2005). Similarly, some of the United Nations' bodies have affirmed that the return of the displaced is essential, not only for post-conflict reconciliation, but also for regional security. As the United Nations Secretary General acknowledged:

> The return of refugees and internally displaced persons is a major part of any post conflict scenario. And it is far more than just a logistical operation. Indeed, it is often a critical factor in sustaining a peace process and in revitalizing economic activity. (UN, 2005c, para 9)[39]

Dahlman & Tuathail (2005) and Heimerl (2005) both focus on the issues that the international community faced in encouraging IDP return in post-war Bosnia. Duncan (2005) discusses how IDPs and the Government of Indonesia make decisions about

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[39] Accessed from http://www.un.org/apps/sg/sgstats.asp?nid=1717

return in North Maluku, while Smith (2005) examines IDPs' relationships with the communities to which they flee. As much attention as this branch of literature pays to IDPs in the post-conflict setting, it does not systematically attempt to explain IDP return decisions and return deterring factors. Nor does this literature focus much attention on how well returnees construct their livelihood after many years of life in exile.

Legal and Political Provisions for Return

The UN Guiding Principles are the first international standards developed for internally displaced persons. Cohen (2003) believes that these 30 Principles, which are based on international humanitarian law, human rights law and refugee law by analogy, set forth the rights of the internally displaced and the obligations of governments and non-state actors toward these populations. They cover all phases of displacement: protection from arbitrary displacement, protection and assistance during displacement, and during return or resettlement and reintegration.

In the UN Guiding Principles of IDPs, section V of the Principles addresses return, resettlement and reintegration. Principle 28 emphasises the right of internally displaced persons to return voluntarily and in safety and dignity to their homes or to resettle voluntarily in another part of the country (Kälin, 2000). In other words, internally displaced persons have options − they can choose to return to their home areas or resettle in another part of the country. The Principles emphasise that it is the responsibility of the national authorities to establish conditions enabling this, in particular to ensure a secure environment in the areas of return or resettlement. Also, authorities must facilitate the reintegration of the displaced, and ensure that return or resettlement processes include their full participation (Kälin, 2000).

Principle 29 (1) reiterates returned or resettled internally displaced persons should not be discriminated against and they have the right to participate in public affairs and to access public services. Emphasis is also given to the full participation of the internally displaced in the planning and management of their return or resettlement. This is very important because the involvement of the displaced will help make their return or resettlement and reintegration more sustainable. Principle 29 (2) states that:

> Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation. (Kälin, 2000, p. 75)

These principles are derived from the international body of law governing repatriation. *The 1996 UNHCR Handbook on Voluntary Repatriation: International Protection* and the *2004 Handbook for Repatriation and Reintegration Activities* provide some further clarification on what is involved in a dignified return from UNHCR's point of view. The 1996 Handbook entrenches voluntariness and return in safety and dignity as the cornerstone principles that should guide internationally-supported repatriation processes. The Handbook (UNHCR, 1996) affirms that UNHCR's concern with safety and dignity pertains not only to the trip home, but also within the return community (p. 41). The Handbook discusses the question of safety in commendable detail, focusing on three primary concerns: the physical, legal and material security of returnees. The Handbook admits that "the concept of dignity is less self-evident than that of safety", and makes a perfunctory attempt to clarify it by offering a dictionary definition of dignity as "serious, composed, worthy of honour and respect" (UNHCR, 1996, p. 11). UNHCR's reliance on a dictionary definition of dignity certainly implies that room remains for the agency to devote greater consideration to the meaning and consequences of this purportedly pivotal concept. Fortunately, however, the 1996 Handbook provides some additional commentary on the application of the concept of "return with dignity", explaining that,

> In practice, elements must include that refugees are not manhandled; that they can return unconditionally and that if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights. (UNHCR, 1996, p. 11)

The Handbook on Voluntary Repatriation encourages the incorporation of provisions on return in safety and dignity in tripartite agreements as a core protection element (UNHCR, 1996, p. 26). It also indicates that return can be actively promoted

> When a careful assessment of the situation shows that the conditions of safety and dignity can be met: in other words, when it appears that objectively, it is safe for most refugees to return and that such returns have good prospects of being durable. (UNHCR, 1996, p. 14)

The 2004 Handbook details UNHCR's 4Rs approach to return, which entails a focus on voluntary repatriation, reintegration, rehabilitation and reconstruction. Like the *Handbook on Voluntary Repatriation, the Handbook for Repatriation and Reintegration Activities* refrains from defining or concertedly reflecting on the notion of dignified return, despite the fact that the concept of dignity is deeply embedded in the 4Rs approach. For example, voluntary repatriation is defined as the "free and voluntary return of refugees to their country of origin in safety and dignity", while reintegration is characterised as "the ability of returning refugees…to secure the necessary political, economic, legal and social conditions to maintain their life, livelihood and dignity" (UNHCR, 2004, p. 42). *The Handbook for Repatriation and Reintegration Activities* also makes a stronger connection than the 1996 Handbook between dignity and refugees' ability to return to their original homes, encouraging authorities to create conditions conducive to realising refugees' right to return with safety and dignity to their places of origin or former habitual residences (UNHCR, 2004, p. 144).

Return Process in Nepal

The return process in the study districts has been ongoing since the signing of the 12 Point Understanding between the seven parties' alliances and Maoists in November 2005. The return has been increased after signing of the ceasefire code of conduct on 26 May 2006 and Comprehensive Peace Agreement (CPA) between Maoists and the government of Nepal. Most of the IDPs have returned to the place of their original residence during September/October 2007 to celebrate Dashain, the greatest festival of Hindus, with their family members and relatives after more than 6 years of exile.

Return has occurred spontaneously and through human rights NGOs assisted mechanisms. Various forms of spontaneous return have taken place after the April uprising in 2006: family members returning to gather information or prepare for the later arrival of the household; households moving and reintegrating using their own resources. It has been observed that the majority of IDPs returning spontaneously are those who had fled due to the fear of forced recruitment by Maoists, the family members of security forces, ordinary people displaced by security forces. There is no record of how many IDPs have returned spontaneously, however, such type of return has been observed in all three study districts .

In facilitated return, the supporting organisations have organised logistical support and provided return assistance packages for three months.[40] In some places, the supporting organisations organised farewell and welcome events. Local Maoist leaders, representatives of other political parties, local community members as well as conflict victims attended such programs. The key players including Maoists renewed their commitments at the local level to abide by the commitments expressed at district level. Such meetings were really helpful to establish healthy relations with the community and Maoists.

Those who have returned within the district have not received any type of support. Although many returnees expressed satisfaction at being able to go home, this was tempered by dissatisfaction with conditions at different points in the process: the actual return, the situation on the ground, how they were received on arrival and the start-up package they were expecting. Some returnees pointed out that they had expected more help from the supporting organisations. Coping with the acute lack of facilities and services had been exceptionally stressful for returnees and their families.

Each of the assisted returns operated under different procedures creating inconsistencies in information campaigns, assistance packages, the timing of the return and participation of the IDPs in designing their return plan. One returnee pointed out that,

> *This is not the right time to return as the farm land is covered with a foot of snow. We can't grow any crops for another six months. We don't have enough food to survive until then. (Personal interview, 2008)*

IDPs wanted to return early enough in the dry seasons to construct a shelter and prepare land for cultivation as they could not find enough financial resources at that time. Most of the assisted returns were operated during the end of the year not considering the time and only to meet the target to spend the budget within the fiscal year. Returnees had to wait at least nine months for harvesting their crops. The supporting organisation decides which destination should be prioritised, the timing of return and the assistance package. There were organised returns in Banke district only, whereas there wasn't a single assisted return programme in the other two study districts. In addition to this, the government failed to make arrangements for creating such a return programme.

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[40] The return package includes cash per person NRs 1000.00, rice - 100 Kg, dal - 10 Kg, salt - 2 Kg and oil - 5 litres and varies from organisations to organisation.

The government developed a return and reintegration package in 2007, which was approved by the council Ministers on 26 February 2007 with some assistance focusing on return and reintegration of returnees back in the place of their origin. Three different packages were developed for this purpose: a transportation package (package A); subsistence, education, house repair and construction (package B) and agricultural inputs (package C). This programme was funded by the Nepal Peace Trust Fund, a three year programme established in February 2007 to implement CPA. The total number of IDP beneficiaries was set at 50,000 and the budget was $5 Million. By November 2008, the MoP&R reported that all the funds had been released to 73 districts through District Administration Offices (DAOs); however only 52 DAOs were reported to have implemented the programme (MoP&R, 2008, p. 24). A year later, the number of districts implementing the IDP programme still stood at 52 (MoP&R, 2009a, p. 26).

This package was offered only to those IDPs who were willing to return to their place of origin. The main motive behind this is to encourage IDPs to return home and it is seen as a way to encourage IDPs to return home, thus solving the issue of displacement to a large extent. For implementation in the districts, Chief District Officers (CDOs) were fully authorised to determine and release the funds to particular IDPs after completing basic steps of verification and registration. But in practice, at the local level, some government authorities were not fully aware of this financial support available for IDPs to return home.[41] In some districts, IDPs rejected this government offer as grossly insufficient and gave the example of one IDP who had lost all his properties and would have to re-create a livelihood for 10 family members on a starting capital of NRs 5,000.00. IDPs were clearly expecting a more comprehensive return support package, which may be the reason why the DAO has only received a couple of requests for the initial NRs 5,000.00 transport support in Kailali district.

Most returnees were choosing to go directly back to their area of origin, where they were known and had relatives, and where they could reclaim their family's farmland. Some returnees were moving to district headquarters first and then to the place of origin. The most common pattern of return was that the male head of a household (or another adult male) would return first, in order to build a house, clear the land and start to re-establish a livelihood based on agriculture. The rest of the family (wives and

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[41] Personal interview with the government officials in the study district

children) would then join him some months or even a year later. Discussions with IDPs in Nepalgunj revealed that most have chosen to remain in the town because services and livelihood opportunities were better there, although some family members (usually the men) have returned to their villages of origin to re-establish their rural livelihoods.

Secondary Return

There is some evidence of secondary return, in other words people have returned to their place of origin, but then retraced their steps by going back again to the place where they were living before return, often within a few months and especially in the time of the Constituent Assembly (CA) election. Secondary return was significant in some districts and non-existent in others. There are vested interests of the politically active IDPs returning in time for the constituent assembly election.

> *When I reached my village on April to cast my vote, some 10 Young Communist Leagues (YCL) approached me and asked me not to take part in the poll campaign. When I defied the warning and took part in door to door campaigning, they destroyed my house in the evening. Not only this, they took me to their office, tied my hands to a pole and then forced me to return back to the place where I used to live. Then I returned to Kathmandu immediately to avoid further risk to my life. (Politically active internally displaced, personal interview, 2008)*

In the study districts, many who returned expressed their concern over Maoist intimidation. Maoists put restrictions on them as the CA election was scheduled to take place on April 2008. The main reason behind secondary return as revealed by returnees, are poor livelihood options in the areas to which they were trying to return and security concerns. The most fearful returnees were mainly village level leaders of political parties and landowners; they were afraid of political persecution by the Maoists. The Maoists claim that these IDPs are village feudalists who can no longer dominate villagers and thus choose to return to their area of displacement and expect to live and work as before under traditional feudal arrangements. Lack of access to education for children and relatively better economic opportunities in urban areas were also reasons why the displaced would choose to stay where they had moved to as IDPs.

The Obstacles to Return

The relative peace, or cessation of violence following the peace agreement signed in Nepal in April, 2006, has encouraged many IDPs to return to their villages but there are still huge hurdles ahead of them for their successful re-integration. For example: property has still not been returned; threat/extortion by the Maoists has still not ceased, especially at the local level and hence the country is still in a critical transitional stage. Such cases were widely observed in the field while interviewing IDPs in their place of displacement as well as when they returned to their villages. Other issues were related to livelihood and this was an overarching major concern for all IDPs.

Security, Threats and Extortion

Cases of insecurity were mostly related to political leaders and landowners who were still displaced in major cities and district headquarters. Political leaders displaced in the three study districts shared common concerns for security and the lack of political space. One such leader who had recently gone to his village in Jumla but then decided to go back to Nepalgunj explained:

> *When I returned to my village I was asked to quit my party (Nepali Congress) and support the Maoists and participate in their programs; if I did not do as they said they told me I would face the consequences…Is that democracy or human rights? (Politically active male internally displaced, personal interview, 2007)*

Likewise politicians from other parties were also told to sign a resolution that they would not stay associated with their political party. Obviously, there were vested interests in the politically active IDPs returning in time for the CA election. In the study districts, many who returned expressed their concerns over Maoist intimidation. Maoists placed restrictions on them as the CA election was scheduled to take place on April 2008.

Political leaders also stated that they would take up a violent struggle with the Maoists if political space was not provided for them and that they could also mobilise their local cadres and supporters. The politicians suspected that the Maoist support would erode if the different politicians were allowed to freely participate and return to their villages.

> *I have been living at the district headquarters (Guleriya) for five years. The Maoists had threatened to chop me into pieces if I attempted to return home. (Internally displaced male, personal interview, 2007)*

Some of the political workers also pointed out that they would not return if they still faced a threat. Instead they would go to India to seek their livelihood there while others stated that they would never leave Nepal and would wait for conditions to improve for their return home. For the politicians, open political space was a major precondition for return. Given that the Maoists were controlling every aspect of life in some villages, it would be a challenge to see a transformation of the Maoists into a democratic force, willing to accept different political viewpoints. Therefore, it was obvious that the political struggle was still continuing.

Extortion was also reported by IDPs. An IDP interviewed at Rajena reported that a Maoist demanded NRs. 60,000 and property from one of the returnees. However, their property was not returned and therefore they had to move back to the district headquarter in Nepalgunj. Another reported Maoist extortion method was the seeking of funds in the form of "donations" during the Dashain festivals, which was pointed out by another IDP:

> *If there is no security for state officials, what safety is there for civilians…the Maoists have everything under their control and we can live there only if we agree to everything they say to us? (Internally displaced person, personal interview, 2007)*

Subsequently, many IDPs are still not confident to return to their villages as law and order has not been fully restored at the local level in order for IDPs to feel safe. Furthermore, the murder of a displaced Nepali congress cadre who had returned to Bardiya had raised fears and questions among those who were thinking of returning (UNOCHA, 2006, p. 2).

Economic Hardships and Livelihood Options upon Return

Most of the IDPs interviewed expressed their desire to return back to their villages but only if the conditions were suitable. They were worried about their livelihood situation when they returned to their villages and expressed that they would not have sufficient food, shelter and agricultural tools to ensure their survival. One IDP woman interviewed stated:

> *We cannot just eat the mud left behind by the conflict…what are we to eat and feed the family? (Mud referred to farms which were left idle and dry through years of neglect.)…we have no agricultural tools to farm and my cattle have been taken by the Maoists. (Internally displaced female, personal interview, 2008)*

The discussion in Bardiya highlighted that the monetary amount promised by the Government of NRs. 5,000 for transportation would not be enough. It was an amount laughed at by one IDP:

> *What will NRs. 5,000 do for us, when we have nothing left behind and no basic necessities?…it is a laughing matter compared to the suffering that we have undergone. (Disabled internally displaced, personal interview, 2007)*

IDPs lacked basic necessities, from security to food and from clothes to agricultural tools to farm. There was also an added burden for the head of the family who had to support a large family. As one IDP women stated:

> *The income from farming will not be enough to support the family and send my children to school…the soil is bad and without fertilizers, seeds and tools it will be very difficult to farm and support the family. (Internally displaced female, personal interview, 2008)*

The needs that were stressed most vigorously by IDPs were for livelihood support such as agricultural tools, basic necessities like food, clothing, utensils and credit to buy cattle and open small businesses. Failure to guarantee the safety of displaced persons and lack of basic necessities such as food, clothes and shelter discourage them from returning home, and hence many of them are not ready to return under the conditions that exist and the lack of compensation or the necessary support for rehabilitation.

Non-Return of Properties

Despite very positive results experienced by some returnees, many are still reluctant to return home until they see how the situation improves. Land and property restitution are major issues that will have a lasting impact on the return of IDPs. Lack of clear government policy about compensation for the loss of property and possessions incurred during the government's and Maoists' actions, allows this issue to remain very controversial. In all of the study districts, Maoists and their supporters continue to control IDPs' land and many properties sustaining cash crops. This is happening despite claims being made for property restitution by returnees. Land owners in Guleriya pointed out that they would not return to their villages unless their lands were returned to them. One IDP claimed:

> *Even if the Maoists had committed to return back the land to displaced persons at a central level of decision-making, the local cadres were still not willing to return the lands…some of the lands are occupied by secondary occupants and we are not sure whether they will ever return all of the land. (Internally displaced male, personal interview, 2007)*

They declared that the Maoists had records of all land and property seized, so it should be returned or compensated either by the government or the Maoists. A displaced landowner suspected that they were not giving back the lands because the Maoists had made big promises to the landless. An IDP interviewed in Bardiya acknowledged that the Maoists had built houses on their property, their own house having been burnt and destroyed. Party offices were also built on captured properties.

A non-government organisation worker in Guleriya stated that the return of land/properties is a major issue. What is to be done with the secondary occupants is still a bigger question? During an IDP workshop in Bardiya, a local Maoist leader affirmed that it would be impossible to return 100% of the land and property seized during the conflict. In the comprehensive peace agreement, the eight political parties had agreed to a "scientific land reform" and such reform might determine many landowners' cases. A UNHCR official stated that only the national land laws could decide on the fate of occupied lands.[42] One politician/landowner in Bardiya claimed that:

> *Along with our properties, everything has been looted, from utensils, cattle, buffaloes and our valuable items that have been in our family for generations… if our properties are not returned we will not return back to our villages, we would prefer to move to India. (Landowner, personal interview, 2008)*

Similarly, another landowner declared that he would not go anywhere until his land was returned or compensated. He also complained that, "Human rights organisations and governments have not done anything to return our properties…the UN only wants us to return to our villages but they don't care what happens afterwards".[43]

Return Conditions given by Maoists

IDPs' right to return is not consistently respected by the CPN-Maoists. Questions are being raised over the CPN-Maoists' commitment to the 12 Point Understanding. While

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[42] Statement made by Michele Manca Di Nissa, Deputy Representative (UNHCR-Nepal) during IDP workshop, Guleriya.
[43] Internally displaced male, personal interview, 2008.

in Banke, Maoists are keeping their commitment and IDPs have been returned safely in other districts, such as Bardiya and Kailali, Maoists have not always allowed unconditional return. Maoists have divided IDPs into three categories: A, B, and C (See table 9 in chapter 4). Such a categorisation contradicts the spirit of the 12 Point Understanding and CPA signed by the SPA and the Maoists. Subsequently this raises questions about whether IDPs will be able to live without fear of attacks or reprisals by the Maoists.

Based on discussions with different levels of Maoists, the researcher noted a tenuous line of control from central level Maoist leaders to local level cadres on many issues including the return of the displaced. As a result, policies and practices on return vary widely from one village to another. However, they did stress that while the party might not have any objection to the return of all the displaced, some persons would not be welcomed by the community due to their past behaviour.

The researcher identified a need for a more comprehensive understanding amongst the Maoists as to the causes of displacement, along with the awareness raising of the responsibilities of local authorities to create conditions conducive to return. Maoist's cadres dismissed "fear" as an individual's problem rather than a condition provoking displacement and therefore not part of their responsibility to address.

Limited Government Presence

Near absence of government officials outside of the district headquarters has led to lack of protection mechanism and provisions for basic services and development for returnees. According to UNOCHA, 68 percent of the village development committee (VDC) secretaries in Nepal were displaced as a direct result of the Maoist insurgency (UNOCHA, 2006). In the mid and far western district development region, displacement of VDC secretaries was up to 88 percent. In July 2009 it was estimated that in eastern and central Terai, over 40 percent of secretaries of village development committees had moved to district headquarters to avoid intimidation and attacks from armed groups (UNOCHA, 2009, p. 2). These secretaries are the principle focal point government official at the local level and provide administrative functions such as legal documentation of birth, death and marriage registration, land tax collection, VDC

budgets and voter list management. Most have settled in district headquarters, or in clusters close to Nepali Army barracks. Many of these VDC secretaries have not been able to return as they would be required to work with Maoists. About half of the VDC buildings were partially or totally damaged which still hampers the capacity of VDC secretaries to effectively conduct their work.

Similarly, District Development Committees (DDC) could not perform their key function, primarily the implementation of development projects under the auspices of government decentralisation, largely because staff lacked safe and sustained access to most areas in the districts. Due to the lack of services and facilities, returnees had faced several problems to get personal as well as legal documents. In many districts, access to basic services has not been restored and civil servants have not returned to work. The government's capacity to provide basic services to its citizens remains poor due to lack of resources, weak institutions, and due to a limited presence in rural areas, and due also to increasing security threats both from Maoists and armed groups especially in the Terai region.

Addressing the Obstacles to Return

The return of IDPs necessitates that many practical issues be addressed from restitution of land to the generation of income earning opportunities for IDPs. If these practical obstacles are not overcome, the prospects of the IDPs return and sustaining the peace are both equally minimal. Resolving internal displacement is inextricably linked with achieving lasting peace (Koser, 2008, p. 73). Clearly, there are a multitude of these practical obstacles to "returning" displaced persons which are threatening the entire peace process, and certain obstacles will take on more or less importance in any given situation. The return of IDPs requires a significant adjustment for the entire society to which they are returning, and to resolve the problems hindering return efforts, the entire society must be involved. The return of IDPs can be an important signifier of peace and helps to validate the promise of a positive post-conflict order (Koser, 2008, p. 73). The return and reintegration process with respect to IDPs is a crucial component of peace building and has the potential to make a substantial contribution to the medium to long term development of societies emerging from conflict (Tennant, 2009, p. 310).

One of the greatest issues of the "return" is determining where IDPs will live when they return home (UNHCR, 1993, p. 116). Much has happened since they had left, and there is little chance that their property and possessions are simply waiting to be reclaimed. In fact, even before they left their place of origin, many were forced to give away their material possessions, including their house and land. When IDPs return, the bitterness of being forced to carry out such acts is likely to remain strong. After all, they had worked their entire lives to buy a house for which they now have no legal claim or financial compensation. Since their land was forcefully taken, the issue would not be resolved until it has been returned back by the Maoists. In their absence, the property has been distributed to others. Consequently, there is little material security for them to return to and many are incensed by their loss. UNOHCHR press[44] released in April, 2007, reported cases of threats and beatings to political leaders plus the prevalence of the "peoples' court" to try IDPs who are often seen as "feudal" and "criminals". The state has yet to establish its legitimacy and authority and the rule of law situation is weak especially in rural areas.

Thus, to ensure that the land claims do not jeopardise the peace and successful return of IDPs, this issue must be addressed before the beginning of the return process. In addition to this, there must be some process established for those currently inhabiting the homes of returnees and those who claim to have rightful ownership of the property to settle their disputes peacefully. Solving property problems in a post-conflict scenario is important to solving internal displacement. In a working visit to Asia, the Representative of the United Nations Secretary General on the Human Rights of Internally Displaced Persons noted the: "importance of addressing problems related to property, as the loss of property was a problem common to all countries affected by the tsunamis" (Kälin, 2005, p. 23). Displaced persons, refugees or IDPs are all deprived of their property for reasons beyond their control. Solving their property issues would not only provide them a physical space to which they can return, but would also give them the opportunity to re-establish their livelihoods and reintegrate into the society.

While the IDP Policy 2007 specifies support to the three types of durable solutions, the government has clearly prioritised the return option only. The Government of Nepal has

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[44] Press release on CPN-M failing to meet commitments to allow safe return of IDPs, from United Nations, Office of the High Commission for Human Rights in Nepal - 30 April 2007.

introduced a State Relief and Assistance Package (SRAP) and this is offered to those IDPs who are willing to return to their place of origin. The main motive behind this offer is to encourage IDPs to return home (NRC, 2009, p. 36). There is no support for those who want to integrate or resettle. As discussed before, some IDPs expressed a desire but did not feel the conditions were right to return. Others, having managed to successfully establish themselves in the district headquarters were less certain about whether it was in their best interests to return. Assessment conducted since 2006 have shown that in some areas the majority of displaced persons have no intention of returning, but would prefer to integrate locally or, to a lesser extent, resettle elsewhere (NRC, 2009, p. 9; MCRG, 2006, p. 50). Thus, the policy should not follow only a return based but a rights-based approach, giving IDPs choices of either to return or integrate into the host community. The guiding principles also highlight that the focus should be on allowing IDPs different choices for resettlement, integration or voluntary return (Kälin, 2000, p. 71).

IDPs should not be pressured to return to areas where the security conditions are not conducive to their safety. Cohen and Deng (1998b) describe the experiences of forced return that took place in Rwanda in April 1995 as the government forcibly closed IDP camps but the displaced refused to leave because the security conditions in the areas of return were not safe. Some of the returnees in Nepal found poor livelihood options in return areas as well as being fearful for their wellbeing. The most anxious returnees were mainly village level leaders of political parties and they were afraid of political persecution by the Maoists. Accordingly the government should create conditions conducive for these IDPs return to their place of origin (UNHCR, 2004, p. 144).

A functioning economy is what sustains a society by providing its citizens with their most basic needs of food and shelter. When the economy fails, congenial social relations are also compromised (UNHCR, 1995, p. 152). Hence, there is a need to pursue strategies of economic development through aid and investment. Thereby, economic tensions that likely aggravate the reintegration of IDPs and the reconciliation process may be alleviated. As expressed by the United Nations High Commissioner for Refugees, Sadako Ogata, the importance of addressing the obstacle of economic development cannot be underestimated, "Just as political settlement stabilizes return, economic development sustains it" (Ogata, 1996, p. 1). If the economy shows no improvement as the conflict comes to an end, the return of the IDPs may be resented by

those already struggling to feed their families. Therefore, those economic initiatives intended to assist IDPs in their reintegration must provide benefits for the entire community. If the need for socio-economic reintegration and reconciliation at the community level is not addressed it is unlikely that returnees will be able to reintegrate themselves in ways conducive to sustainable peace and tensions may rise to the detriment of the overall peace process.

For the sustainable return of IDPs, UN guiding principles on IDPs 1998 states that mechanisms should be developed that address the key themes: safe, dignified and voluntary return; joint participation and management in return and resettlement; non-discrimination and equality of participation and access; recovery of property and compensation; and access by humanitarian organisations (Kälin, 2000). It is essential that IDPs are not pressured to return to areas where the security conditions are not conducive to return. There are several conditions to meet for an effective return in conditions of safety and dignity. Garzoli (2003) suggests that these are legal safety, physical security, material security and ensuring that IDPs are treated with dignity. According to Garzoli (2003):

> Legal safety can include amnesties, public assurances of personal safety, integrity, and freedom from fear of persecution or arbitrary punishment on return. Physical security takes into account protection from armed attacks and landmines. Material security means access to land, property, a means of livelihood and access to education for IDP children. (p. 3)

The returning IDPs should not be mistreated in any way, they should return unconditionally and spontaneously at their own pace, and their families should not be arbitrarily separated during the return process (NRC, 2004, p. 6). Although return of houses and land confiscated by the Maoists during the conflict is reportedly underway in some districts, there were still reports in 2009 of property not being returned unconditionally (The Carter Centre, 2009, p. 6). IDPs with non-Maoist political affiliations have been most likely to be prevented from recovering land and property.

Participation of IDPs in the planning and management of return and resettlement helps to ensure that the return, resettlement and reintegration processes take place in a voluntary and dignified manner. It also helps to ensure that these processes are sustainable. *The Handbook for Applying the Guiding Principles on Internal Displacement*, Martin (2000) identifies the following steps that can be taken to ensure

that IDPs are integrated into the return or resettlement process in a non-discriminatory manner (p. 59). She emphasises that authorities can:

> [A]ssist representatives of IDP communities to assess conditions in potential areas of return or resettlement by supporting visits and by visiting areas of potential return or resettlement to independently assess conditions.
>
> [C]onvene consultations with leaders of displaced groups prior to return and resettlement, ensuring the participation of women and all important segments of the displaced community to determine that return or resettlement is voluntary. (Martin, 2000, p. 59)

It is important that return and resettlement processes for IDPs take place in a non-discriminatory manner and that among the displaced there is equality of participation and access. Effective return and resettlement programs for IDPs can benefit local communities and prevent further conflict. In addition to ensuring equity between the displaced and host communities, it is important that return programs do not generate resentment among the displaced. According to CHAP (2004), the Government of Sri Lanka created a policy whereby each returned or resettled IDP family would receive financial assistance upon return to their own land or land granted to them by the authorities (p. 34). In order for the displaced to receive this assistance they had to earn less than a certain income. As a result, many IDPs do not qualify for the assistance, thus generating a non-uniform distribution of benefits that has created problems among returning IDP populations.

Conclusion

The successful return of internally displaced persons is more complex than usually perceived yet is a key for lasting peace in Nepal. After the signing of the Comprehensive Peace Agreement in 2006, thousands of IDPs have returned either spontaneously or with the help of Human Rights NGOs. However, many IDPs are still uncertain about the security situation in Nepal or are unable to make it back to their home due to financial constraints. The total number of returnees is difficult to ascertain as tracking systems have not been in place. Meanwhile, government officials as well as non-government agencies are even less certain about how many have returned spontaneously, without any formal assistance. According to figures from UNHCR, the estimated number of returnees in 2007 was 50,000 (UNHCR, 2008, p. 19), and the

Ministry of Peace and Reconstruction have provided return support to 27,000 (Kantipur Daily, April 2, 2009) IDPs and doubted how many of them actually returned.

This study demonstrates that security threats, extortion, unwelcoming return conditions provided by Maoists, economic hardships upon return, non return of land or property and limited presence of local level government are the main obstacles for IDPs with respect to returning back to their place of origin. These issues need to be addressed to make return sustainable. It has now become apparent that livelihoods, land and property issues play a decisive and principle role in the sustainability of return. Failure to overcome the prevailing complexities because of landlessness and land related insecurities deter the sustainable reintegration of thousands of returnees. Any efforts aimed at the return of IDPs in post-conflict situations will not translate into the sustainability of return and reintegration if there are no clear, well formulated, strategic, legal and procedural safeguards and practices to address the issues such as land restitution, livelihood support, food security, physical, legal and human rights.

Effective and constructive coordination is also required between all the key stakeholders (government, civil society, UN and donor communities) within the broader context of post-conflict recovery, development and peace building while paying due attention to the needs and challenges of the returnee population and their communities. Coordination within government institutions and members of the international community operating in Nepal should be guided by and informed by coherence and consistency in any initiatives or policies aimed at highlighting and tackling the problem of property restitution in general and with respect to ensuring the livelihoods, physical security of returnees and the overall sustainability of return.

Given the current situation and prevailing challenges of return and reintegration of IDPs in Nepal, fulfilling this task requires an effective and well-coordinated effort which requires more resources, capacity, commitment and time. It should be noted that ensuring the sustainable return of IDPs depends upon a number of political factors such as the effectiveness of governance by the central government, formation of a peace committee and re-establishment of local level government institutions such as village development committees and police posts which were displaced during the decade long conflict. It is imperative to emphasise once again that the return of IDPs and their

sustainable reintegration in relation to land restitution issues would not be achieved without a strong and coherent political commitment and will.

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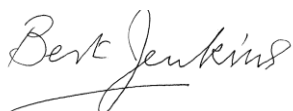

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CHAPTER SEVEN

BETWEEN WAR AND PEACE: THE POST-CONFLICT HOUSING, LAND AND PROPERTY RESTITUTION PROCESS OF INTERNALLY DISPLACED IN NEPAL

BETWEEN WAR AND PEACE: THE POST-CONFLICT HOUSING, LAND AND PROPERTY RESTITUTION PROCESS OF INTERNALLY DISPLACED IN NEPAL

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Abstract

This chapter seeks to contribute to an understanding of issues related to housing and property restitution for internally displaced and returnees in Nepal. Restitution of land and property upon return is a central element of post-conflict reconciliation and the peace building effort. Many of the peace agreements signed in the post-Cold War era have included provisions for the return of refugees and the internally displaced. The majority of these countries still have an enduring internal displacement problem. Therefore, increasing recognition of the problem alone has not brought a solution. If the return and property restitution of IDPs is the eventual goal of so many peace agreements, then what can be done to facilitate it? This is this question the chapter is seeking to answer through the adoption of a qualitative methodology.

It is argued that granting property rights to IDPs is important not only for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere through resettling and reintegration. This chapter suggests a framework that includes a coherent land policy, adequate legislation, functioning institutions, a law enforcement capacity and supporting services with the necessary mechanisms to implement them, be introduced to facilitate an effective property restitution process in Nepal.

This chapter then concludes that solving the internal displacement problem is crucial for building peace, and any solution to the problem of internal displacement must include institutionalised property rights for IDPs.

Keywords: Property Restitution Rights, Restitution Policy, IDPs in Nepal, Law Enforcement Mechanism

Introduction

> Sustaining peace will also require efforts to heal the wounds of the conflict. That means clarifying the fate of those who disappeared and compensating victims. It means enabling the return of displaced persons to their homes. And it means undertaking an honest and inevitably painful acknowledgement of the truth of past human rights violations, and to end impunity. (Ban Ki Moon, Secretary-General, United Nations, addressing the Constituent Assembly in Nepal as cited in INSEC, 2008, p. 2)

The control of and access to land has been a source of conflict and displacement in numerous countries such as Colombia, Guatemala, the DRC, Kenya, the Philippines, Rwanda, Zimbabwe and Nepal. Restitution of land and property upon the return of IDPs is therefore a central element of post-conflict reconciliation. Post-conflict reconstruction and stabilisation requires the provision of protection and assistance to internally displaced persons (IDPs), uprooted from their homes and communities, consequently becoming vulnerable to violence, exploitation, descrimination, and other human rights violations. Many of the displaced can not return and reintegrate because their homes and land are occupied by others who are themselves unwilling or unable to settle elsewhere. Protection of housing, land and property rights of refugees and IDPs seeking to return to their original homes and land is increasingly seen as a key component of peacebuilding (Leckie 2005, p. 12).

Despite the increasing interest in internal displacement in recent years and the creation of a regulatory framework to help deal with the problem, the number of IDPs in the world has not decreased but has instead continued to increase. The number of IDPs increased from 1.2 million in 11 countries in 1982 to roughly 26 million in 52 countries today (IDMC 2009, p. 8).

Approximately half of the peace agreements signed in the post-Cold War era have included provisions on the return of refugees and IDPs displaced as a result of civil conflict (See table 13). In most cases, the provisions have proven ineffective. In fact, ten out of fourteen cases still have an enduring internal displacement problem. Therefore, increasing recognition of the issue alone has not resulted in resolution. If the return and property restitution of IDPs is one of the eventual goals of many peace agreements, then what can be done to facilitate it? This is the question that this paper seeks to answer.

Table 13: A list of peace agreements with provisions on the return of refugees and IDPs

Country	Agreement	Year
BiH	The General Framework Agreement for Peace in Bosnia and Herzegovina (Annex VII: Agreement on Refugees and Displaced Persons)	1995
Burundi	Arusha Peace and Reconciliation Agreement for Burundi (Protocol IV: Reconstruction and Development, Chapter 1: Rehabilitation and Resettlement of Refugees and Sinistrés)	2000
Cambodia	Agreement on a Comprehensive Political Settlement of the Cambodian Conflict (Part V: Refugees and Displaced Persons, Article 19)	1991
Colombia	Plan Colombia: Plan for Peace, Prosperity, and the Strengthening of the State (Plan for Democratisation and Social Development: Assisting the Internally Displaced)	1999
Georgia	Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons	1994
Guatemala	Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict	1994
Kosovo	Interim Agreement for Peace and Self-Government In Kosovo	1999
Liberia	Comprehensive Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties (Part VII: Humanitarian Issues, Article XIV: Humanitarian Relief)	2003
Macedonia	Framework Agreement (Annex C: Implementation and Confidence-Building Measures, Article 3: Refugee Return, Rehabilitation and Reconstruction)	2001
Nepal	Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) (Article 5.2.8: Cease Fire, Measures for the Normalisation of the Situation; Article 7.3.3: Compliance to Human Rights, Fundamental Rights and Humanitarian Laws, Right to Individual Dignity, Freedom and Movement)	2006
Sierra Leone	Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (Part V: Humanitarian, Human Rights and Socio-Economic Issues, Article XXII: Refugees and Displaced Persons)	1999
Sudan	Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) during the pre-interim and interim periods (Part I: The Ceasefire Arrangements, General and Fundamental Provisions, Article 1.10.)	2004
Tajikistan	General Agreement on the Establishment of Peace and National Accord in Tajikistan	1997

Source: Adapted from The United States Institute of Peace Digital Library at http://www.usip.org.

The argument here is based on a simple assumption: if IDPs are to return, then they need a safe and familiar place to which they can return. Therefore, they need to be granted the right to return; they also need their property rights to be restored or, in cases where property rights did not exist prior to conflict, these need to be granted. There is a relationship between property rights and the return of IDPs. While it is easy to assume

that having a place to return to will actually facilitate return, there is also a more complex connection. Property rights not only give people a place to live and/or work, but they are also the key to the creation of capital, and therefore provide the means for IDPs to build new lives where they reside. Thus, property rights are important as catalysts for the return, reintegration or the resettlement of IDPs as well as being a crucial means of reintegration of the returned or resettled IDPs.

This chapter is based on the fieldwork that was carried out between 2007 and 2008 in far-west and mid-western Nepal. The chapter explores the assumption that property restitution (restitution of housing, land, and/or other immovable property) would encourage people to physically return home and eventually reverse the effects of wartime policies via the authentic experiences of IDPs. The argument made here is based on an extensive literature review on the property restitution process in Nepal as well as ethnographic studies. Semi-structured interviews with policy-makers in the Government of Nepal, different UN bodies, and representatives of local and international NGOs and IDPs themselves are also used as tools of research.

Property and Property Rights

Property is not a static concept. Its meaning has changed depending on when, where and by whom it is used. While in its everyday usage it usually refers to inanimate objects or things, it is also understood as relations of persons to things (i.e. relations of ownership), as person-to-person relations settled through the exchange of things, and as a bundle of abstract rights (Verdery & Humphrey, 2004; Heywood, 2004). These different definitions of the concept are a result of different "realities" of property at different times and places (Grey, 1980 as cited in Verdery & Humphrey, 2004, p. 21). For example, in Nineteenth Century Europe, property was defined as things both to expose the material basis of wealth (ownership rights to material objects such as land and manufactured commodities) and to serve the ideological purpose of a break from the former era of feudalism when property was conceived as webs of relations among persons (Verdery & Humphrey, 2004, p. 21). Today, property also refers to non-material things, such as ideas, creating heated debates over copyrights and patents. Thus, property has been regarded and treated differently in different periods and places.

According to Marx (1978), private property provided power to capitalists with respect to the means of production, which allowed them to exploit the labour-power of workers in order to maximise surplus value, that is, unpaid labour where the workers receive less value than they produce (pp. 81-93). While some writers consider this Marxist approach to private property as a search for a just and equitable system, others interpret Marx's criticism of private property as a basis for establishing a principle of personal freedom, and individualism through an alternative approach (Brenkert, 1979). Therefore, for obvious reasons, Marxists and Capitalists do not agree on the value of private property.

Property Rights as a Key to Economic Development

Today, especially with the end of the Cold War, it seems that such moral criticisms of private property have been replaced by a more strictly economic perspective that underlines the importance of property rights to manage scarce economic resources. In terms of this view, "property rights do not refer to relations between men and things but, rather, to the sanctioned behavioural relations among men that arise from the existence of things and pertain to their use" (Furubotn & Pejovich, 1972, p. 1139). The norms of behaviour with respect to things defined through property rights that a person must respect in his or her interactions with others, or accept the costs of non-compliance (Furubotn & Pejovich, 1972, p. 1139). These ideas are not totally new. For instance,

> Property rights are an instrument of society and derive their significance from the fact that they help a man [sic] form those expectations which he can reasonably hold in his dealings with others. … An owner of property rights possesses the consent of fellow men to allow him to act in particular ways. (Demsetz, 1967, p. 347)

In line with these economic conceptions of property rights as relations among humans, some theorists consider private property rights as a key to a stable market democracy (Demsetz, 1967, p. 351). As North explains,

> [T]he economic theory of property rights suggests that economic growth requires a government to establish property rights so that economic agents can contract with minimal transaction costs and thus increase economic wealth for citizens of that country. (North, 1981 as cited in Norton, 1998, p. 233)

The basis of the argument can be traced back to Seventeenth-Century England, where the development of markets was heavily influenced by the extent to which rulers abided

by the rules that governed economic exchange (North & Weingast, 1989). If rulers could arbitrarily change rights or rules on property, based on their own interests, then economic growth would be reduced. If property rights were secure, then economic growth is expected to increase. As Weingast (1995) asserts,

> [T]hriving markets require not only an appropriately designed economic system, but a secure political foundation that limits the ability of the state to confiscate wealth. (p. 1)

Rodrik (2003) also states the importance of institutional design and property rights for development. He argues that first-order economic principles, e.g. protection of property rights, market-based competition, appropriate incentives, sound money, and so on do not map onto unique policy packages, and reformers have substantial room for creatively packaging these principles into institutional designs that are sensitive to local opportunities and constraints. Rodrik (2003) argues that successful countries are those that have used this space wisely.

Looking at the issue from a rather different perspective, Norton (1998) argues that property rights clearly affect human well-being (p. 239). In most cases strong property rights decrease deprivation and in several cases weak property rights intensify human deprivation (Norton, 1998, p. 239). Along the same lines, in his innovative study of the poor, De Soto (2000) argues that property rights are the key to the creation of capital, therefore to the development of capitalism in the West. He further argues that with a clear definition of property rights and mechanisms for guaranteeing them, transaction costs are reduced for the economic agents, and thus, produce a mature environment for investment capital and economic development (De Soto, 2000).

Property Regimes in Transitions

Although the recipe for the creation of capital and economic development may seem easy, the actual task is difficult. As Katherine Verdery (2003) explains in her study of the privatisation of land in Romania, changes in property regimes are highly political and transformational with regard to social processes. Writing about post-socialist Romania, Verdery (1996) describes property restitution as being:

> [L]ike Kundera's proverbial struggle of memory against forgetting, a struggle of certain groups and persons to tie property down against others who would keep its edges flexible, uncertain, amorphous. It is a struggle of particularisation against abstraction, of specific clods of earth against aggregate figures on paper, and of particular individuals and families…The story of property restitution is a story of forming (or failing to form) potentially new kinds of persons, along with new social identities based in property and possessing. This story is part of the larger drama of transforming Romania's class structure, economy and system of state power. (p. 135)

Verdery (2003) demonstrates that the political system of implementation was as important as the method of land privatisation chosen, which in the case of Romania, was restitution. Institutions that were supposed to provide the predictability and stability necessary to overcome the burdens of the uncertainty created by land reform, instead created unpredictability. These institutions were designed at the top, and applied − and changed − at the bottom. This failure had a variety of consequences for state-society relations; from the de-legitimation of the system (corruption) to a new subjectification (the state received new means of control) (Verdery, 2003). Also, as a result of the Romanian government's choice of restitution, the highly egalitarian social setting was ruined, and new political cleavages emerged along ethnic and economic lines.

These changes can take more drastic forms in settings of conflict, and disputes over housing, land, and other immovable property can be a factor in prolonging the conflict in the long run. Disputes over land and other immovable property in civil wars become especially acute as an end to armed conflict drives land issues to the fore for large numbers of people over a short period of time (Daudelin, 2003; Shipton, 1994; Unruh, 2003). Why is this so? Collier and Hoeffler (1998) identify poverty as one of the strongest factors contributing to civil wars.

> Poverty and dependence on agriculture are also very closely related: most poor live in rural areas; the poorest countries of the world are the most rural and they depend massively on agriculture to ensure the survival of their population. (Daudelin, 2003, p. 1)

It is also a fact that conflicts cause people to move, to run away from violence. Thus, conflicts cause a majority of people to abandon their houses (their shelter for living) and farms (their source of livelihood within the agriculturally based economic system of their country). Multiple tenure claims, unjust distribution of land and so on can be a hindrance upon an incipient peace.

In such a conflict setting, not only the choice of property rights, but the system of implementation also becomes crucial in dealing with these problems. To illustrate, in El Salvador, despite the attention of policy makers to addressing the issue of land, the economics of implementation were simply ignored: the basic principle of economics that land and labour are not enough, but that capital is also an essential factor of production was overlooked. Foley et al. (1997) explain that:

> [T]he land reform programs of the 1980s and the Land Transfer Program (PTT) implemented after the signing of the Peace Accords reduced the concentration of landholding by redistributing about 30 percent of the country's cropland, and increased substantially the number of individuals who own small plots or share in the ownership of cooperative lands. (p. 3)

While such changes tackled the issue of inequality and reduced the political tension in the countryside, they have not fundamentally changed the economic insecurity of rural life in El Salvador (Foley et al., 1997, p. 3). Those who had received land from the programs could not become viable farmers or create a source of income for themselves, as many of them had the burden of land debt, housing debt or short-term debt for productive inputs (Murray, 1997, p. 25).

In mid-1996, the government offered to forgive 70 percent of the land debt of agrarian reform and PTT beneficiaries, provided that they could pay off the remaining 30 percent within one year. Farmers with relatively small amounts of debt, including most PTT beneficiaries, looked favourably on the offer, but few of the agrarian reform cooperatives could hope to come up with 30 percent of a debt that had been accumulating interest since the early 1980s. They would have to sell off their most valuable land to make such a payment, and many saw the offer as a sophisticated attempt to get the best land back into the hands of wealthy Salvadorans (Murray, 1997, p. 25).

Thus, the Salvadoran state was in a simultaneity problem of pursuing two often contradictory policies: the economic policies of the international financial institutions, and the social policies that the peace process identified via the agreement and the UN peacekeepers' mandate, e.g. the land-for-arms program (De Soto & Castillo, 1995; Boyce & Pastor, 1997).

Consequently, countries that have already been made weaker by the effects of the conflict, will suffer even further by introducing these two contradictory policies. Similarly, the recent push for cultural property rights worldwide is creating a financial burden for many governments while undermining their capability and responsibility to protect their citizens (Sert, 2008, p. 32). Therefore, while the focus on property rights is important, it is also important to produce policies that do not impose such burdens on governments that may contribute to the further weakening of states and an ability to enforce any rights.

IDPs and Property Rights

UN Guiding Principles 1998

The Universal Declaration of Human Rights states, "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property" (UDHR 1948, article 17). Principle 21 of the UN Guiding Principles reiterates the same right, but still, the legal framework regarding the property rights of IDPs is not very concise. As Bailliet (2003) writes,

> [T]here is disagreement over whether the right to property is a civil and political right covering registered property, as opposed to a socio-economic right applicable to the customary claims of indigenous people/farmers who link the land to their rights to food, housing and the right to life itself. General human rights instruments do not set forth a right to restitution of property and the soft law is vague. (p. 10)

Furthermore, Paragraph 2 of Principle 29 of the Guiding Principles declares:

> Competent authorities have the duty and responsibility to assist returned and resettled internally displaced persons with recovery, to the extent possible, of the property and possessions they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall assist these persons in obtaining appropriate compensation or other forms of just reparation or shall themselves provide such recompense. (Kälin, 2000, p. 75)

On the face of it, this bold statement tackles the problem of uncertainty that IDPs face in relation to their right to property at the time of return or resettlement. An examination of the law of the general human rights' instruments shows that the right to restitution or compensation was usually decided in the affirmative (Kälin, 2000). In reality, Principle 29 confers the choice of the possible forms of reparation upon the state without any guarantees that land will be returned (Bailliet, 2003). This can become a major problem

for IDPs in cases such as Colombia where, as Pettersson (2000) argues, civilians are constantly faced with threats of violence meant to displace them from their homes and lands, while the government shows a lack of willingness to respond to IDP demands for resettlement or compensation.

However, the picture does not have to be so bleak. Resolution 1998/26 of the UN Sub-Commission on Protection and Promotion of Human Rights, "housing and property restitution in the context of the return of refugees and internally displaced persons," reaffirms "the right of all refugees, as defined in the relevant international legal instruments, and IDPs to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish".[45] Similarly, the UN Economic and Social Council is making a continuous effort to outline principles on housing and property restitution for refugees and displaced persons. In the "Foreword" to the *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles'*, the heads of UNOCHA/IDD, UN HABITAT, UNHCR, Food and Agriculture Organisation (FAO), UNOHCHR, Norwegian Refugee Council (NRC), and the Internal Displacement Monitoring Centre (IDMC) reiterate their commitment to promoting durable solutions for IDPs and refugees, "including their right to return to the homes and properties from which they fled or were forced to leave due to armed conflict and human rights violations" (UNOCHA/IDD et al., 2007). There is a growing realisation of increased attention to the idea that resolving housing and property claims is an important element of post-conflict reconciliation and rehabilitation (Leckie, 2000a, 2000b).

Setting up institutions such as the Commission on Real Property Claims (CRPC) in Bosnia, the Housing and Property Directorate (HPD) in Kosovo, and the Land Claims Court in South Africa indicates a different as well as a better, approach (Leckie, 2000a, 2000b; Lewis, 2001). Still, in many cases, thousands of IDPs cannot return to their original homes or recover their property rights because of a lack of enforcement mechanisms (Chimni, 2002). The Guiding Principles limit the provision of compensation only to lost property and are silent on technical and procedural aspects

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[45] Accessed from http://www.unhcr.org/refworld/pdfid/4411504f4.pdf

surrounding the restitution mechanism. While recognising IDPs formal right to a remedy, it does not address how the right can be implemented.

The Pinheiro Principles

The most recent standard on property restitution for displaced persons is the Pinheiro Principles, endorsed by the UN Sub-Commission on the Promotion and Protection of Human Rights in August 2005. The Pinheiro Principles were supplemented in March 2007 by the *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles'*. The Pinheiro Principles are unprecedented in the field of property restitution for a variety of reasons: because of their operational approach; because of their exclusive focus on property restitution; and because they address a wider group of beneficiaries than earlier standards. By adopting a definition of "displaced" that does not distinguish between internal and cross-boundary displacement, the Pinheiro Principles are applicable to IDPs and refugees alike. They:

> [A]pply equally to all refugees, internally displaced persons and to other similarly situated displaced persons who fled across national borders but who may not meet the legal definition of refugee, who were arbitrarily or unlawfully deprived of their former homes, lands, properties or places of habitual residence, regardless of the nature or circumstances by which displacement originally occurred. (COHRE, 2005, p. 9)

Furthermore, the Pinheiro Principles have the ambition to cover not only formal ownership rights, but also tenure and users rights (COHRE, 2005, p. 16).

Return

The best solution for the plight of millions of refugees and displaced persons within the world is to ensure they attain the right to return freely to their countries and to have restored to them housing and property of which they were deprived during the course of displacement, or to be compensated for any property that cannot be restored to them. It is the most desired, sustainable, and dignified solution to displacement (Pinheiro as quoted in Leckie, 2006, p. 52).

The general presumption about IDP return is that IDPs always want to return to their homes and that return is the best attainable solution. While many IDPs certainly do want to go home, the assumption that the needs and experiences of IDPs are homogeneous is mistaken (Sorensen, 2003). IDPs, like all other social groups, contemplate their alternatives based on their interests, and sentiments, and behave accordingly. Thus, return is the best possible solution when it is voluntary. Recently, the concept of voluntary return began to entail more than the lack of physical oppression or open threats, but "the consultation/participation of displaced persons in the process of making decisions about their return, resettlement and reintegration" (Santini, 2004, p. 53).

There is a growing need to address the issue of agency as well as the problem of the lack of enforcement mechanisms. As stated earlier, an increasing number of peace agreements hold provisions on the return of the displaced, but face implementation problems in the post-conflict phase. At the same time, the basic assumption in almost all of these agreements is that the best solution for the displacement problem is return. Moreover, there has been an increasing emphasis on voluntary return and that IDPs should have the choice. However, IDPs do not always want to go back home. As Walter Kälin, who took over the UN mandate as Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons asserts,

> [A]uthorities are sometimes anxious to promote return as a symbol of normalisation after the chaos brought on by a disaster. However, they should respect IDPs' right to choose whether to return to their place of origin or to resettle elsewhere, and in either case are expected to assist them to reintegrate (Guiding Principle 28). (Kälin, 2005, p. 23)

Sorensen (2003) tells us,

> While we tend to think of displacement as a temporary deviation from normal life, a disruptive event to be corrected, the possibility also exists that some people see displacement as an opportunity for change. People do not only look back; they also look to the future and try to plan for it. (p. 8)

Thus, IDPs do not always return home, but sometimes resettle based on strategic calculations of interest. Although conventional wisdom about IDPs considers them as "living in limbo" or feeling that they are "neither here nor there," such stereotypes about IDPs are substantially challenged by the literature (Holtzman & Nezam, 2004).

Home

The notion of home is central in the discussion of displacement and it is an important part of the analysis of return and restitution policy. Home has different meanings for different people. For some people home is their community, village, the place where their family is from, the soil where their identity is rooted and where they have an almost natural sense of belonging (Sorensen, 2001). Home can be a personalised object or a symbol of identity (Skotte, 2004). Research shows that these different perceptions about home are not necessarily common and collective conceptions held by all IDPs (Sorensen, 2001). For many, home is a representation not only of past experiences, but also of opportunities in the future; thus, home is always in the course of being transformed (Sorensen, 2001). An internally displaced woman in one of the study districts defines home as follows: "wherever I can earn money and get food, there is my home" (Internally displaced women, informal discussion, 2007).

Furthermore, it is possible to talk of home in terms of home "here" and home "there." While home here can be the present and "the actual place of lived experience where contestations and negotiations take place," the home over there can be the past, "a metaphorical space of personal attachment, an exemplar of 'how things used to be' and a space for negotiating the former order" (Achieng, 2003, p. 17). Thus, home can have different material and symbolic meanings in relation to past and future. Symbolically, home can represent a sense of belonging and identity in the past as well as a new life in the future with new relations and identities. Materially, home can represent the loss of resources and wellbeing of the past as well as an economic opportunity in the future.

Realising that there are diverse perceptions, the concept of home is also important because of its policy implications. Unfortunately, the world of emergency relief planning seems to be far from able to take these differences into account. There is a tendency to use certain words like house, housing, dwelling, home, residence, and/or shelter as if they are synonyms, leading to the implementation of inadequate policies that have negative results for IDPs, and that are full of prejudice and political bias (Skotte, 2004).

Land and Conflict in Nepal

Land has always been a very important resource to the people of Nepal. Traditionally the whole society has been organised around land. The rulers and elite have thrived on its surplus. Land has provided the basic means of survival for the rural masses. Land is not only a crucial resource for Nepalese people who have their livelihoods based on agriculture, but also is a basis of wealth and power (Ghimire, 1992). The social, economic, political and cultural issues are largely related to land issues since it remains the most important productive resource in the country. The present socio-economic structure of the country reveals that land is the main source of income for the majority of Nepalese people (World Bank, 2006).

Land owners have relatively high social status in local communities. Thus, every citizen of Nepal − farmer, government officials, merchants and industrialists alike − strives to own some land. The rural land provides food security and shelter, and therefore is a prized possession. The relatively well off people in the country further aim to attain a piece of land and a dwelling in the urban centres as well, since it enhances their social status. The traditional societal value and belief that property (land) is the most secure and productive investment is still intact in Nepal. Agriculture contributes 40 percent to the gross domestic product and it is the single most important sector that provides employment, as well as a means of subsistence for more than 80 percent of the people (Lumsalee, 2002, p. 1). Thus, the importance of land and access to its production remains very important.

Feudalistic, skewed land distribution patterns cause poverty, injustice, social discrimination, and conflict and tension in communities in Nepal (Shrestha, 1997; Upreti, 2002). Poor people have a lack of access to productive land resources and therefore they struggle to establish their rights to the land. More than 70 percent of farmers have less than one hectare of land (NPC, 1998). The Human Development Report 1998 shows that the bottom 40 percent of agricultural households in Nepal use only 9 percent of the total agricultural land, owning less than 0.5 ha, while the top 6 percent occupies and owns more than 33 percent of the total land area (UNDP, 1998).

Nepalese land resources are besieged by multifarious, institutional obstacles and unfocused, government policies (Upreti, 2001). Substantial regional variation of the distribution of agricultural land exists in Nepal and overall the incidence of the landless is increasing rapidly. Small landholders are marginalised and transformed into landless people (Shrestha, 1997). This means that a few landlords control a huge proportion of the country's land. Realising this situation, Maoists capitalised on these issues and made "land to the tillers" as one of their main agendas and slogans to gain a political foothold during the period of conflict. The fight against the marginalisation of the landless was an important part of the Maoist strategy; they advocated economic and social development through a radical land reform program based on the policy of "land to the tiller". Following a warfare strategy that challenged the existing land management system, Maoists confiscated and destroyed movable and immovable properties of opposition political leaders, landowners, and anyone else perceived as the opposition and distributed it to the poor or to their sympathisers.

Property Restitution Process in Nepal

After the signing of the Comprehensive Peace Agreement (CPA) in 2006 and subsequent successful election of the Constituent Assembly, Maoists gained the majority and formed a National Coalition Government under the leadership of Puspa Kamal Dahal, alias *Prachand*. This gave the Maoists an opportunity to implement peace agreements. The politics of restitution and return did not change much even after the national government under the Maoists' leadership and the legacy of war continued to dictate the course of peace building. Three years after the CPA, political parties were pursuing their own interests in the restitution and return process, either trying to regain their wartime losses and/or keep their wartime gains. Although the issues of Housing, Land and Property (HLP) is still hotly debated in the political arena, little has been done to resolve issues that still hamper the sustainable return of IDPs. Although various agreements and commitments (See table 14) were made at the central government level, effective implementation at the field level cannot be seen.

Table 14: Commitments made by the Maoists in public after the CPA, yet failed to abide by them

1. While signing a 23-point agreement on 23 December 2007, the Maoists expressed commitment to return in a month's period the private properties they seized during the insurgency.
2. Maoist chairman, Dahal, on 8 March 2007 appealed to his party cadres to return all confiscated properties and also pledged to arrange a better atmosphere for displaced families to return home.
3. Dahal on 13 May 2007 said his party had taken a decision to return seized lands to their actual owners. After discussion with the then Prime Minister, Girija Prasad Koirala, Dahal agreed to return seized properties on the condition that the government would improve conditions for Maoist combatants in the cantonments.
4. Maoists immediately after joining the government in April 2008 expressed a commitment to return confiscated property and dissolve the paramilitary structure of the YCL.

Republica (2008, December 14).

Maoists continue to control IDPs land and handed over land and property only to returnees not considered feudal/exploiters, or in other words − state collaborators.

> *My house was not like this when I left nine years back. Maoists had looted all my belongings − furniture, clothes, utensils, even the window panels, captured my land and dismantled my house during the insurgency. We are deprived of property rights and have no income source. They haven't returned my land, which is the only means I have for earning money. They even prevented me from selling properties claiming that properties are disputed. I would love to return if I got my properties back. Otherwise the government should compensate us so that we could build our livelihood in other parts of the country. (Internally displaced, personal interview, 2008)*

> *It has been six months since I came back to my village, but still I have not got my entire landholdings back. Although the Maoists' leader has said that they would return our land, many like me still find it difficult to regain our farms and houses. (Returnee, personal interview, 2008)*

> *I returned to the district headquarters again after local Maoists did not allow me to enter the land that belongs to me. Nearly 68 hectares of my land is still under Maoist control. They seized my land in 2002 and distributed it to their cadres. We, about two dozen displaced persons, submitted copies of land ownership certificates to the District Administration office demanding the return of our seized properties at the earliest. (Internally displaced, personal interview, 2008, in Baridya)*

Also, there are many disparities among IDPs regarding their property rights. In some cases, Maoists took over the houses of landowners and members of the local elite, and forced them to leave, distributing such property to poor people. As a response to this problem, the Comprehensive Peace Agreement asserts:

> Both sides agree to keep records and return immediately the government, public and private buildings, land and other property seized, locked up or forbidden for use during the armed conflict. (CPA, 2006, Article 5.1.8)

In a place where the Maoists forbade the trade of land, IDPs were not able to sell the land before they left behind and hence to turn property into cash. A few IDPs were luckier in that they could make arrangements for their land, like leaving the land in the care of relatives who stayed behind and paid them 50 percent of the income, which would also make it easier for the returnees to reclaim the land and property upon return.

> *The problem is with the farmers. The conviction of our party is that those farmers who have been tilling the land for a long time should get their share. We cannot leave those farmers landless any more. (Maoist district in-charge, personal interview, 2008)*

Another Maoist policy that complicated the restitution was their endorsement of the secondary occupation of land by the poor or their supporters in line with their land redistribution aim.

The main opposition party, the Nepali Congress (NC), had obstructed the proceedings of the legislative session of the Constituent Assembly (CA) asking the government to respond to their nine-point demands, one of which was to return property seized by the Maoists during the war. Prime Minister (PM) Prachand expressed his commitment to meet all the demands raised by the opposition party, the NC. Addressing the legislative session of the CA, the PM who is also the Chairperson of the Communist Party, announced that the government had made a new commitment with a firm determination and agreement, recalling the weak implementation of the past agreement (*Kantipur Daily*, November 11, 2008).

> The properties confiscated during and after the conflict, will be returned at the earliest; it is a recommitment, said Pranchand. The properties that were not returned to the owners until the deadline set by the June agreement will be returned to the owners along with compensations by evaluating the income of the properties from the date of the agreement in case of failure to return it by mid December. (Prachand's speech as quoted in *Kantipur Daily*, November 11, 2008)

The Prime Minister announced the provision of compensation to the rightful owners of the properties that were confiscated by the Maoists during the armed Maoist movement by evaluating the properties as per the agreement signed in June 25, 2008. He also said that the Legislative Parliament Committee will be formed to monitor the process of returning the seized properties and the relief distribution programme. It took two and half months to appoint a coordinator after the committee was formed due to political differences. The committee was given a mandate of only three months. Following the Prime Minister's address in the Parliament, the Home Ministry had ordered all the

Regional Administration Offices and District Administration Offices to implement the government decision. So far, there has been no progress made in the return of the Maoist seized assets (*Kantipur Daily*, February 2, 2009).

The special committee has asked the Prime Minister's Office (PMO) to inform the committee about the progress made on the implementation of his commitment on return of the property. However, instead of replying to the committee, the PMO wrote to the Ministries of Home, Finance, Peace and Reconstruction, Local Development and Physical Planning, asking them to submit the status of the PM's commitment. By not replying to the special commitment, the Maoist government made it clear that it does not want to implement these commitments. A similar view was expressed by the coordinator of the special committee as, "we asked the government to provide us information on seized properties and data on compensation, but to no avail" (*Kantipur Daily, April 20*, 2009).

On one hand, the Prime Minister and the chairperson of the Communist Party of Nepal expressed his commitment to release the seized properties; on the other hand, the Maoist cadres continued to capture properties. Pessimism also arises from the fact that Maoist cadres in the rural areas have not given up their predatory ways. Despite the Prime Minister's assurances of returning seized property, Maoist cadres raided stocks from 32 houses in one of the study districts − Bardiya (*IPS*, December 9, 2008). An influential leader and deputy chair of the Maoists' party blames such action on locals unconnected to his party as "the landless people did that as it was their right as well. If citizens loot or seize property then nobody can blame it on the Maoists".[46] The Maoist-led government has shown double standards in carrying out the return process. On the one hand it announced the plans to return seized property and on the other it seems to have encouraged its cadres to loot.

This issue has already developed into a political football within the party. Some of the Human Rights Activists are against the idea of the Government Compensation Plan. They said that if the government compensated for the property seized by the Maoists from state funds, then it would promote anarchism.[47] These similar views were

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[46] Email correspondence with Maoist leader in October 2009
[47] Email correspondence with Human Rights Activist in October 2009

expressed by the opposition party leaders who have opposed the government's idea of granting compensation out of the state fund and firmly stand on the view that Maoists should return the property seized by them as per the agreement they signed at different times (*IPS*, December 9, 2008). According to the parliamentary committee formed to monitor the implementation of Maoist commitments, Maoists have not returned the properties of about 30,000 families in 72 districts (*Nepalnews.com*, August 9, 2009).

The issue becomes even more complicated when the NC or CPN-UML led the relevant ministry; they focused more on assistance to IDPs and ignored the family members of the dead and the missing which occurred during the insurgency. When the Maoists led the relevant ministry, they focused more on the resources of the dead and missing family members. As a result of this, the gap between IDPs and other victims of the conflict increased, and absence of any effort for reconciliation between them created a more complex scenario for the peace process to be sustained at the community level. It is interesting to note that 28,000 families of the NC out of 30,000 families still have properties which are under the control of Maoists. Despite this the NC had been raising the issue of returning the seized properties vehemently when it was in opposition, but had not been proactive in expediting the process after it joined the government.

IDPs land issues are closely associated with land reform and tenancy issues. These categories of issues still need state resolution. The tenancy issue is being used as an important matter by the Maoists to gain a political foothold in the government. In many cases, the land that was captured is occupied by several families (including tenants), and the process of returning land to its rightful owners has become more complex. Yet some of the IDPs' properties have been released by the Maoists. Generally, the released properties were small in size and belonged to the IDPs who were not involved with any political parties that had opposed the Maoist party. Property restitution is now a more political than legal issue and government officials have displayed little willingness to discuss or take action in cases where the Maoists still occupy the properties.

> *We are ready to return home. But, our land remains unfarmed for the past ten years and we have to repair our house. So, where will we stay and what will we eat? Where will our children sleep? We can't return to our homes without security assurance from the state and the Maoists. (Internally displaced, personal interview, 2007)*

IDPs are also afraid to take any formal action against the Maoists in order to claim their right to property restitution. According to Nepali Law, IDPs must register their property claims at their place of origin, which presents a major security issue; furthermore, returning to their place of origin may have financial implications for IDPs, as travel would be a financial burden.

Although the government has initiated a few compensation schemes for destroyed property, the issue remains mostly unresolved. A few victims who have been compensated (for destroyed properties) refused to accept state assistance, stating that the allocated compensation (5% to 10%) is worthless compared to the actual value of the properties, now worth millions. There are many cases where IDPs and other victims of conflict have received economic assistance equivalent to, or even more than, the worth of their destroyed properties. However, the majority of these recipients are influential activists and prominent leaders of political parties. According to the *Hand Book on Housing and Property Restitution for Refugees and Displaced Persons* (UNOCHA et al., 2007), compensation must be granted with the same intention as restitution, so that victims are returned as far as possible to their original pre-loss or pre-injury position. When compensation is provided, it must be given in a manner that is reasonable in terms of the victim's losses.

What Kind of a Restitution Policy?

The answer is simple: like any other policy, there is a need for a policy of restitution that can actually be implemented. The Comprehensive Peace Agreement (CPA) set out the right to return and restitution, but did not contain a specific mechanism with which to implement restitution. Those in political leadership are not keen to implement the provisions of the CPA. The CPA also lacked the detailed establishment of an enforcement mechanism.

> Land issues have been and can be expected to continue to be highly contentious. Under the Comprehensive Agreement, the parties committed themselves to returning Government, public and private buildings, land and other properties, as well as to adopting a programme of land reform and to providing land to socially and economically disadvantaged classes, including landless squatters, bonded labourers and pastoral farmers. On several occasions, however, local Maoist cadres have resisted the implementation of commitments made publicly by the Maoist leadership to return seized property and have even seized additional property. The Nepali Congress Party has made it clear that fulfilment by CPN (M) of these commitments is one of its central concerns in the peace process. (UNSC, 2007, p. 3)

Property repatriation in Nepal has proven to be a highly complex, sensitive, and politically charged issue for several reasons. First, there is the massive scale of displacement thus the vast amount of land and assets involved in the process. Second, the policies pursued by Maoists during the war was about giving "land to the tillers", and the distribution of the land to the poor complicates the restitution process. Third, property has psychological, cultural, economic, and political implications. It is not difficult to understand the psychological aspects of property. "From a personal perspective, displaced persons forced to leave homes, villages, jobs and people central to their lives were also traumatised by the loss of all of the physical and psychological security which a 'home' entails" (Garlick, 2000, p. 66).

Besides these issues, people put their money into their houses, and acquiring a "home" is an on-going process. For many people buying land and building a new house was a life-long project. This was what men and women worked for years to obtain, working long, hard shifts locally, or by migrating abroad to India or the Middle East or East Asian countries.

Economically, property rights in land prove to be an essential asset, especially in a country where infrastructure, industry, agriculture, and other income sources are severely destroyed by war (Garlick, 2000, p. 67). Finally, during a war whose major goals were to capture land and houses consequently forcing people to leave their homes created a political vacuum, hence land became a crucial political tool both during and after the war. Thus, to begin with, restitution must be institutionalised to anchor the process within a very tight set of rules and procedures with the intention of avoiding political resistance and securing collaboration (Cox & Garlick, 2003, p. 80).

Also, restitution should be driven by the rights of the individual. Remembering that people must enjoy freedom of choice, instead of imposing a return-based approach, a rights-based approach should be pursued. This has not been the case in Nepal. Institutions that provided funding for returnees did so only if they wanted to return to their previous home and excluded those who decided to resettle or integrate to the host community. A "Return only" policy is not the correct method for solving the problem of displacement. As was stated earlier, IDPs make choices rationally, calculating their gains and losses before taking action. Therefore, different options must be open to them.

Providing the means to regain their property rights to their houses, land, and other immovable property is a good beginning, but it is not enough.

My previous chapter on "return" demonstrates that the security environment created by the 12-point agreement has encouraged some timid IDP returns, but obstacles to return remain. Similarly, the World Food Programme (WFP) Report (2005) that had surveyed a sample of IDPs asserted that:

> Over half of households that primarily left for conflict-related reasons say that they would return if peace and security prevailed in their districts of origin. A little less than half have no plans or intentions to return − regardless of what happens. The small remaining fraction would be motivated to return if they were provided with land and/or income and employment generation opportunities. Slightly more than half of the households that primarily left due to earning constraints have no plan or intention to return home. Thirty-seven percent would return home if they were provided with land and/or income and employment generation opportunities, and ten percent if there was security and/or peace. (p. 12)

Accordingly it is important to understand that it is ironic that in talking to some displaced persons today, and especially younger people, it is not so much the ability to "return home" that is seen as most important, but the chance to "get out," to seek a new life elsewhere in the country. Thus, people do not necessarily seek return, but are looking for the freedom of choice and the means to make choices. Establishing property rights creates this freedom of choice and the means to enjoy it (Cox & Garlick 2003, p. 80).

How to Restore Property Rights?

Property carries multiple meanings for IDPs. In line with the literature that considers property rights as a key to economic development, property has an economic importance for those IDPs who can turn it into an economic asset (De Soto, 2000; Feder & Feeny, 1991; Furubotn & Pejovich, 1972; Keefer & Knack, 2000; North, 1981; Norton, 1998; North & Weingast, 1989; Rodrik, 2003). However, property is also about identity and status. In Nepal where status in society has been very much related to land ownership, leaving their property behind was a big blow for IDPs.

In Nepal, the recipe to restore property rights in post-conflict situations is complex, but not impossible to achieve. The two necessary components of a successful restitution

process are enforcement mechanisms and resources. It took three years (after CPA, 2006 to 2009) to achieve limited progress in property re-possession in Nepal. Property restitution has not been on the agenda of international organisations that are working in Nepal either. For any restitution process to succeed, the supporters of the peace process must be ready to provide adequate and committed support to property restitution. Thus, improved coordination, a firm commitment and an effective division of labour between the actors involved in the process are of the utmost importance (Hastings, 2001).

The establishment of the Return and Reconstruction Task Force in Bosnia and Housing and Property Claims Commission in Kosovo, to co-ordinate international support for the return of displaced persons and refugees to their pre-war homes with the aim of ensuring successful and sustainable return and reintegration, played a crucial role in resolving the restitution issues in that part of the world (Carlowitz, 2005; Paglione, 2008; Sert, 2008; Smit, 2006). Like in Bosnia and Kosovo, international committees should provide expertise, as well as financial assistance, to the Government of Nepal in order to support the restoration of the property rights of internally displaced persons.

The most important element of a successful property restitution process is to set "the rules of the game". A comprehensive framework of legislation based in international human rights law will help provide the mechanisms that are necessary to ensure that people can exercise their full rights (Prettitore, 2003, p. 16). Once such mechanisms are in place, the chances of political obstructionism will decrease and ultimately the political leaders will contribute to the restitution process. Thus, restoration and effective implementation of property rights are essential factors in the successful return and resettlement of IDPs in Nepal, and in the creation of a sustainable peace. However, even in cases where property rights (i.e. rights to land and immovable property) have been accounted for in peace agreements (such as in El Salvador, Kosovo, Bosnia & Herzegovina), IDPs have still faced the problem of the ineffective implementation of these rights. This has been due to a lack of effective enforcement mechanisms such as a lack of effective institutions and/or the economic means necessary to implement the provisions.

Empirical research from the case of El Salvador shows that although the Chapultepec Accords dealt with land issues, the peace process has not resulted in return to the extent

expected (Foley et al., 1997; Murray, 1997). This is because they did not include property rights, in particular, and because there have been financial constraints in the implementation of this part of the agreement. The recognition of the need to establish the property commission in the case of Bosnia and Herzegovina illustrates that once institutional arrangements are in place to deal with problems related to the exercising of property rights, IDP return begins to increase (Sert, 2008). Therefore, implementation and enforcement mechanisms are important. Underlying these structural problems of enforcement, it is clear that it is not enough to have these provisions in the peace agreement, there are further requirements to monitor whether these provisions are being put into effect and whether they are producing results.

The 12 Point Understanding of 2005, the Comprehensive Peace Agreement of 2006, the Common Minimum Programme, and the Interim Constitution of Nepal 2007, guarantee the return of land rights to IDPs. However, lack of government will and resources; and international indifference to the specific situation of these IDPs, seem to have narrowed IDPs choices.

Building on the Scholarly Literature

The argument presented in this paper differs from other theories on IDP return and resettlement, primarily in its assertion that solving property problems in the post-conflict reconstruction phase is important to solving the problem of internal displacement. Yet resolving the property problem is no guarantee that people will physically return to their pre-war locations, although it provides them with the means to resettle and to reintegrate at the end of the conflict if they so choose. Thus, addressing the property problem is a necessary, but not a sufficient condition for return, though it is definitely an important factor with regards to resettlement.

Re-establishing, or in cases where they did not previously exist, granting property rights would also benefit refugees, development-induced IDPs, and IDPs in situations of natural disasters. For example, in a working visit to Asia, the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, "noted the importance of addressing problems related to property, as the loss of

property was a problem common to all countries affected by the tsunamis" (Kälin 2005, p. 23). He states:

> Even where IDPs are willing and otherwise able to return home, property issues may pose an additional barrier. Property claims may compete over particular plots, particularly where a natural disaster has wiped out landmarks used for demarcation. In some areas, it is rare for residents to have obtained formal title or other evidence of land ownership in the first place. Where they are used, property records, both individual and those maintained by authorities, may have been destroyed as a result of the disaster. (Kälin 2005, p. 23)

Thus, other categories of displaced populations also find themselves in similar situations to conflict-induced IDPs. Displaced persons, refugees, or IDPs are all deprived of their property for reasons beyond their control. Solving their property rights issues would not only provide them a physical space to return to, but would also allow them to sell and resettle and reintegrate elsewhere.

Conclusion

As in other countries like Bosnia, Kosovo, South Africa, Cyprus, property in Nepal is a complicated and sensitive issue for quite a few reasons. Resolving land disputes in this country is essential to resolving the overall political crisis. Disputes over access and claims to land, and the use and security of land, have been a dominant issue throughout the Nepalese conflict, and not addressing these disputes hinders the maintenance of a delicate and emergent peace. Due to a political numbers game, by inflating and reducing the numbers based on different political agendas, there is no accurate data, neither on the actual numbers of the displaced, nor on the quantity of land and property involved within the peace negotiations. However, the property issue is a great concern to those displaced during the decade long conflict. The land that the IDPs abandoned in the Terai area is considered an even more important economic asset when weighed against the other parts of the country. Land in Nepal has a sentimental or psychological value as well as an economic one. Many Nepalese do not see land and property simply as an economic tool, but also as a symbol of status and wealth and as a connection to a past that they have lost. In Nepal where the status in society has been very much related to land ownership, leaving their property behind was a big blow for the IDPs.

A number of problems require urgent attention to ensure that property rights do not seriously undermine progress towards a durable peace in the country. The absence of an overall framework to deal with property rights issues with the necessary urgency is apparent. This framework should include a coherent land policy, adequate legislation, functioning institutions, a law enforcement capacity and supporting services. Mechanisms to enforce property restitution should be introduced.

Given the lack of an enforcement mechanism and the weakness of the administration system, it is reasonable to expect that land disputes throughout the country will remain largely unaddressed unless there is a considerable effort to tackle the underlying problems. This will increase dissatisfaction and tension, which could lead to new or renewed conflict in areas where access to land is the key to people's livelihoods and survival.

If appropriate legislative, judicial and administrative reforms are made, which ensure greater respect for the rights of legitimate land owners and users, and then this will enable the possible, adequate settlement of existing and future disputes through restitution or an appropriate level of compensation. However, given the current situation in Nepal, it would be unrealistic to expect such dramatic change in the short term, unless there are sustained or coordinated efforts by the UN, INGOs, NGOs, and donor governments to provide the necessary technical expertise and resources support to facilitate these reform process at all levels. The process of repossession and compensation of HLP (in the case where Maoists are the defendants) is likely to be a lengthy process, and should be addressed by a legal framework as well as land reform legislation developed through political compromise. Indeed, it is urgent to establish an independent National Property and Land Restitution Commission to deal with these issues in Nepal.

This paper concludes that solving the internal displacement problem is crucial in Nepal for building peace, and any solution to the problem of internal displacement must include institutionalised property rights for IDPs. Granting property rights to IDPs is important not only for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere, which includes their resettlement and reintegration.

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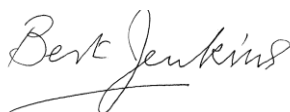

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CHAPTER EIGHT

CONCLUSION

CONCLUSION

The record of assistance to and protection of internally displaced in Nepal, whether by national or international actors, remains very poor. Despite some progress in increasing international awareness and recognition of IDPs and their needs, plus improving national and international responses to the predicament of internally displaced on the basis of the *UN Guiding Principles 1998*, the treatment of internally displaced is highly inconsistent. The vast majority of people displaced by armed conflict are enjoying little or nothing in the way of meaningful protection.

Many questions still surround the utility or suitability of the IDP category as a basis for determining protection and assistance efforts on the ground. Contention around the IDP label centres on the extent to which IDPs can and should be identified as a distinct group. Whether, once they are identified, IDPs necessarily require special treatment compared to other people and the questions of who should undertake protection and assistance efforts on their behalf and how this should take place still remain open today. Much of the impetus behind recent efforts to improve recognition of IDPs and improve their protection derives from the argument that IDPs should not be denied the type of protection and assistance that is afforded to refugees simply because they have not crossed an international border. Instead, protection should be extended for all civilians in wartime − including both displaced and non-displaced − on the basis of international humanitarian and human rights law.

As discussed in chapter three, the Maoists especially targeted political party members, government officials, landowners, teachers, local merchants, and people they considered to be spies or informers, whereas state security forces were responsible for displacing poor people, in general because they could be Maoist sympathisers. Reduction of employment opportunities and closure of the business and education system in rural areas due to the escalation of violence and insecurity, has forced the displacement of people to semi-urban areas in Nepal, or even across neighbouring borders as far as India.

These people were forced to abandon their homes-land because of the brutal killings, torture, abductions, threats, extortion, and by being forced to provide food/resources to combatants. Their land was also often captured or taken over by the Maoists. State

security forces also often retaliated against whole villages, groups of people or individuals they considered to be Maoists or Maoist sympathisers. Most of the causes of displacement were associated with the violence and terror inflicted by the Maoists and the counter violence unleashed by the state security forces in the name of controlling them. The Maoists had forced the displacement of people, especially by threatening them with loss of life, extortion, forced enlistment into the militia and other causes. On the other hand the state security forces suspected the powerless villagers of involvement in the People's War and thus tortured and threatened them in different ways, which ultimately forced their displacement from their place of origin.

Those displaced by the ongoing violence have not shifted to a specific place, plus the background of the people being displaced has not always similar. The family members, economic ability, economic opportunities, relatives and friends all have played important roles in determining the destination of displaced persons. Subsequently, some IDPs resided in nearby villages with their relatives in order to seek refuge more immediately from increasing dangers while others for long term security sought refuge in either their own or other district headquarters, where they had some acquaintance/s. However, there were many IDPs who were directly moved to urban regional cities, such as the capital city, Kathmandu, as well as those who moved into India. The regional city centres have had an influx of IDPs, not only from the same districts but also from adjoining districts, which increased the pressure on basic service delivery of drinking water, rental properties and associated costs, and health and education services. The host communities in the study districts have been generally sympathetic towards IDPs, do not perceive IDPs as security threats, and feel that they are not troublesome people. In contrast to this, IDPs felt they were discriminated against and looked down upon by the host communities.

Not all displaced persons were equally vulnerable or more vulnerable than non-displaced groups, as IDPs were not always clearly distinguishable from other groups. Government authorities have not encouraged people displaced by state security forces to come forward with their problems, and people remained reluctant to register as displaced people for fear of retaliation or being suspected as rebel sympathisers. Even if IDPs were identified or even formally recognised by national authorities, political or

humanitarian actors, it remains questionable whether their access to effective protection was improved as a consequence.

Chapter four revealed that there is a lack of consensus as to the definition of IDPs; consequently their numbers have been estimated as ranging from 25,000 to as many as 400,000. The main causes of inaccurate data on IDPs are that: (1) there was not a single institution to count the number of IDPs during conflict, and (2) the state tended to adopt different definitions of IDPs that caused either inflation or reduction in the number of IDPs. The hidden nature of internal displacement coupled with covert mobility patterns in Nepal made it difficult to provide accurate estimates on the total number of people displaced by armed conflict. Migration flows to India and urban migration to the main cities were difficult to monitor and all estimates were therefore highly exploratory, very rough and difficult to verify. Neither the state nor the international organisations have a comprehensive registration and monitoring system to enable a more accurate estimation of population movements. The pertinent question remains unanswered with respect to estimating accurately the numbers of people who have fled Nepal as a consequence of the conflict and how to distinguish these numbers from the "regular" urban or economic migrants. Without accurate data on all genuine IDPs, it continues to be impossible to respond effectively to their needs. Accurate numbers are a necessity in order to devise programs and policies that deal appropriately with the requirements and vulnerabilities of IDPs.

In addition, it has been observed that the lack of accurate data is a result of the lack of internationally accepted standards of the definition and measurement of IDPs. The definition of IDPs in the UN Guiding Principles suggest that all those who were displaced in Nepal due to the fighting and have moved to India to pursue a safer or better life are automatically not considered to be IDPs, but refugees. Since a treaty between Nepal and India was signed in the 1950s, all Nepalese have the right to travel freely to and from India without travel documents; they are not readily categorised as refugees. IDPs that fled to India as consequences of conflict are classified neither as refugees nor IDPs. So, large numbers of those displaced have been excluded from their state, as well as from gaining international protection and support. Therefore, this study concludes that the definition of IDPs should be revised to include all these people.

Chapter five explored the discrepancy between the government policies on IDPs and what is actually implemented. Though the government has been introducing policies to address the problems of IDPs at different times (2001, 2006 and 2007) since 2001, they are insufficient, discriminatory, lacking in direction and implementation of them has been sometimes non-existent. Government discrimination is legitimised through the biased and very narrow definition provided for IDPs and a lack of national standards and implementation mechanisms.

The new national policy, which came to fruition in 2007, was designed to address the problems of IDPs; however without any local mechanism for implementation and approval of the Policy Directives having been executed, it is unlikely to be successful. The national policy requires a working manual to instigate clear mechanisms for its proper implementation (MoP&R, 2007b, p. 17). Local peace committees are another important tool for the implementation of the national policy, but most of them still are not functional and they need specific government resources to make them operational. The registration provision provided within the policy has grossly deviated from its intention, as modes of working within the provisions have been impacted upon by political interference. This situation has led to a partisan approach and has blocked registration of many IDPs in some districts (e.g. Kailali and Bariya).

Government funds were accessible to well-connected politicians, bureaucrats and their clients more than to "ordinary citizens". Government assistance has only flowed to people displaced during the period 1996 to 2006, while excluding those displaced after 2007, including those displaced as a consequence of the Terai conflict. Formal commitments by governments to the principles of IDP protection are rarely matched by effective implementation, whether by design, neglect, incapacity or lack of political will. Finally, this chapter concluded that development and adaptation of policy alone are not enough to address IDP issues; there is an urgent need for processes to be put in place for effective implementation of the policy, which simultaneously requires strong and coherent political commitment and will from the government of Nepal.

As discussed in chapter six, this study addressed the fact that a better understanding of displaced people's return planning, and the motivations underpinning them, is fundamental to developing effective strategies that result in appropriate protection,

humanitarian assistance and reintegration support as well as sustainable development for people displaced by conflict. After the signing of the CPA in 2006, thousands of IDPs have returned either spontaneously or with the help of Human Rights NGOs. However, many IDPs are still uncertain about the security situation or are unable to make it back to their homes due to financial constraints. Ongoing political crises have hampered the peace process and the prospects for reconciliation and finding durable solutions to displacement. This study demonstrates that threats to security, extortion, return conditions provided by the Maoists, economic hardships upon return and the non-return of land or property are the main factors preventing IDPs returning to their places of origin.

Those IDPs, who have been willing to return, are the only ones who attain support from the government, as well as from non-government organisations, and no provisions have been set aside for those IDPs willing to integrate within their displacement area or to resettle elsewhere. A "return only" policy is not the only correct method for solving the problem of displacement. As was stated earlier, IDPs make choices rationally, calculating their gains and losses before taking action. Therefore, different options must be open to them. Providing the means to regain their property rights to their houses, land, and other immovable property, is a good beginning, but it is not enough. Any efforts aimed at the return of IDPs in post-war situations will not translate into the sustainability of return and reintegration if there are no clear, well formulated, strategic, legal and procedural safeguards and practices to address issues, such as land restitution, livelihood support, food and physical security and, legal and human rights.

Effective and constructive coordination is also required between all the key stakeholders (government, civil society, UN and donor communities) within the broader context of post-war recovery, development and peace building while paying due attention to the needs and challenges of the returnee population and their communities. Coordination within and between the government institutions and members of the international community operating in Nepal should be guided and informed by coherence and consistency in any initiatives or policies aimed at highlighting and tackling the problem of property restitution in general and with respect to ensuring the livelihoods, physical security of returnees and the overall sustainability of return.

Given the current situation and prevailing challenges of return and reintegration of IDPs in Nepal, fulfilling this task requires an effective and well coordinated effort which requires more resources, capacity, commitment and time. It should be noted that ensuring the sustainable return of IDPs depends upon a number of political factors such as the effectiveness of governance by the central government, formation of a functional peace committee and re-establishment of local level government institutions such as Village Development Committees and police posts which were abandoned during the decade long conflict. It is imperative to emphasise once again that the return of IDPs and their sustainable reintegration in relation to land restitution issues would not be achieved without a strong and coherent political commitment and will.

Chapter seven elucidated that property in Nepal is a complicated and sensitive issue for quite a few reasons. Land has a sentimental or psychological value as well as an economic one. Many Nepalese do not see land and property simply as an economic tool, but also as a symbol of status and wealth and as a connection to a past that they have lost. In line with the literature that considers property rights as key to economic development, property has an economic importance for those IDPs who can turn it into an economic asset (De Soto, 2000; Feder & Feeny, 1991; Furubotn & Pejovich, 1972; Keefer & Knack, 2000; North, 1981, North & Weingast, 1989; Rodrik, 2003;). However, property is also about identity and status, as well as loss of the past. In Nepal where status in society has been very much related to land ownership, leaving property behind was a big blow for the IDPs. The land that the IDPs abandoned, especially in Terai, is considered an even more important economic asset when weighed against the other parts of the country. Besides this, many people have invested their entire lifetime earnings in their houses and lost them overnight due to displacement.

Resolving land disputes is essential to resolving the overall political crisis. Disputes over access and claims to land and the use and security of land have been dominant issues throughout the conflict, and not addressing these disputes hinders the maintenance of a delicate and emergent peace. Due to a political numbers game on both sides, where numbers are inflated or reduced according to different political agendas, there are no accurate data, neither on the actual numbers of the displaced, nor on the quantity of land and property involved in the peace negotiations. Although issues on housing, land and property are hotly debated in the political arena, little has been done

to resolve issues that still hamper the sustainable return of IDPs. Although various agreements and commitments were made at the central government level, genuine implementation at the field level is not taking place. Since signing the 12 Point Understanding with the SPA, Maoists have made many commitments aimed at resolving HLP issues, but these promises have not been fulfilled.

A number of problems require urgent attention to ensure that property rights do not seriously undermine progress towards a durable peace in the country. The absence of an overall framework to deal with property rights issues with necessary urgency is apparent. This framework should include a coherent land policy, adequate legislation, functioning institutions, law enforcement capacity and supportive services. Mechanisms to enforce property restitution also should be introduced. Given the lack of enforcement mechanisms and the weakness of the administration system, it is reasonable to expect that land disputes throughout the country will remain largely unaddressed unless there is a considerable effort made to tackle underlying problems. This will increase dissatisfaction and tension, which could lead to new or renewed conflict in areas where access to land is central to people's livelihood and survival prospects.

If appropriate legislative, judicial and administrative reforms are made, which ensure greater respect for the rights of legitimate land owners and users and then this will enable the possible, adequate settlement of existing and future disputes through restitution or an appropriate level of compensation. However, given the current situation in the country, it would be unrealistic to expect such dramatic change in the short term unless there are sustained or coordinated efforts made by the UN, NGOs, and donor communities to provide the necessary technical expertise and resources support to facilitate these reform processes at all levels. Thus, it is urgent to establish an independent National Property and Land Restitution Commission to deal with these issues and the process of repossession and compensation of HLP to IDPs should be addressed by a legal framework as well as land reform legislation developed through political compromise as stipulated in the CPA (clauses 3.7 and 5.1.8) and subsequent agreements.

This chapter has argued that solving the internal displacement problem is crucial for building peace, and any solution to the problem of internal displacement must include

institutionalised property rights for IDPs. Granting property rights to IDPs is important not only for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere, i.e. to resettle and reintegrate. Fifty percent of the peace agreements throughout the world that have included provisions on the return of refugees and IDPs displaced as a result of civil conflict have failed to address the issue of property rights. By neglecting an important means of achieving return and resettlement, they have not succeeded in solving their IDP crises, which are important issues that affect peace building and post-conflict reconstruction.

Implications for Future Research

The theory presented in this thesis differs from other theories on IDP return and resettlement primarily in its assertion that solving property[48] problems in the post-conflict reconstruction phase is an important prerequisite to solving the problem of internal displacement. Solving the property problem is no guarantee that people will physically return to their pre-war locations, but it provides them with the means to resettle and to reintegrate at the end of the conflict if they so choose. Thus, solving the property problem is a necessary but not a sufficient condition for return, although it is definitely an important or essential factor in relation to resettlement.

The argument presented here also has implications for other displaced persons. Re-establishing, or in cases where they did not previously exist, granting property rights would also benefit refugees, development-induced IDPs, and IDPs in natural disaster situations. For example, in a working visit to Asia, the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, "noted the importance of addressing problems related to property, as the loss of property was a problem common to all countries affected by the tsunamis" (Kälin, 2005, p. 23). He stated:

> Even where IDPs are willing and otherwise able to return home, property issues may pose an additional barrier. Property claims may compete over particular plots, particularly where a natural disaster has wiped out landmarks used for demarcation. In some areas, it is rare for residents to have obtained formal title or other evidence of land

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[48] As discussed in this thesis, property implies housing opportunities, land for subsistence farming, or means of capital to build lives in Nepal.

> ownership in the first place. Where they are used, property records, both individual and those maintained by authorities, may have been destroyed as a result of the disaster. (Kälin, 2005, p. 23)

Thus, other categories of displaced persons also find themselves in similar situations to conflict-induced IDPs. Displaced persons, refugees, or IDPs are all deprived of their property for reasons beyond their control. Solving their property rights issues would not only provide them with a physical space to return to, but would also give them the means to resettle and reintegrate.

Secondly, the findings here are also relevant to the civil war literature since they make a distinction between greed theory, which concentrates on the economic causes of civil war, and grievance theory which focuses on ethnic and religious divisions, political repression, and inequality. Property is both a significant economic asset, and as this study shows, in a Nepalese society where certain caste and ethnic divisions exist, it is also an important determinant of identity, social status and horizontal inequality. Thus, investigation of property in conflict environments could provide a means to synthesise these two main theories of civil war into one where both greed (property as an economic asset) and grievance (property as a determinant of identity) develop around different conceptualisations of property.

This leads to a third related observation relevant to the literature on peace building and post-conflict reconstruction where liberal transformation strategy is currently the focus of much academic research and criticism. This thesis has demonstrated that securing property rights does have positive consequences for one part of peace building, that of IDP return or resettlement and the ability of that part of the population to get on with their lives. However, there is still a need for more globally comparative studies to extend this research in order to investigate the effects of securing property rights in post-conflict environments in the long term for other parts of the population − especially women whose property rights are in continuous violation or completely disregarded in Nepal, as well as many other parts of the world.

Fourthly, the lack of accurate data on IDPs paves the way for new research. As stated earlier, the problem can be analysed at the global, state and local individual levels and is not only specific to Nepal. The problems exposed in this study also apply to other parts of the globe, specifically where there was a lack of a global methodology and a single

international standard for counting displaced populations; numbers of IDP's were either inflated or reduced at the state level based upon different political agendas; and, on the local individual level, people often avoided the identity of IDPs in order not to be discriminated against or persecuted.

Implications for Policy-Makers

Since the end of the Cold War, considerable time and international resources have been committed to peace building and post-conflict reconstruction in which return of displaced populations to their pre-war homes is an important priority. This thesis puts forward five suggestions about how best to focus these efforts to achieve success.

The main finding is that outsiders should not be lured into the false belief that all IDPs are victims waiting for the right moment to return home. Not all IDPs want to return. For many IDPs, displacement brings with it new opportunities for establishing their lives elsewhere. Thus, policy should not follow a "return-based" but a "rights-based" approach, because granting people rights over their property provides them with choices they would otherwise not have. Instead of pushing them into something they would not choose for themselves − we see in the case of Nepal that return-based policies often promote undesirable, on-paper returns alone − while a rights-based policy endows people with the ability to choose their future. Thus, as the *UN Guiding Principles 1998* also highlights, the focus should not be on return *per se*, but on allowing IDPs different choices such as resettlement and reintegration by institutionalising their rights over their property.

Second, there is a contrast between how the policy world measures return and resettlement and the empirical reality, and there is a need to overcome these differences in order to create better policies. For example, a registration exercise cannot reveal the true nature of return and resettlement. In some districts, registering with the authorities does not necessarily mean that people physically intend to return home as in Banke, while in other districts people specifically choose not to register with the authorities for fear of persecution or discrimination as in Bardiya and Kailali. One solution for policymakers could be to rely on expertise from the academic world. There are many scholars who conduct field research and analysis on internal displacement in particular

regions and who focus on problems of return and resettlement, yet are unlikely to have established regular relationships with those in the policymaking world.

This leads to a third and related observation that has arisen frequently throughout this study: the lack of accurate data as a result of the lack of internationally accepted standards of definition and measurement of identifying IDPs. This study illustrates that the category of IDP can be manipulated by political actors with different agendas, e.g. to define who can be included or excluded from receiving benefits expressly available for IDPs. The problem is difficult to overcome, as authority on the issue of internal displacement finally resides with the sovereign state and not with an international decision-making body. It is my opinion that a binding international treaty with a standard definition of IDPs might partially resolve these difficulties. However, such a binding treaty is not likely to become an international priority in the near future, and so even if a standard definition is created, its effectiveness would be limited.

This research is also critical of the latest developments in the policy world in its efforts to categorise IDPs. In 2007, the Brookings Institution – University of Bern Project on Internal Displacement, published a booklet called *When Displacement Ends: A Framework for Durable Solutions,* which outlines the conditions under which IDPs can be seen to have attained a durable solution and no longer need to be the focus of specific attention (Brookings, 2007). The framework mainly determines this important point by describing it as being: "when IDPs no longer have needs that differ from the population around them" (Brookings, 2007, p. 9). Although the efforts to create a standard framework to decide the temporal limits of internal displacement are welcome, there is a problem with comparing the needs of the IDPs with the population at large. Treating IDPs just like any other group, instead of a special category is unfair to them because they are a special group for all intents and purposes surrounding internal displacement. At least in the case of the restitution of IDP property rights, subjecting IDPs (who had to leave their homes because of a threat of violence) to the same property rights mechanisms as a normal citizen is unjust.

Although the Brookings – Bern criteria might be practical in certain cases for peace building or conflict termination, it definitely presents a setback for bringing about post-conflict justice. Next, and related to the previous point, this study suggests that there is a

need to change the perception of justice in peace building. It needs to shift from being simply a focus on reconciliation to include reparation as well. Reconciliation within post-war societies is important not only to alleviate the animosities created as a result of the conflict but also to overcome further divisions that can be created during the post-conflict reconstruction phase. Addressing issues of justice only through reconciliation is not enough. Wars create loss, and IDPs are both the first hand observers (unlike refugees who are out of the country during war, IDPs remain in proximity to the violence during war) and the immediate losers. They leave behind their material belongings – their land, houses, their lifetime investments and the symbols of their status in the eyes of their society. They also leave behind their past – their photo albums, the trees they planted when their first child was born, their homes, their neighbours and their social network. It is impossible to recreate their homes as they were in the past, but there is a need to create at least a sense of justice in the form of reparations for such losses, for instance, the provision of means to build new homes and lives.

The issues of internal displacement analysed here suggest that at least one final lesson can be drawn from past experience. Addressing internal displacement, return, reconciliation and property issues in peace agreements is important, but if outsiders truly expect such provisions to be transferred into practice, they must consider how the institutional parameters of any post-conflict government shape implementation. Peace agreements may be crucial for ending civil wars, but implementation of policy provisions matters far more in creating a lasting peace. Therefore, formulating policies alone although important and necessary is not enough to ensure the protection of IDPs and to end displacement; it is necessary to implement the policies and monitor whether the provisions are producing positive results. The government of Nepal needs to be responsible in delivering these positive results and their progress needs to be monitored by the international community and civil society in some shape or form.

Concluding note from the Researcher's Perspective

When I began to develop the idea for this research, the Internal Displacement Monitoring Centre was called the Global IDP Project, and there were 49 countries with conflict-induced internal displacement within their database. Today there are 52 and some of the countries have been replaced by others; King Gyanendra was Head of State

in Nepal, but now it is a Republic, a Democratic Country and the President is the Head of State; the Guiding Principles were not translated into many languages but the list is growing every day, and the literature on internal displacement was rather narrow while currently it is fast developing across numerous disciplines. Thus, as time passed, the task of updating the materials presented here became enormous. Even as I write these sentences, I have received yet another update on the profile of IDPs from Nepal. However, although all of these developments have been rather frustrating for me as a PhD candidate, they also are hopeful signs that things are changing for the better for the IDPs of the world. The issue is as alive as ever today as when I began this research journey. Many might object to this rather optimistic attitude with the argument that the number of IDPs in the world is also as high as ever. I agree with them, and I also hope that one day displacement can be prevented before it occurs.

Nevertheless, at least for the time being, it seems that people will continue to become displaced for one reason or another. They can sometimes cross borders and gain protection as refugees, but they are often limited to stay within their own countries. They leave their homes (not houses, homes), they fear persecution, death, violence and so they run away from their significant places of origin; their homes. Their parents' graves are left behind, as well as their harvests and the gardens where their children used to play. Sometimes the exodus is so sudden that the food is left in the oven and the tea in the cup on the breakfast table.

My attitude is straightforward: people are displaced. There are almost 26 million IDPs in the world. What can be done to end their predicament, to facilitate their return or resettlement or reintegration? As this thesis has argued, granting IDPs property rights and the implementation of the policies developed, are definitely important steps forward. However, there is a bigger purpose that this thesis is trying to serve. My aspiration is that the arguments presented in this work can stimulate discussion about internal displacement thus open new doors for research within this area. The fact that there is an ever-increasing awareness of the issue is an optimistic sign for the increasing number of IDPs, and I hope that this work will provide another small but significant contribution towards raising this awareness.

REFERENCES

REFERENCES

12 Point Understanding 2005 between the Seven Political Parties and Nepal Communist Party (Maoist) in November 2005. Accessed from http://www.peace.gov.np/admin/doc/12-point%20understanding-22%20Nov%202005.pdf

Achieng, R. (2003). Home here and home there: Janus-faced IDPs in Kenya. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 17-18.

ADB (2004). Nepal: Country strategy and program 2005 – 2009. Kathmandu: Asian Development Bank, September 2004. Accessed from http://www.adb.org/Documents/CSPs/NEP/2004/Appendix.pdf

Adelman, H. (2003). What is the place of IDP research in refugee studies? *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 14-15.

Adelman, H. (2002). Refugee repatriation. In S. J. Stedman, D. Rotchild & E. M. Cousens (Eds.), *Ending civil wars: The implementation of peace agreements* (pp. 273-302). Boulder and London: Lynne Reinner.

Agar, M. (1977). Ethnography in the streets and in the joint: A comparison. In R. Weppner (Ed.), *Street ethnography: Selected studies of crime and drug use in natural settings* (pp. 143-156). Beverly Hills, CA: Sage Publications.

Agar, M. (1980). *The professional stranger: An informational introduction to ethnography*. New York: Academic Press.

Allen, T., & Morsink, H. (Eds.). (1994). *When refugees go home: African experiences.* Trenton: African world Press.

ALNAP (2005). Protection. An ALNAP guide for humanitarian agencies. London: Overseas Development Institute. Accessed from http://www.alnap.org/pool/files/alnap-protection-guide.pdf

American Anthropological Association (1990). *Professional ethics: Statements and procedure of the American Anthropological Association*. Washington, DC: American Anthropological Association.

Amnesty International (2005). Nepal: Fractured country, shattered lives. London: Amnesty International. Accessed on 8 March 2008 from http://archive.amnesty.org/library/Index/ENGASA310632005?open&of=ENG-NPL

Annells, M. (1996). Grounded theory method: Philosophical perspective, paradigm of inquiry, and postmodernism. *Qualitative Health Research*, 6(3), 379-393.

Bagshaw, S. (2003). Property restitution for internally displaced persons: Developments in the normative framework. In S. Leckie (Ed.), *Returning home: Housing and property restitution rights of refugees and displaced persons.* Ardsley: Transnational Publishers, Inc.

Bagshaw, S., & Paul, D. (2004). *Protect or neglect? Towards a more effective United Nations approach to the protection of internally displaced persons.* Washington, DC: The Brookings-SAIS Project on Internal Displacement and The UN Office for the Coordination of Humanitarian Affairs − Inter-Agency Internal Displacement Division.

Bailliet, C. (2003). Researching transnational approaches to IDP protection: A legal perspective. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review,* (Special Issue), 10-11.

Banerjee, P. (2006). IDP protection at the national level in South Asia. *Forced Migration Review*, (Special Issue), 18-19.

Barutciski, M. (1998). Tensions between the refugee concept and IDP debate. *Forced Migration Review*, 3, 11-14.

Beau, C. (2003). National legislation. *Forced Migration Review*, 17, 16-18.

Benmayor, R., & Skotnes, A. (1994). Some reflection on migration and identity. In R. Benmayor & A. Skotnes (Eds.), *Migration and identity* (pp. 1-18). Oxford: Oxford University Press.

Benezer, G. (1999). Trauma signals in life stories. In K. Rogers, G. Dawson & S. Leydesdorff (Eds.), *Trauma and life stories: International perspectives* (pp. 29-44). London: Routledge.

Bennett, J. (1998). Forced migration within national borders: The IDP agenda. *Forced Migration Review,* 1, 4-7.

Bernard, H. R. (2000). *Social research methods: Qualitative and quantitative approaches*. Thousand Oaks: Sage Publications.

Bernard, H. R. (1988). *Research methods in cultural anthropology*. Newbury Park, CA: Sage Publications.

Bhandari, A. (2003, 19 February). In the eye of storm. *The Kathmandu Post*.

Bhattarai-Ghimire, A., & Upreti, B. (2008). Conflict induced displacement: An emerging phenomenon of internal migration in Nepal. In K. N. Pyakuryal, B. R. Upreti and S. R. Sharma (Eds.), *Nepal: Transition to transformation* (pp. 101-139). Kathmandu: HNRSC and NCCR North-South.

Bieber, F. (2005). Local institutional engineering: A tale of two cities, Mostar and Brcko. *International Peacekeeping (Frank Cass)*, 12(3), 420-433.

Biemacki, P., & Waldorf, D. (1981). Snowball sampling: Problems and techniques of chain referral sampling. *Sociological Methods and Research*, 10(2), 141-163.

Black, R., & Koser, K. (1999). The end of the refugee cycle? In R. Black & K. Koser (Eds.), *The end of the refugee cycle? Repatriation and reconstruction* (Vol. 4, pp. 2-17). New York: Berghahn Books.

Bogdan, R. & Taylor, S. J. (1975). *Introduction to qualitative research methods: A phenomenological approach to the social science*. New York: John Wiley and Sons.

Bonoan, R. (2003). Cessation of refugee status: A guide for determining when internal displacement ends? *Forced Migration Review*, 17, 8-9.

Boutros-Ghali, B. (1992). *An agenda for peace: Preventive diplomacy, peacemaking and peacekeeping*. New York: United Nations.

Boyatzis, R. (1998). *Transforming qualitative information*. Thousand Oaks, London and New Delhi: Sage Publications.

Boyce, J. K., & Pastor, M. Jr. (1997). Macroeconomic policy and peace building in El Salvador. In K. Kumar (Ed.), *Rebuilding societies after civil war: Critical roles for international assistance* (pp. 287-314). Boulder and London: Lynne Rienner.

Bradley, M. (2007). *Return in dignity: A neglected protection challenge*. (RSC Working Paper Series). Oxford: The Refugee Studies Centre.

Brenkert, G. (1979). Freedom and private property in Marx. *Philosophy & Public Affairs*, 8(2), 122-147.

Brewer, J., & Hunter, A. (1990). *Multimethod research*. Newbury Park, CA: Sage Publications.

Brookings (2009). National and regional laws and policies on internal displacement: Index. Washington, DC: The Brookings Institution. Accessed from http://www.brookings.edu/projects/idp/Laws-and-Policies/idp_policies_index.aspx

Brookings (2007). *When displacement ends: A framework for durable solutions*. Washington, DC: The Brookings Institution. Accessed from http://www.brookings.edu/~/media/Files/rc/reports/2007/09displacementends/2007_durablesolutions.pdf

Brookings (2005a). *Addressing internal displacement. A framework for national responsibility*. Washington, DC: The Brookings Institution. Accessed from http://www.brookings.edu/fp/projects/idp/20050401_nrframework.pdf

Brookings (2005b, April 22). *Internally displaced in Nepal overlooked, neglected, UN Expert says after mission*. [Press release]. Washington, DC: The Brookings Institution. Accessed from

http://www.brookings.edu/~/media/Files/rc/articles/2005/0422humanrights_fix authorname/20050422_nepal_mission.pdf

Brown, M. (2004). Building a framework for the collaborative study of VET teachers' practice. Paper presented at the *7th Annual Conference of the Australian Vocational Education and Training Research Association*, Canberra.

Brun, C. (2005). *Research guide on internal displacement. Forced migration online research guide*. Norwegian University of Science and Technology (NTNU): Research Group on Forced Migration.

Bulcha, M. (1988). *Flight and integration – causes of mass exodus from Ethiopia and problems of integration in Sudan*. Uppsala: Scandinavian Institute of African Studies.

Burr, M. (1990). *Khartoum's displaced persons*. Washington, DC: US Committee for Refugees.

Burton, J., Smith, M., & Otto, R. (2005). *Support to internally displaced persons: Learning from evaluations*. Swedish International Development Cooperation Agency. Accessed from www.reliefweb.int/library/documents/2005/sida-gen-28feb.pdf

Cairns, E. (1997). *A safer future: Reducing the human cost of war.* Oxford: Oxfam Publications.

Caritas (2006). *The dynamics of conflict induced displacement in Nepal*. Kathmandu: Caritas Nepal. Accessed from http://www.un.org.np/reports/CARITAS-NEPAL/2006/2006-8-16-dynamic%20of%20conflict-induced-displacement-conflict.pdf

Carlowitz, L. V. (2005). Resolution of property disputes in Bosnia and Kosovo: The contribution to peace building. *International Peacekeeping*, 12(4), 547-561.

Carlson, R., Siegal, H., & Falck, R. (1995). Qualitative research methods in drug abuse and AIDS prevention research: An overview. In E. Lambert, R. Ashery & R. Needle (Eds.), *Qualitative methods in drug abuse and HIV research* (pp. 6-26). Rockville: NIH.

Castles, S. (2003). Towards a sociology of forced migration and social transformation. *Sociology*, 37(1), 13-34.

Castles, S., & Miller, M. J. (1993). *The age of migration: International population movements in the modern world*. New York: Guilford Press.

Cepeda-Espinosa, M. J. (2006). How far may Colombia's Constitutional Court go to protect IDP rights? *Forced Migration Review,* (Special Issue), 21-23.

CHAP (2004). *Practitioner's kit for return, resettlement, rehabilitation and development: An agenda for a call for action*. Colombo: Consortium of Humanitarian Agencies.

Chamberlain, M., & Thompson, P. (1998). Introduction: Genre and narratives in life stories. In M. Chamberlain & P. Thompson, (Eds.), *Narrative and genre* (pp. 1-22). London: Routledge.

Charmaz, K. (1990). Discovering chronic illness: Using grounded theory. *Social Science & Medicine*, 30(11), 1161-1172.

Chimni, B. S. (2002). Refugees and post-conflict reconstruction: A critical perspective. *International Peacekeeping*, 9(2), 163-180.

Clark, L. (1989). *Early warning of refugees flows*. Washington, DC: Refugee Policy Group.

Clatts, M. (1991). Ethnography and AIDS intervention in New York City: The use of life history as a research strategy. In National Institute on Drug Abuse (Ed.), *Community-based AIDS prevention: Studies of intravenous drug users and their sexual partners* (pp. 225-233). Washington, DC: US Govt. Print. Off.

Cohen, R. (2004). The guiding principles on internal displacement: An innovation in international standard setting. *Global Governance*, 10(4), 459-480.

Cohen, R. (2003). The role of protection in ending displacement. *Forced Migration Review*, 17, 21-23.

Cohen, R. (2002). Internal displacement: Overview and information issues. Accessed on 13 February 2009 from http://www.brookings.edu/speeches/2002/0930humanrights_cohen02.aspx

Cohen, R. (1998). The development of international strategies to protect internally displaced persons. The Brookings-Cuny project on internal displacement. Accessed from http://www.brookings.edu/papers/1998/0507humanrights_cohen.aspx

Cohen, R. (1991). *Human rights protection for internally displaced persons*. Washington, DC: Refugee Policy Group.

Cohen, R., & Deng, F. (1998a). *Masses in plight: The global crisis of internal displacement.* Washington, DC: Brooking Institution Press.

Cohen, R., & Deng, F. (Eds.). (1998b). *The forsaken people: Case studies of the internally displaced*. Washington, DC: Brooking Institution Press.

COHRE (2005). *The Pinheiro Principles, United Nations Principles on housing and property restitution for refugees and displaced persons.* Geneva: Centre on Housing Rights and Evictions.

Coles, G. (1985, July 16-19). Voluntary repatriation: A background study. Paper prepared for the round table on voluntary repatriation convened by UNHCR and the International institute of Humanitarian Law. San Remo.

Collier, P., & Hoeffler, A. (1998). On economic causes of civil war. *Oxford Economic Papers*, 50(4), 563-573.

Collier, P., & Sambanis, N. (2005). Preface. In P. Collier & N. Sambanis (Eds.), *Understanding civil war: Evidence and analysis* (pp. xii-xv). Washington DC: The World Bank.

Collinson, S. (2009). The emergent status of internally displaced person. In S. Collinson, J. Darcy, N. Waddell & A. Schmidt (Eds.), *Realizing protection: The uncertain benefits of civilian, refugee and IDP status* (pp. 39-53). London: ODI.

Comprehensive Peace Agreement (2006). Comprehensive peace agreement between Government of Nepal and Maoists. November 21, 2006, accessed from http://www.unmin.org.np/downloads/keydocs/2006-11-29-peace_accord-MOFA.pdf

Cox, M., & Garlick, M. (2003). Musical chairs: Property repossession and return strategies in Bosnia and Herzegovina. In S. Leckie (Ed.), *Returning home: Housing and property restitution rights of refugees and displaced persons*. Ardsley: Transnational Publishers, Inc.

Crisp, J. (1987). *Voluntary repatriation for refugees in developing countries: A bibliographical survey*. Geneva: UNRISD.

CSWC (2004). *Plight of internally displaced persons in Nepal: A call for an urgent intervention by the HMG/Nepal, United Nations, and International Community.* Kathmandu: Community Study and Welfare Centre. Accessed from http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/17A65899CD5DE444802570B700599B80/$file/CSWC_Feb04_IDP_paper.pdf

Dahlman, C., & Tuathail, G. (2005). Broken Bosnia: The localized geopolitics of displacement and return in two Bosnian Places. *Annals of the Association of American Geographers*, 95(3), 644-662.

Daly, K. (1992). The fit between qualitative research and characteristics of families. In J. Gilgun, K. Daly & G. Handel (Eds.), *Qualitative methods in family research* (pp. 3-11). Newbury Park: Stage publications.

Daudelin, J. (2003). *Land and violence in post-conflict situations*. Ottawa: The North-South Institute. Accessed from http://www.nsi-ins.ca/english/pdf/land_and_violence.pdf

Davies, A., & Murray, M. (2005). Implementation of collaborative system in Liberia. *Forced Migration Review*, (Suppl.), 17-20.

Demsetz, H. (1967). Toward a theory of property rights. *The American Economic Review*, 57(2), 347-359.

Deng, F. (2003). Opening remarks. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 5-8.

Deng, F. (2000). Preface to the first edition. In W. Kälin (Ed.), *Guiding principle on internal displacement. Annotation* (pp. xi-xiv). Washington, DC: The American Society of International law and Brookings Institution.

Deng, F. (1995). Dealing with the displaced: Challenge to the international community. *Global Governance*, 1, 45-57.

Deng, F., & Minear, L. (1992). *The challenges of famine relief: Emergency operations in Sudan*. Washington, DC: Brookings Institution Press.

De Soto, H. (2000). *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. New York: Basic Books.

De Soto, A., & Castillo, G. (1995). Implementation of comprehensive peace agreements. *Global Governance*, 1, 189-205.

Denzin, N. (1997). *Interpretive ethnography*. Thousand Oaks: Sage Publications.

Denzin, N. (1989). *The research act: A theoretical introduction to sociological methods* (3rd Edition). New York: Mcgraw Hill.

Denzin, N. (1978). *The research act: A theoretical introduction to sociological methods* (2nd Edition). New York: Mcgraw Hill.

Denzin, N. (1970). *The research act*. Chicago: Aldine.

Denzin, N., & Lincoln, Y. (2000). Introduction: The discipline and practice of qualitative research. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (2nd Edition, pp. 1-29). Thousand Oaks: Sage Publications.

Denzin, N., & Lincoln, Y. (1998). Introduction: Entering the field of qualitative research. In N. Denzin & Y. Lincoln (Eds.), *The landscape of qualitative research: Theories and issues* (pp. 1-34). Thousand Oaks: Sage Publications.

Dixit, P., & Sharma, S. (2003). *Impact of conflict on agricultural production and small landowners in Nepal*. Kathmandu: Report to MISEREOR by Centre for Economic and Social Development (CESOD).

Doyle, M. W., & Sambanis, N. (2006). *Making war and building peace: United Nations peace operations*. Princeton, NJ: Princeton University Press.

Doyle, M. W., & Sambanis, N. (2000). International peace building: A theoretical and quantitative analysis. *American Political Science Review*, 94(4), 779-801.

Duncan, C. R. (2005). Unwelcome guests: Relations between internally displaced persons and their hosts in North Sulawesi, Indonesia. *Journal of Refugee Studies*, 18(1), 25-46.

Eichenbaum, J. (1975). A matrix of human movement. *International Migration Review*, 13(1), 21-41.

Emerson, R., Fretz, R., & Shaw, L. (1995). *Writing ethnography field notes.* Chicago: University of Chicago Press.

Eriksson, M., & Wallensteen, P. (2004). Armed conflict 1989-2003. *Journal of Peace Research*, 41(5), 625-636.

Eschenbacher, J. (2005a). Making the collaborative system work. *Forced Migration Review*, (Suppl.), 15-16.

Eschenbacher, J. (2005b). The global internal displacement crisis: Recent developments and perspectives for an improved internal response. *Refugee Survey Quarterly*, 24(3), 49-60.

Escobar, A. (1995). *Encountering development: The making and unmaking of the third world.* Princeton, NJ: Princeton University Press.

Feder, G., & Feeny, D. (1991). Land tenure and property rights: Theory and implications for development policy. *The World Bank Economic Review*, 5(1), 135-153.

Feistma, J. (1989). Repatriation, law and refugees. *Netherlands Quarterly of Human Rights*, 3, 294-307.

Feller, E. (2006). UNHCR's role in IDP protection: Opportunities and challenges. *Forced Migration Review*, (Special Issue), 11-14.

Ferris, E. (2009, June 27). Comparative perspective on laws and policies addressing internal displacement. Paper presented at the conference on *Internal displacement in Turkey: Government responses*. Accessed from http://www.brookings.edu/~/media/Files/rc/speeches/2009/0627_turkey_ferris/0627_turkey_ferris.pdf

Ferris, E. (1993). *Beyond borders: Refugees, migrants and human rights in the post-cold war era.* Geneva: WCC Publications.

Fernandez, A., & Vidal, R. (2003). Colombia: The end of displacement or the end of attention? *Forced Migration Review*, 17, 28-29.

Fetterman, D. (1998). *Ethnography: Step by step*. Thousand Oaks: Sage Publications.

Foley, M. W., Vickers, G. R., & Thale, G. (1997). *Land, peace, and participation: The development of post-war agricultural policy in El Salvador and the role of the World Bank*. Washington, DC: Washington Office on Latin America.

Fortna, V. P. (2004a). Does peacekeeping keep peace? International intervention and the duration of peace after civil war. *International Studies Quarterly*, 48(2), 269-292.

Fortna, V. P. (2004b). *Peace time: Cease-fire agreements and the durability of peace*. Princeton, NJ: Princeton University Press.

Fortna, V. P. (2003). Scraps of paper? Agreements and the durability of peace. *International Organization*, 57(2), 337-372.

Furubotn, E. G., & Pejovich, S. (1972). Property rights and economic theory: A survey of recent literature. *Journal of Economic Literature*, 10(4), 1137-1162.

Garlick, M. (2000). Protection for property rights: A partial solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina. *Refugee Survey Quarterly*, 19(3), 64-85.

Garzoli, G. S. (2003, March 26-27). Experiences of displaced populations in Colombia, Guatemala, El Salvador and Peru. Paper presented at an *International Seminar on the guiding principles on internal displacement: Their use and application in the Americas, Lima, Peru*. Accessed from http://www.brookings.edu/~/media/Files/rc/speeches/2003/0326centralamerica _sanchez%20garzoli/peru20030326.pdf

Genzuk, M. (2003). *A synthesis of ethnographic research*. (Occasional Papers Series). Centre for Multilingual, Multicultural Research. University of Southern California. Los Angeles. Accessed from http://www-rcf.usc.edu/~genzuk/Ethnographic_Research.pdf

Gersony, R. (2003). *Showing the wind… History and dynamics of the Maoist revolt in Nepal's Rapti hills*. Portland: Mercy Corps International.

Ghimire, K. (1992). *Forest or farm? The politics of poverty and land hunger in Nepal*. Delhi: Oxford University Press.

Glaser, B. (1992). *Basics of grounded theory analysis*. Mill Valley, CA: Sociology Press.

Glaser, B. (1978). *Theoretical sensitivity: Advances in the methodology of grounded theory*. Mill Valley, CA: Sociology Press.

Glaser, B., & Strauss, A. (1968). *The discovery of grounded theory.* London: Weidenfeld and Nicolson.

Glaser, B., & Strauss, A. (1967). *The discovery of grounded theory: Strategies for qualitative research.* Chicago: Aldine.

Global IDP Project (2005). *Internal displacement: Global overview of trends and developments in 2004.* Geneva: Global IDP Project. Accessed from http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/5136B3B276CF8B9580 257090004E66A8/$file/Global_overview_2004_final_low.pdf

Global IDP Project (2001, March 12-14). Workshop on the conference on the UN guiding principles on internal displacement. Freetown, Sierra Leone. Accessed from http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/73A4E76ECA03633680257091004B8A17/$file/Sierra_leone_2001.pdf

Gold, R. (1958). Roles in sociological field observations. *Social Forces*, 36, 217-223.

Goodwin-Gill, G. S. (2000). UNHCR and internal displacement: Stepping into a legal and political minefield. In *World Refugee Survey 2000* (pp. 26-31). Washington, DC: US Committee for Refugees.

GPCWG (2008). *Handbook for the protection of internally displaced persons*. Geneva: Global Protection Cluster Working Group. Accessed from http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Protection/Protection%20Handbook/IDP%20Handbook_Complete_FINAL%20Jan%2008.pdf

Grbich, C. (1999). *Qualitative research in health: An introduction*. Thousand Oaks: Sage Publications.

Green, L. (1994). Fear as a way of life. *Cultural Anthropology*, 9(2), 227-256.

Gronn, P. C. (1982). Methodological perspective: Neo-Taylorism in educational administration. *Educational Administration Quarterly*, 18(4), 17-35.

GTZ, INF, SNV, UNDP/RUPP, NHRC & the Global IDP Project (2003). *Nepal IDP research initiative findings.* Kathmandu, Nepal.

Guba, E. G. (1978). *Towards a methodology of naturalistic inquiry in education*. (CSE Monograph series in Evaluation). Los Angeles: Centre for the Study of Evaluation, University of California.

Guiding Principles on Internal Displacement (1998). UN Doc E/CN.4/1998/53/Add.2, 11 February 1998. Accessed from http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument

Gyawali, P. (2005). A state of statelessness − a critical observation on government responsibility for conflict induced IDPs in Nepal. *Informal*, 19(2 & 3), 3-20.

Harrell-Bond, B. (1989). Repatriation: Under what condition is it the most desirable solution for Refugees? An agenda for research. *African Studies Review*, 32(1), 41-69.

Harre, R. (1986). *Varieties of realism*: *A rationale for the natural sciences*. Oxford: Blackwell.

Hartzell, C. A. (1999). Explaining the stability of negotiated settlements to intrastate wars. *Journal of Conflict Resolution*, 43(1), 3-22.

Hartzell, C., & Hoddie, M. (2003). Institutionalizing peace: Power sharing and post-civil war conflict management. *American Journal of Political Science*, 47(2), 318-332.

Hastings, L. (2001). Implementation of the property legislation in Bosnia Herzegovina. *Stanford Journal of International Law*, 37, 221-254.

Heimerl, D. (2005). The return of refugees and internally displaced persons: From coercion to sustainability? *International Peacekeeping (Frank Cass)*, 12(3), 377-390.

Hein, J. (1993). Refugees, immigrants and the State. *Annual Review of Sociology*, 19, 43-59.

Helton, A. C. (2002). *The price of indifference: Refugees and humanitarian action in the new century.* Oxford and New York: Oxford University Press.

Hermann, T. (2001). The impermeable identity wall: The study of violent conflicts by insiders' and outsiders'. In M. Smyth & G. Robinson (Eds.), *Researching violently divided societies. Ethical and methodological issues* (pp.77-91). London: Pluto Press.

Heywood, A. (2004). *Political theory: An introduction*. Hampshire and New York: Palgrave Macmillan.

HMG/N (2006). *Budget speech.* Kathmandu: Ministry of Finance.

HMG/N (2005). *Budget speech.* Kathmandu: Ministry of Finance.

HMG/N (2004). *Report of the task force to prepare the relief package including work plan for internally displaced persons*. Kathmandu: Ministry of Home Affairs.

HMG/N (2003). *Budget speech.* Kathmandu: Ministry of Finance.

Holliday, A. (2001). *Doing and writing qualitative research*. London: Sage Publications.

Holtzman, S. B., & Nezam, T. (2004). *Living in limbo: Conflict-induced displacement in Europe and Central Asia.* Washington DC: The World Bank.

Hynes, T. (2003). *The issue of trust or mistrust in research with refugees: Choices, caveats and considerations for researcher*. (New Research in Research Working Paper 98). Geneva: Evaluation and Policy Analysis Unit, UNHCR.

IASC (2006). *Package of guidance on implementing the cluster leadership approach at the country Level*. Geneva: UN Inter-Agency Standing Committee.

ICISS (2001). *The responsibility to protect*. *Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre. Accessed from http://www.iciss.ca/pdf/Commission-Report.pdf

ICG (2003). *Nepal: Back to the gun*. Brussels: International Crisis Group. Accessed from
http://www.crisisweb.org//library/documents/asia/nepal_back_to_the_gun.pdf

IDMC (2010). Nepal: *Failed implementation of IDP policy leaves many unassisted*. Geneva: Internal Displacement Monitoring Centre. Accessed from
http://www.nrc.ch/8025708F004BE3B1/%28httpInfoFiles%29/FFF5958EB13 C0AF8C12576B900395E1D/$file/Nepal_Overview_Jan10.pdf

IDMC (2009). *Internal displacement: Global overview of trends and developments in 2008*. Geneva: Internal Displacement Monitoring Centre. Accessed from
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/82DA6A2DE4C7BA41 C12575A90041E6A8/$file/IDMC_Internal_Displacement_Global_Overview_ 2008.pdf

IDMC (2008a). *Internal displacement: Global overview of trends and developments in 2007*. Geneva: Internal Displacement Monitoring Centre, Accessed from
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/BD8316FAB5984142C 125742E0033180B/$file/IDMC_Internal_Displacement_Global_Overview_20 07.pdf

IDMC (2008b). *Nepal: Sustainability of IDP returns undermined by lack of assistance, a profile of the internal displacement situation*. Geneva: Internal Displacement Monitoring Centre. Accessed from
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/0C72FF88A09C4BBFC 125746D003768E9/$file/Nepal_overview_June08.pdf

IDMC (2007). *Internal Displacement: Global overview of trends and development in 2006*. Geneva: Internal Displacement Monitoring Centre. Accessed from
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9251510E3E5B6FC3C1 2572BF0029C267/$file/Global_Overview_2006.pdf

IDMC (2006a). *Nepal: IDPs return still a trickle despite ceasefire (A profile of the internal displacement situation)*. Geneva: Internal Displacement Monitoring Centre.

IDMC (2006b). *Internal displacement: Global overview of trends and developments in 2005*. Geneva: Internal Displacement Monitoring Centre, Accessed from
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/895B48136F55F562C1 2571380046BDB1/$file/Global%20Overview05%20low.pdf

INSEC (2008). Formal – Informal. *Informal*, 25(3), 2.

INSEC (2007). *Human rights year book 2006*. Kathmandu: Informal Service Centre. Accessed on 10 June 2007 from
http://inseconline.org/hrybook_details.php

INSEC (2006). *Human rights year book 2005.* Kathmandu: Informal Service Centre.

INSEC (2003). *Informal*, 14(1). Kathmandu: Informal Sector Service Centre.

INSEC (1996). *Human rights year book 1995.* Kathmandu: Informal Sector Service Centre.

IPS (2008, December 9). Rights-Nepal: Maoists slow to return seized property. *Inter-Press Service.* Accessed from http://ipsnews.net/news.asp?idnews=45039

IPS (2005, March 23). Nepal encouraging vigilante killings. *Inter-Press Service.* Accessed from http://www.albionmonitor.com/0503a/copyright/nepalvigilante.html

IRIN (2005, July 4). Nepal: Displacement crisis worsens in wake of royal coup. *Integrated Regional Information Networks.* Accessed from http://www.irinnews.org/report.asp?ReportID=47510&SelectRegion=Asia&SelectCountry=NEPAL

Islam, M. R. (2006). The Sudanese Darfur crisis and internally displaced persons in international law: The least protection for the most vulnerable. *International Journal of Refugee Law*, 18(2), 354-385.

Jacobsen, K., & Landau, L. B. (2003). The dual imperative in refugee research: Some methodological and ethical considerations in social science research on forced migration. *Disasters*, 27(3), 185-206.

Jayatilaka, D. (2003). Obstacles to implementing the guiding principles in Sri Lanka. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review,* (Special Issue), 26-27.

Jick, T. D. (1979). Mixing qualitative and quantitative methods: Triangulation in action. *American Science Quarterly*, 24, 602-611.

Kälin, W. (2006). The future of the guiding principles on internal displacement. *Forced Migration Review*, (Special Issue), 5-7.

Kälin, W. (2005). *Protection of internally displaced persons in situations of natural disasters: A working visit to Asia by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons Walter Kälin*. Geneva: Office of the United Nations High Commissioner for Human Rights.

Kälin, W. (2000). *Guiding principle on internal displacement: Annotations.* Washington DC: The American Society of International law and Brookings Institution.

Kantipur Daily (2009, April 20). Give us three more months, panel to monitor PM's pledge. *Kantipur Daily*. Kathmandu.

Kantipur Daily (2009, April 2). Durable solution for IDPs elusive. *Kantipur Daily.* Kathmandu.

Kantipur Daily (2009, February 2). Little progress on return of seized properties. *Kantipur Daily.* Kathmandu.

Kantipur Daily (2008, November 11). PM vows to fulfil NC demands. *Kantipur Daily.* Kathmandu.

Karki, A. (2001). The politics of poverty and movements from below in Nepal. PhD thesis. University of East Anglia, Norwich, UK.

Karki, A., & Bhattarai, V. (2005). *Whose war.* Kathmandu: NGO federation.

Keefer, P., & Knack, S. (2000). *Polarization, politics and property rights: Links between inequality and growth.* Washington, DC: The World Bank.

Kerlin, B. A. (1999, October 27). Qualitative research: Analysis without numbers. Paper presented at *the Association of Computing Machinery, Computer/Human Interface Forum of Oregon.* Portland, Oregon.

Korn, D. (1999). *Exodus within boarders − An introduction to the crisis of internal displacement.* Washington, DC: The Brookings Institution.

Koser, K. (2008). The displacement-peace nexus. *Forced Migration Review*, 30, 73.

Koser, K. (1997). Book review. *Journal of Refugee Studies*, 10(2), 208-210.

Koser, K. (1993). Repatriation and information: A theoretical model. In R. Black & V. Black (Eds.), *Geography and refugees: Pattern and process of change* (pp. 171-184). London: Belhaven Press.

Koskein, P. (2005). *Internally displaced persons and right to property restitution.* Abo Akademi: Institute of Human Rights.

Kuhlman, T. (1991). The economic integration of refugees in developing countries: A research model. *Journal of Refugee Studies*, 4(1), 1-20.

Leopold, M. (1992). Adapting to a new world: Refugees and forced migration. *Development, Journal of Society for International Development*, 4, 9-13.

Leckie, S. (2006). New housing land and property restitution rights. *Forced Migration Review*, 25, 52-53.

Leckie, S. (2005). *Housing land and property rights in post conflict societies: Proposal for a new United Nations institutional policy framework.* Geneva: UNHCR.

Leckie, S. (2000a). Going home: land & property issues – Introduction. *Forced Migration Review*, (7), 12-16.

Leckie, S. (2000b). Housing and property issues for refugees and internally displaced persons in the context of return: Key considerations for UNHCR policy and practice. *Refugee Survey Quarterly*, 19(3), 5-63.

Lee, E. S. (1966). A theory of migration. *Demography*, 3, 47-57.

Lee, T. (2001). The London declaration of international law principles on internally displaced persons. *The American Journal of International law*, 95(2), 454-459.

Leininger, M. (1985). *Qualitative research methods in nursing*. Orlando: Grune & Stratton Inc.

Lewis, D. (2001). Restoring property rights in Kosovo: Post-conflict disaster management. *UN Chronicle*, 1. Accessed from http://findarticles.com/p/articles/mi_m1309/is_1_38/ai_80497141/

Lincoln, Y., & Guba, E. (1985). *Naturalistic enquiry*. Newbury Park, California: Sage Publications.

Lumsalee, R. R. (2002, June 4-6). Land issues in Nepal. Paper presented at *The regional workshop on land issues in Asia*. Phnom Penh, Cambodia.

Maanen, V. J. (1996). Ethnography. In A. Kuper & J. Kuper (Eds.), *The social science encyclopaedia* (2nd Edition, pp. 263-265). London: Routledge.

Mackenzie, C., McDowell, C., & Pittway, E. (2007). Beyond 'do no harm': The challenge of constructing ethical relationships in refugee research. *Journal of Refugee Studies*, 20(2), 299-319.

Martin, S. (2000). *The handbook for applying the guiding principles on internal displacement.* Washington, DC: The Brookings Institution's Project on Internal Displacement and United Nations Office for the Coordination of Humanitarian Affairs.

Marx, K. (1978). Economic and philosophic manuscripts of 1844. In R. C. Tucker (Ed.), *The Marx-Engels reader* (2nd edition, pp. 382-405). New York and London: W. W. Norton & Company.

Mattar, V., & White, P. (2005). *Consistent and predictable responses to IDPs: A review of UNHCR's decision-making processes*. Geneva: Evaluation and Policy Analysis Unit, UNHCR.

McNamara, D. (2006). Humanitarian reform and new institutional responses. *Forced Migration Review*, (Special Issue), 9-11.

MCRG (2006). *Voices of the internally displaced in south Asia*. Calcutta: Mahanirban Calcutta Research Group.

Miles, M. B., & Huberman, A. M. (1994). *An expanded sourcebook: Qualitative data analysis* (2nd edition). Thousand Oaks: Sage Publications.

Miles, M. B., & Huberman, A. M. (1984). *Qualitative data analysis: A source book of new methods*. Beverly Hills, CA: Sage Publications.

Minichiello, V., Aroni, R., Timewell, E., & Alexander, L. (1995). *In-depth interviewing*: *Principles, techniques, analysis* (2nd edition). Melbourne: Longman Cheshire.

MoHA (2006). *National policy on IDPs 2006.* Kathmandu: Ministry of Home Affairs.

MoHA (2003). *IDP rehabilitation programme*. Kathmandu: Ministry of Home Affairs.

MoHA (2002). *Relief package programme*. Kathmandu: Ministry of Home Affairs.

MoHA (2001). *Victims of conflict fund − Ganesh Man Singh campaign*. Kathmandu: Ministry of Home Affairs.

Mooney, E. (2005). The concept of internal displacement and the case for IDPs as a category of concern persons. *Refuge Survey Quarterly*, 24(3), 9-26.

Mooney, E. (2004). *Realizing national responsibility for Internally Displaced Persons.*Washington DC: The Brookings Institution. Accessed from http://www.brookings.edu/speeches/2004/1209humanrights_mooney.aspx

Mooney, E. (2003a). Bringing the end into sight for internally displaced persons. *Force Migration Review*, 17, 4-7.

Mooney, E. (2003b). When does internal displacement end. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 38-40.

Mooney, E. (2003c). Towards a protection regime for internally displaced persons. In E. Newman & J. V. Selm (Eds.), *Refugee and forced displacement*. *International security, human vulnerability and the state* (pp. 159-181). Tokyo, New York and Paris: United Nations University Press.

MoP&R (2009a). *Nepal Peace Trust Fund, four monthly progress report − seventh report (mid May − mid September 2009)*. Kathmandu: Ministry of Peace and Reconstruction.

MoP&R (2009b). *Nepal Peace Trust Fund, sixth report*. Kathmandu: Ministry of Peace and Reconstruction. Accessed from http://www.peace.gov.np/eng/programs.asp?info=Resources/Publications&id=6&menu=1

MoP&R (2008). *Nepal Peace Trust Fund, four monthly progress report- fourth report (mid May - mid September 2008)*. Kathmandu: Ministry of Peace and Reconstruction.

MoP&R (2007a). *Directives on relief package for IDPs.* Kathmandu: Ministry of Peace and Reconstruction.

MoP&R (2007b). *National Policy on IDPs 2007*. Kathmandu: Ministry of Peace and Reconstruction.

Muggah, R. (2003). A tale of two solitudes: Comparing conflict and development induced internal displacement and involuntary resettlement. *International Migration*, 41 (5), 5-31.

Muni, S. D. (2003). *Maoist insurgency in Nepal: The challenges and the response*. New Delhi: Rupa and Co.

Murray, K. (1997). *El Salvador: Peace on trial*. London: OXFAM Country Office.

Nepalnews.com (2009, August 9). Properties of 30000 families still under Maoists control. *Nepalnews.com*. Accessed from http://www.nepalnews.com/main/index.php/news-archive/2-political/829-properties-of-30000-families-still-under-maoist-control.html

Naroll, R., & Cohen, R. (Eds.). (1973). *Handbook of methods in cultural Anthropology*. New York: Columbia University Press.

Neuman, W. L. (1997). *Social research methods: Qualitative and quantitative approaches* (3rd Edition). Boston: Allyn & Bacon.

Neupane, G. (2001). *Nepali shamajko rupantaran: Pristhabhumi, parisbesh ra bibechana* (Nepal's social transformation: Background, situation). Kathmandu: Centre for Development Studies.

Newman, E. (2003). Refugees, international security, and human vulnerability. Introduction and survey. In E. Newman & J. V. Selm (Eds.), *Refugees and forced displacement: International security, human vulnerability, and the state* (pp. 3-30). Tokyo, New York and Paris: United Nations University Press.

North, D. C. (1981). *Structure and change in economic history*. New York: W. W. Norton & Co.

North, D. C., & Weingast, B. R. (1989). Constitutions and commitment: The evolution of institutional governing public choice in seventeenth-century England. *The Journal of Economic History*, XLIX(4), 803-832.

Norton, S. W. (1998). Poverty, property rights, and human well-being: A cross- national study. *Cato Journal*, 18(2), 233-245.

NPC (1998). *Ninth Plan 1997 − 2002*. Kathmandu: National Planning Commission.

NRC (2009). *Distant from durable solutions − conflict induced internal displacement in Nepal.* Norwegian Refugee Council. Accessed from http://www.nrc.no/arch/_img/9409470.pdf

NRC (2004). *Training module on the guiding principles: Return, resettlement and reintegration*. Norwegian Refugee Council. Accessed from http://www.reliefweb.int/rw/rwt.nsf/db900SID/LHON-5UZMKN?OpenDocument

Ogata, S. (2005). *The turbulent decade: Confronting the refugee crises of the 1990s.* New York and London: W. W. Norton & Company.

Ogata, S. (1996). *Refugees: A multilateral response to humanitarian crises*. Accessed from http://globetrotter.berkeley.edu/Elberg/Ogata/refugees1.html

Ojha, C. (2005). Role of civil society in peace building in Nepal. *Culture of Peace Online Journal*, 3(1), 31-50.

Ojha, C. (2005). Consequences of internal armed conflict from 1996 to 2005: Economic and socio-cultural impacts on lives and livelihood in Nepal. MPhil thesis submitted to Irish School of Ecumenics, Trinity College Dublin, Ireland.

Ojha, C., & Jenkins, B. (2009). Conflict induced internally displaced persons in Nepal: Popular estimation or number game. *Pakistan Journal of International Relations*, 1(1), 65-110.

Oliver-Smith, A., & Hansen, A. (1982). Introduction: Involuntary migration and resettlement: Causes and contexts. In A. Hansen and A. Oliver-Smith (Eds.), *Involuntary migration and resettlement: The problems and responses of dislocated people* (pp. 1-9). Boulder: Westview Press.

Paglione, G. (2008). Individual property restitution: From Deng to Pinheiro and the challenge ahead. *International Journal of Refugee law*, 20(3), 391-412.

Paris, R. (2004). *At war's end: Building peace after civil conflict*. Cambridge and New York: Cambridge University Press.

Passerini, L. (1983). Memory. *History Workshop Journal*, 15, 195-196.

Patton, M. Q. (2002). *Qualitative research and evaluation method*. Thousand Oaks, London and New Delhi: Sage Publications.

Patton, M. Q. (1990). *Qualitative evaluation and research methods*. Newbury Park, CA: Sage Publications.

Patton, M. Q. (1980). *Qualitative evaluation method*. Beverly Hills, CA: Sage Publications.

Pelto, P., & Pelto, G. (1973). Ethnography: The fieldwork enterprise. In J. Honigmann (Ed.), *Handbook of social and cultural anthropology* (pp. 241-288). Chicago: Rand McNally.

Pelto, P., & Pelto, G. (1978). *Anthropological research: The structure of inquiry* (2nd Edition). Cambridge: Cambridge University Press.

Petersen, W. (1958). A general typology of migration. *American Sociological Review*, 23(3), 256-266.

Pettersson, B. (2000). Arable land and internal displacement in Colombia. *Forced Migration Review*, 7, 40-41.

Pflegerl, J., Khoo, S-E., Yeoh, B., & Koh, V. (2003). *Researching migration and the family*. Singapore: Asian Meta Centre for Population and Sustainable Development Analysis.

Philipson, L. (2002). *Conflict in Nepal: Perspectives on the Maoist movement*. London: Centre for the Study of Global Governance, London School of Economics.

Phuong, C. (2004). *The international protection of internally displaced persons*. Cambridge: Cambridge University Press.

Pinheiro, P. S. (2005). *Housing and property restitution in the context of the return of refugees and internally displaced persons*. New York: United Nations Economic and Social Council Commission on Human Rights.

Porteli, A. (1998). What makes oral history different? In A. Thompson & R. Perks (Eds.), *The oral history reader* (pp. 63-74). London: Routledge.

Powels, J. (2004). *Life history and personal narrative: Theoretical and methodological issues relevant to research and evaluation in refugee context*. (New issues in refugee research working paper 106). Geneva: Evaluation and Policy Unit, UNHCR.

Prachanda (2000). Red flag flying on the roof of the World: Inside the revolution in Nepal. Interview with comrade Prachanda by Li Onesto. *Revolutionary Worker*, 1043, 20 February 2000.

Prettitore, P. (2003 April). The right to housing and property restitution in Bosnia and Herzegovina. Paper presented at *the BADIL Expert Forum for a rights-based approach to the Palestinian Refugee Question*.

Punch, M. (1994). Politics and ethics in qualitative research. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (pp.83-97). Thousand Oaks, CA: Sage Publications.

Pyakuryal, K. N. (2008). Inclusion and transformation: An introductory remark. In K. N. Pyakuryal, B. R. Upreti and S. R. Sharma (Eds.), *Nepal: Transition to transformation* (pp. 1-13). Kathmandu: HNRSC and NCCR North-South.

Raj, P. A. (2004). *Maoists in the land of Buddha: An analytical study of the Maoist insurgency in Nepal*. Delhi: Nirala Publications.

Rasmusson, E. (2006). Improving IDP data: Prerequisite for more effective protection. *Forced Migration Review*, (Special Issue), 16-18.

Republica.com (2008, December 14). No sign of property return as Maoist Dec 15 deadline nears. *Republica*. Kathmandu. Accessed from http://www.myrepublica.com/portal/index.php?action=news_details&news_id=285

Richmond, A. (1988). Sociological theories of international migration: The case of refugees. *Current Sociology*, 36(2), 7-25.

Rodrik, D. (2003). *Growth strategies*. (NBER Working Paper No. W10050). USA.

Rodgers, G. (2004). 'Hanging out' with forced migrants: Methodological and ethical challenges. *Forced Migration Review*, 21, 48-50.

Rogers, K., Dawson, G., & Leydesdorff, S. (1999). Trauma and narratives. In K. Rogers, G., Dawson & S., Leydesdorff (Eds.), *Trauma and life stories: International perspective.* London: Routledge.

Ruckdeschel, R. (1985). Qualitative research as a perspective. *Social Work Research*, 21(2), 17-21.

RUPP (2007). *Situation of conflict induced internally displaced persons of Mahendranagar, Dhangadhi, Nepalgunj, Pokhara and Biratnagar.* Kathmandu: Rural Urban Partnership Programme.

Ryan, G. W., & Bernard, H. R. (2000). Data management and analysis methods. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (pp. 769-802). Thousand Oaks, London and New Delhi: Sage Publications.

SAFHR (2005). *A pilot survey on internally displaced persons in Kathmandu and Birendranagar.* Kathmandu: South Asia Forum for Human Rights.

Saha, K. C. (2000). Rethinking the guiding principles: The case of the Kashmiri Pundits. *Forced Migration Review*, 8, 26-28.

Santini, T. (2004). North Caucasus: Upholding IDPs' right to 'voluntary' return. *Forced Migration Review*, 21, 53-55.

Schatzman, L., & Strauss, A. (1973). *Field research: Strategies for a natural sociology.* Englewood Cliffs, NJ: Prentice Hall.

Schmeidl, S. (2003).The early warning of forced migrant: State or human security? In E. Newman & J. V. Selm (Eds.), *Refugees and forced displacement: International security, human vulnerability, and the State* (pp. 130-158). Tokyo, New York and Paris: United Nations University Press.

Schmeidl, S. (1998). Comparative trends in forced displacements: IDPs and refugees, 1964-96. In J. Hampton (Ed.), *Internally displaced people: A global survey* (pp. 24-33). London: Earthscan Publications.

Schmeidl, S. (1997). Exploring the causes of forced migration: A pooled time-series analysis, 1971-1990. *Social Science Quarterly*, 78(2), 284-308.

Schofield, M., & Jamieson, M. (1999). Sampling in quantitative research. In V. Minichiello, G. Sullivan, K. Greenwood & R. Axford (Eds.), *Handbook for*

research methods in health science (pp 148-171). Sydney: Pearson Education Australia.

Schrijvers, J. (1999). Fighters, victims and survivors: Construction of ethnicity, gender and refugeeness among Tamils in Sri Lanka. *Journal of Refugee Studies*, 12(3), 307-333.

Seddon, D. & Hussein, K. (2002). *The Consequences of conflict: Livelihoods and development in Nepal*. (Working Paper 185). London: ODI.

Seddon, D. & Adhikary, J. (2003). *Conflict and food security in Nepal: A preliminary analysis.* Kathmandu: Rural Reconstruction Nepal.

Sepuldeva, D. (1994). *Challenging the assumptions of repatriation: Is it the most desirable solution?* (Refugee Studies Centre Fellows Papers). Oxford: Refugee Studies Centre.

Sert, D. (2008). Property rights in return and resettlement of internally displaced persons (IDPs). A quantitative and comparative case study. PhD Thesis. The City University of New York.

Shanmugaratnam, N., Lund, R., & Stølen, A. K. (2003). Introduction: Conflict, migration and change. In N. Shanmugaratnam, R. Lund, & K. A. Stølen (Eds.), *In the maze of displacement: Conflict, migration and change* (pp. 8-23). Kristiansand: Norwegian Academic Press.

Shipton, P. (1994). Land and culture in tropical Africa: Soils, symbols, and the metaphysics of the Mundane. *Annual Review of Anthropology*, 23, 347-377.

Shrestha, M., & Adhikari, B. (2005). Nepal: A problem unprepared for. In P. Banerjee, S. B. R. Chaudhury & S. K. Das (Eds.), *Internal displacement in South Asia: The relevance of the UN Guiding principles* (pp. 237-260). New Delhi: Sage Publications.

Shrestha, N. R. (1997). *In the name of development: A reflection in Nepal*. Kathmandu: Educational Enterprises.

Simon, J., & Burstein, P. (1985). *Basic research methods in social science*. New York: Random House.

Singer, W. (1997). *Creating histories: Oral narratives and the politics of history making.* Delhi: Oxford University Press.

Singer, M., Romero-Daza, N., Weeks, M., & Pelia, P. (1995). Ethnography and the evaluation of needle exchange in the prevention of HIV transmission. In E. Lambert, R. Ashery & R. Needle (Eds.), *Qualitative methods in drug abuse and HIV research* (pp. 231-257). Rockville: NIH.

Sitton, T., Mehaff, G., & Davis, O. (1983). *Oral history: A guide for teachers (and others).* Austin: University of Texas Press.

Skotte, H. (2004). Tents in concrete? Housing the internally displaced. *House: Loss, refuge and belonging conference report*. Trondheim, Norway (16-18 September, 2004). *Forced Migration Review*, (Suppl.*)*, 3-4.

Slim, H. (2004). Protecting civilians: Putting the individual at the centre of humanitarian action. In UNOCHA (Ed.), *the humanitarian decade: Challenges for humanitarian assistance in the last decade and into the future* (pp. 154-169). New York: United Nations, OCHA.

Smit, A. R. (2006). Housing and property restitution and IDP return in Kosovo. *International Migration*, 44(3), 63-88.

Smith, C. Q. (2005). *The roots of violence and prospects for reconciliation: A case study of ethnic conflict in Central Kalimantan, Indonesia*. (Social Development Papers). Washington, DC: The World Bank, Conflict Prevention & Reconstruction.

Smyth, M., & Robinson, G. (2001). Conclusions. In M. Smyth & G. Robinson, (Eds.), *Researching violently divided societies. Ethical & methodological issues* (pp. 207-209). London: Pluto Press.

Society for Applied Anthropology (1991). Statement of professional and ethical responsibilities. *Human Organization*, 50(3), 312.

Soloway, I., & Walters, J. (1977). Work in the comer: The ethics and legality of ethnographic fieldwork among active heroin addicts. In R. Weppner (Ed.), *Street ethnography: Selected studies of crime and drug use in natural settings* (pp. 159-177). Beverly Hills, CA: Sage Publications.

Sorensen, B. R. (2003). Researching internal displacement: What is our field and what is our goal? *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 11-12.

Sorensen, B. R. (2001, November 9). IDPs: An anthropological perspective. Seminar proceeding report of *Response strategies of the internally displaced: Changing the humanitarian lens,* pp 6-8. Accessed from http://www.fmreview.org/FMRpdfs/Supplements/osloidp.pdf

Spradley, J. P. (1979). *The ethnographic interview*. New York: Holt, Rinehart and Winston.

Stake, R. (2000). The case study method in social inquiry. In R. Gomm, M. Hammersley & P. Foster (Eds.), *Case study method* (pp. 19-26). Thousand Oaks, CA: Sage Publications.

Stake, R. (1995). *The art of case research*. Thousand Oaks, CA: Sage Publications.

Stavropoulou, M. (1998). Displacement and human rights: Reflection on UN practice. *Human Rights Quarterly*, 20(3), 515-554.

Stewart, A. (1998). *The ethnographer's method*. Thousand Oaks: Sage Publications.

Stoddard, A. (2004). Every one's and no one's: IDPs, refugees, and the politics of aiding the displaced. In N. Nachmias & R. Goldstein, (Eds.), *The politics of forced migration: A conceptual, operational and legal analysis* (pp. 87-100). Baltimore: Publish America.

Strauss, A., & Corbin, J. (1998). *Basics of qualitative research: Grounded theory: Techniques and procedure for developing grounded theory* (2nd Edition.). Thousand Oaks, CA: Sage Publications.

Strauss, A., & Corbin, J. (1990). *Basics of qualitative research: Grounded theory: Techniques and procedure and techniques*. Newbury Park, CA: Sage Publications.

Suhrke, A. (2003). Reflections on regime change. *Researching internal displacement: State of the art*. Trondheim, Norway (7-8 February, 2003). *Forced Migration Review*, (Special Issue), 15-17.

Summerfield, D. (1999). Socio-cultural dimensions of conflict and displacement. In A. Ager (Ed.), *Refugees perspectives on the experience of forced migration* (pp 111-135). London and New York: Pinter.

Survey Research Centre (1966). *Interviewer's manual*. Ann Arbour, MI: Institute for Social Research, University of Michigan.

Tennant, V. (2009). Return and reintegration. In V. Chetail (Ed.), *Post conflict peace building: A lexicon* (pp. 307-319). Oxford: Oxford University Press.

Thapa, C. (2002, December 13-19). The exodus. *The Nepali Time.* Accessed from http://www.nepalitimes.comissue/123/headline/4396

Thapa, D., & Sijapati, B. (2003). *A kingdom under seige: Nepal's Maoist insurgency 1996-2003.* Kathmandu: The Print house.

Thapa, M. (2008). Maoists insurgency in Nepal: Context, cost & consequences. In S. Shekhawat & D. A. Mahapatra (Eds.), *Afro-Asian conflicts: Changing contours, costs and consequences* (pp. 78-100). New Delhi: New Century Publications.

The Carter Centre (2009). *The carter Centre international observation mission in Nepal − first interim report*. Kathmandu: The Carter Centre.

The Himalayan Times (2003, May 6). Expert seeks law on internally displaced people. *The Himalayan Times.* Kathmandu.

The Kathmandu Post (2004, December 5). Conflict drives children towards muglan. *The Kathmandu Post.*

The Rising Nepal (2005, May 6). Rana Appeals for support. *The Rising Nepal*. Kathmandu.

The Worker. (1997, February). Strategy and tactics of armed struggle in Nepal, document adopted by *The third plenum of the central committee of the CPN (Maoist) 1995*. Kathmandu: Communist Party of Nepal (Maoist).

Thompson, A. (1998). Fifty years on: An international perspective on oral history. *The Journal of American History*, 85, 581-595.

Tonkin, E. (1992). *Narrating our pasts: The social construction of oral history*. Cambridge: Cambridge University Press.

Tschirgi, N. (2004). *Post-conflict peace building revisited: Achievements, limitations, challenges*. New York: International Peace Academy.

UDHR (1948). *The Universal declaration of human rights 1948*. Accessed from http://www.un.org/en/documents/udhr/

UN (2006). Resolution adopted by the General Assembly, [*on the report of the Third Committee (A/60/509/Add.2 (Part II))*] 60/168. Protection and assistance to internally displaced persons. U.N. Doc. E/CN.4/2005/L.60, (April 14, 2005). G.A. Res. 60/168, U.N. Doc. A/RES/60/168, (March 7, 2006). Accessed from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/497/68/PDF/N0549768.pdf?OpenElement

UN (2005a). *World summit outcome*. United Nations General Assembly. Res. 60/L.1, 132, U.N. Doc. A/60/L.1, (Sept. 15, 2005) (p.30). Accessed from http://www.unep.org/greenroom/documents/outcome.pdf

UN (2005b). *In larger freedom: Towards development, security and human rights for all*. Report of the Secretary-General, 210. U.N. Doc. A/59/2005, (March 21, 2005). Accessed from http://www.un.org/largerfreedom/report-largerfreedom.pdf

UN (2005c, October 6). *United Nations Secretary-General's address to UNHCR executive committee*. Geneva. Accessed from http://www.un.org/apps/sg/sgstats.asp?nid=1717

UNDP (1998). *Human development report − Nepal*. Kathmandu: United Nations Development Programme.

UNFPA (2005). *Nepal conflict aggravates women's reproductive health risk*. Kathmandu: United Nations Population Fund. Accessed from http://www.reliefweb.int/rw/RWB.NSF/db900SID/KOCA6JSEKV?OpenDocument&rc=3&cc=npl

UNHCR (2008). *2007 global trends: Refugees, asylum – seekers, returnees, internally displaced and stateless persons*. Geneva: United Nations High Commission for Refugee. Accessed from http://www.unhcr.org/4852366f2.html

UNHCR (2007). *Supplementary appeal for IDPs in Columbia: Protection and durable solutions for IDPs in Columbia*. Geneva: United Nations High Commissioner of Refugee.

UNHCR (2006a). *Global appeal 2006: Nepal.* United Nations High Commissioner of Refugee, Kathmandu. Accessed from http://www.unhcr.org/cgibin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=4371d18e0

UNHCR (2006b). *2005 UNHCR statistical yearbook*. Geneva: United Nations High Commissioner of Refugee. Accessed from http://www.unhcr.org/4641beb10.html

UNHCR (2004). *Handbook for repatriation and reintegration activities*. Geneva: United Nations High Commission for Refugees.

UNHCR (1997). *UNHCR by numbers 1997*. Geneva: United Nations High Commission for Refugees.

UNHCR (1996). *Handbook on voluntary repatriation: International protection*. Geneva: United Nations High Commission for Refugees.

UNHCR (1995). *The state of world's refugees: In search of solution.* Toronto: Oxford University Press.

UNHCR (1994). *UNHCR's operational experience with internally displaced persons*. Geneva: Division of International Protection, UNHCR.

UNHCR (1993). *The state of world's refugees: The challenge of protection*. Toronto: Penguin Books.

UNOCHA (2009). *OCHA Nepal situation review*. Issue no. 50. July 2009. Kathmandu: UN Office for the Coordination of Humanitarian Affairs.

UNOCHA (2006). *The internally displaced persons: Current status.* Kathmandu: UN Office for the Coordination of Humanitarian Affairs. Accessed from http://www.un.org.np/reports/OCHA/2006/IDP-thematic-report/2006-9-7-OCHA-Nepal-Thematic-Report-IDPs.pdf

UNOCHA (2001). *Guiding principles on internal displacement*. New York: United Nations. Accessed from http://www.idpguidingprinciples.org/

UNOCHA/IDD, UN HABITAT, UNHCR, FAO, OHCHR, NRC, IDMC. (2007). *Handbook on housing and property restitution for refugees and displaced persons: Implementing the 'Pinheiro Principles'.* Turin: International Training Centre of the ILO.

UNOCHA, UNHCR, UNICEF, OHCHR & NRC. (2006a). Final report joint inter-agency mission to Mid-Western region, 19-16 December, 2005. Kathmandu: UN Office for the Coordination of Humanitarian Affairs. Accessed from

http://www.un.org.np/reports/JOINT-IAgency-Mission/2006/2006-3-24-Inter-agencyIDPMission-Report-Mid-West-Dec2005.pdf

UNOCHA, UNHCR, UNICEF, OHCHR, UNHCR & NRC. (2006b). *Inter-agency mission report. Eastern Region 18-29 May, 2006*. Kathmandu: UN Office for the Coordination of Humanitarian Affairs. Accessed from http://www.un.org.np/reports/JOINT-IAgency-Mission/2006/2006-7-7-IDP-East-mission-may18-29.pdf

UNOHCHR (2007, April 30). *Press release on CPN-M failing to meet commitments to allow safe return of IDPs*. [Press release]. Kathmandu: Office of the High Commission for Human Rights.

Unruh, J. (2003). Land tenure and legal pluralism in the peace process. *Peace & Change*, 28(3), 352-377.

UNSC (2007). *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*. New York: United Nations Security Council. Accessed from http://www.unmin.org.np/downloads/keydocs/2007-07-22-SRSG-quarterly-report-to-SC.pdf

Upreti, B. R. (2006). *Armed conflict and peace process in Nepal: The Maoists insurgency, past negotiation and opportunities for conflict transformation.* New Delhi: Adroit Publishers.

Upreti, B. R. (2004). *The price of neglect: From resource conflict to the Maoists insurgency in the Himalayan Kingdom*. Kathmandu: Bhrukuti Academic Publications.

Upreti, B. R. (2002). *Management of social and natural resource conflict in Nepal: Reality and alternatives.* New Delhi: Adroit publishers.

Upreti, B. R. (2001). *Conflict management in natural resources: A study of land, forest and water conflict in Nepal*. Published PhD dissertation. Wageningen: Wageningen University.

Valtonen, K. (1998). Resettlement of Middle Eastern refugees in Finland: The elusiveness of integration. *Journal of Refugee Studies*, 11(1), 38-60.

Van Hear, N. (2006). Conclusion: Re-casting societies in conflict. In N. Van Hear & C. McDowell (Eds.), *Catching fire: Containing forced migration in a volatile world* (pp. 213-227*)*, Oxford: Lexington Books.

Van Hear, N. (2000). Locating internally displaced people in the field of forced Migration. *Norwegian Journal of Geography*, 54(3), 90-95.

Verdery, K. (2003). *The vanishing hectare: Property and value in post-socialist Transylvania*. Ithaca and London: Cornell University Press.

Verdery, K. (1996). *What was socialism and what comes next*? Princeton, NJ: Princeton University Press.

Verdery, K., Humphrey, C. (2004). Introduction: Raising questions about property. In K. Verdery & C. Humphrey (Eds.), *Property in question: Value transformation in the global economy* (pp. 1-25). Oxford: Berg Publishers.

Vidich, A., & Stanford, M. (1994). Qualitative methods: Their history in sociology and anthropology. In N. Denzin & Y. Lincoln (Eds.), *Handbook of qualitative research* (pp. 23-59). Thousand Oaks, CA: Sage Publications.

Vincent, M. (2000). IDPs: Rights and status. *Forced Migration Review*, 8, 29-30.

Walter, B. (2002). *Committing to peace: The successful settlement of civil wars*. Princeton, NJ: Princeton University Press.

Webb, R. J., Campbell, D. T., Schwartz, R.D. & Seihrest, L. (1965). *Unobtrusive measures: Nonreactive research in social science*. Chicago: Rand Mcnally.

Weingast, B. R. (1995). The economic role of political institutions: Market-preserving federalism and economic development. *Journal of Law, Economics & Organization*, 11(1), 1-35.

Weiss, T. G. (2006). The project: A replicable model of innovative response? *Forced Migration Review*, (Special Issue), 29.

Weiss, T. G. (2004). The sunset of humanitarian intervention? The responsibility to protect in a unipolar era. *Security Dialogue*, 35(2), 135-153.

Weiss, T. G. (2002). *International efforts for IDPs after a decade: What next?* Washington, DC: The Brookings Institution.

Weiss, T. G., & Korn, D. (2006). *Internal displacement: Conceptualization and its consequences*. New York: Routledge.

Weiss, T.G., & Pasic, A. (1998). Dealing with the displacement and suffering caused by Yugoslavia's wars. In R. Cohen & F. M. Deng (Eds.), *The forsaken people: Case studies of internally displaced* (pp. 175-232). Washington DC: Brookings Institution Press.

Weiss Fagen, P., Fernandez Juan, A., Stepputat, F., & Lopez, R. V. (2005). Protracted displacement in Colombia: National and international responses. In N. Van Hear & C. McDowell (Eds.), *Catching fire: Containing forced migration in a volatile world* (pp. 73-114). Lanham, MD and Oxford: Lexington Books.

Weiss Fagen, P., Fernandez Juan, A., Stepputat, F., & Lopez, R. V. (2003). *Internal displacement in Columbia: National and international responses*. Institute for International studies. ISS/GI. Kongevej, Working Paper.

Weppner, R. (1977). Ethnography: Problems and prospects. In R. Weppner (Ed.), *Street ethnography: Selected studies of crime and drug use in natural settings* (pp. 21-51). Beverly Hills, CA: Sage Publications.

Werner, S., & Yuen, A. (2005). Making and keeping peace. *International Organization*, 59(2), 261-292.

Werner, O., & Schoepfle, G. (1987). *Systematic fieldwork: Foundations of ethnography and interviewing*. Newbury Park, CA: Sage Publications.

World Food Programme (2005). *Rapid assessment, internal migration*. Kathmandu: World Food Programme.

Wood, W. (1994). Forced migration: Local conflicts and international dilemmas. *Annals of the Association of American Geographers*, 8(4), 607-634.

World Bank (2006). *Nepal − resilience amid conflict: An assessment of poverty in Nepal (1995-96 and 2003-04)*. World Bank, Report No. 34834-NP.

Wuest, J. (1995). Feminist grounded theory: An exploration of the congruency and tensions between two traditions in knowledge development. *Qualitative Health Research*, 5(1), 125-137.

Wyndham, J. (2006). *A developing trend: Laws and policies on internal displacement*. Washington, DC: The Brookings Institution. Accessed from http://www.brookings.edu/~/media/Files/rc/articles/2006/winter_idplawsandpolicies_wyndham/2006_wyndham.pdf

Zard, M. (2002). *The internally displaced in perspectives*. Washington, DC: Migration Policy Institute. Accessed from http://www.migrationinformation.org/Feature/display.cfm?ID=9

Zolberg, A., Suhrke, A., & Aguayo, S. (1989). *Escape from violence: Conflict and refugee crisis in the developing world.* Oxford: Oxford University Press.

Appendix I

Maps of study area in Nepal

Map of Study Area

Study Districts

270
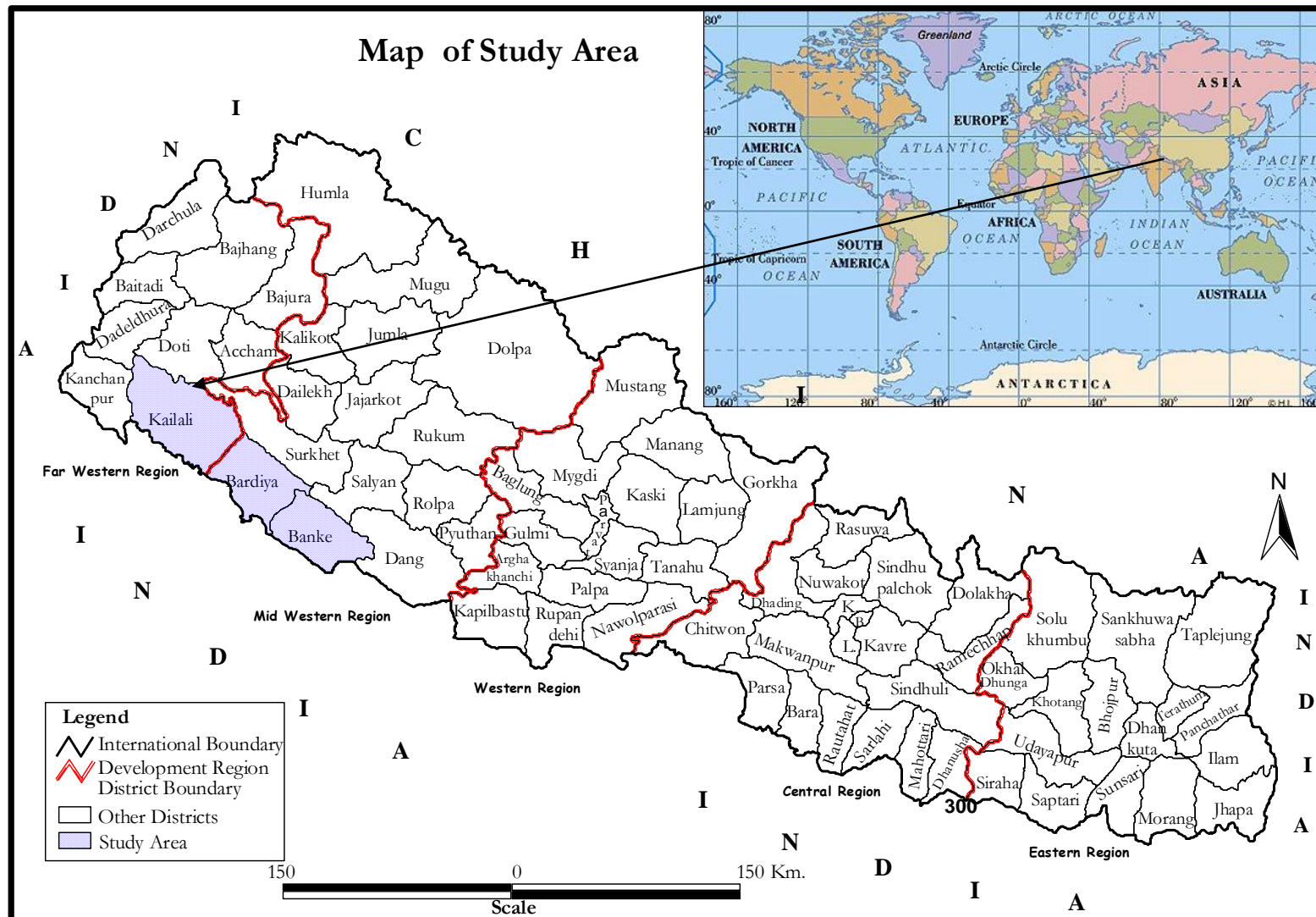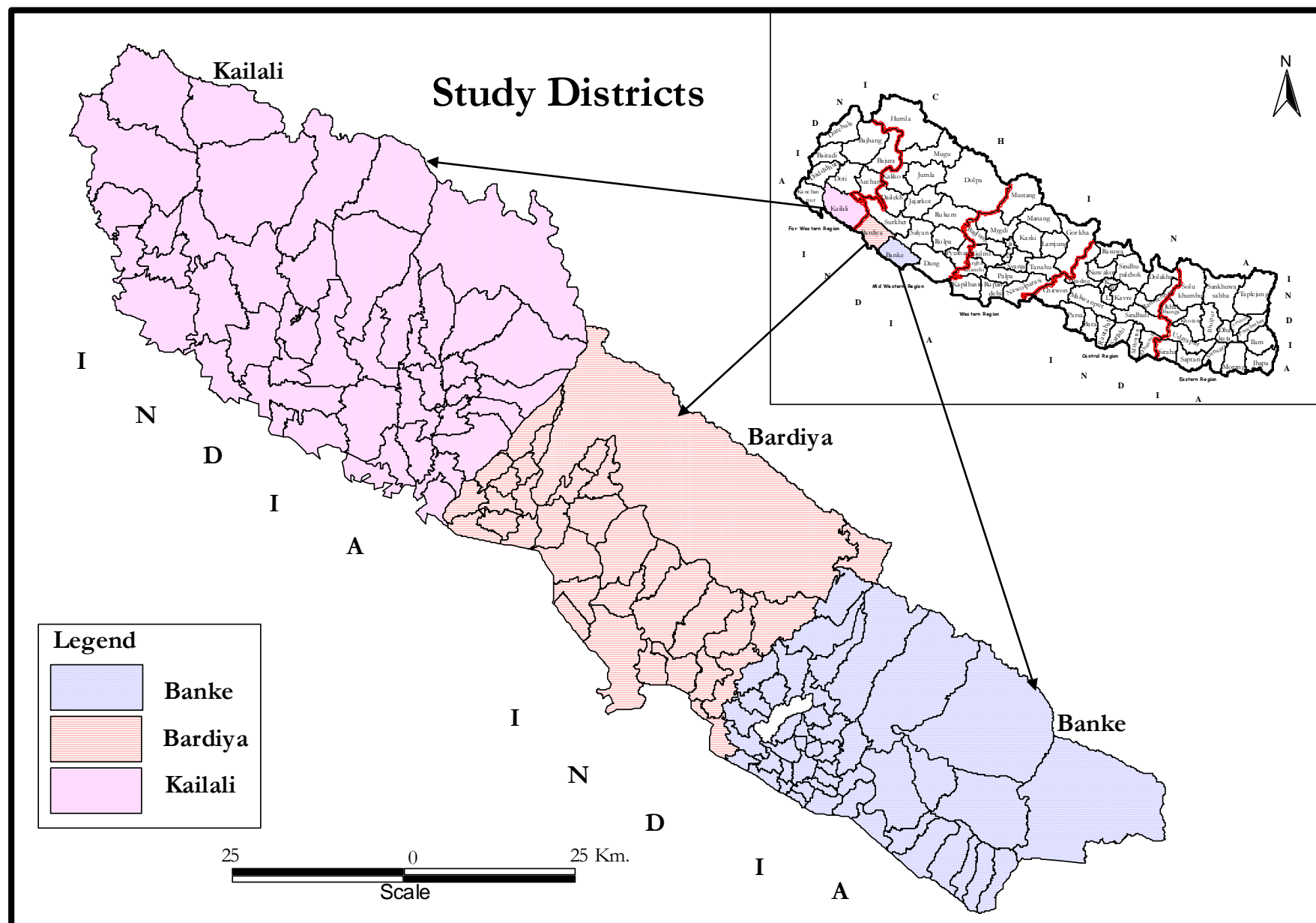
Appendix II: Interview Guide

Interview Guide − For Internally Displaced Persons

1. Background

- Where did you live prior to your arrival here?

- What was the overall situation in your village/town?

- What were the motivating factors that contributed to you fleeing? Do you feel secure in this new destination? Why? Why Not?

- On what date did you arrive at this destination?

- How do you feel about being an IDP?

- Who was your point of contact in this new location?

- How have you managed your livelihood? Did you have anyone to assist you (eg. financially, materials, other help)?

- Is your income sufficient to support the needs of your entire family (eg. wage and number of hours working)?

- What was the combined monthly income of everyone living in your household before the conflict?

2. Registration and Assistance

- Did you receive any assistance in settling into your new place of residence? If yes, from whom and what kind of assistance? If no, why not?

- Have you formed any groups to help you receive any assistance? If yes how and what kind of group? Were there any people available to facilitate this process?

- Have you registered yourself as an IDP? If yes, where? If not, provide the reason for remaining unregistered.

- How and what do you think about the registration process?

- What was the response of Government Organisations (GO), Non-Government Organisations (NGO) and United Nations to your predicament?

- Are you satisfied with GO and NGO/INGOs interventions?

- Are the means of assistance provided by government sufficient to support you and your family?

- How often do you receive assistance and by what means are you compensated (eg. money, coupons, and rations)?

3. Return and Property Restitution

- Do you foresee any hope of return/ resettlement?

- Has any agency ever offered to facilitate your return? Explain.

- What are the present conditions in which you live, (eg. livelihood, shelter, food etc…)?

- Why did you decide to move to this settlement?

- Do you want to return to your village? If yes, why?

- If not, why not? What are the obstacles?

- Did you get back your properties? If not, why? (This question is to be asked of only returned IDPs).

4. Relation with Host Community

- How is the host community responding to your presence?

- Are there any issues between the existing labour class and you as IDPs?

- Are there any differences within the IDP community? If yes, what type of are these?

- Has any local person or leader influenced the lives of IDPs' in either positive or negative ways?

- Has there been any discrimination shown towards you in relation to the provision of assistance?

- Have local bullies/thugs/police/night guards threatened or negatively affected IDPs? Have there been any differences illustrated due to political ideology within the host community?

- Was your property destroyed?

- How are your neighbours and clan?

- Currently, are you renting this place or is it owned by you? If yes, how are you managing the cost of paying rent?

- Do you have any plans to buy a residence? If yes, why do you prefer to buy property rather than rent?

- If you are renting this place, what kind of occupancy agreement have you entered into (terms and conditions) and what kind of difficulties do you face while living in this shelter?

- How do the house owner (landlord) and your neighbours treat you and your family?

- Do you buy goods on credit?

5. **Demographic information**
   - ➢ Male/Female
   - ➢ Age
   - ➢ Ethnicity
   - ➢ Marital status

Interview Guide − for Concerned Stakeholders (NGOs, UN, GOs, INGOs)

- How do you define IDPs?
- Was the IDP concept used from the beginning? If not, when was this concept introduced, and for what reasons?
- What is the trend and pattern in relation to IDPs coming to this location?
- What is the trend and pattern in relation to IDPs returning from this location?
- Why do IDPs perceive this place as a safe destination?
- Are these places really secure for the displaced population?
- Are you working for IDPs?
- What programmes are being conducted for the IDPs?
- If yes, in which programme area? If not, why not?
- What are the existing laws, policies and programs when dealing with conflict induced displacement?
- Are you providing any assistance to IDPs?
- Are your programmes well coordinated and is there cooperation within and outside? If yes, what is being done?
- Are there any classifications in terms of the kind of assistance provided?
- Are your programmes addressing the needs of particularly vulnerable people (aged, women and children)?
- What are the positive and negative outcomes of your programmes?
- What are your monitoring and evaluation mechanisms?
- Do you obtain or collect any statistical data on IDPs?
- Based on your experiences working with IDPs, what do you think is the most interesting or important issues related to IDPs in Nepal today?
- What were the main responsibilities of the organisation for which you work when you first started up? Has this changed during the time? If yes, how?

Concerning the context of the process of formulating the IDP Policy (2006, 2007)

- How did the process start?

- Who/which actors initiated it?

- Which actors were included? Were there any actors, in your point of view, who should have been included, but were not? If yes, why weren't they?

- How do you consider the efforts of the government when it comes to fulfilling the rights of the IDPs?

- What/How do you think about recent IDP policy and its implementation at the grass roots level?

- What do you believe are the major reasons for such a gap?

- What should be done to improve IDP's situations?
  - ➢ What should the state do?
  - ➢ What could NGOs and the international society do?
  - ➢ What can you do?

Appendix III

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Ethics Approval

UNE
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HUMAN RESEARCH ETHICS COMMITTEE

MEMORANDUM TO: Dr S Gamage/Dr R Spence/Mr C Ojha
School of Professional Development and Leadership

This is to advise you that the Human Research Ethics Committee has approved the following:

PROJECT TITLE: Recovering from Internal Armed Conflict: Reintegration and
Rehabilitation as elements of Peacebuilding in Nepal

COMMENCEMENT DATE: 24/05/2007

COMMITTEE APPROVAL No.: HE07/115

APPROVAL VALID TO: 24/05/2008

COMMENTS: Nil. Conditions met in full.

The Human Research Ethics Committee may grant approval for up to a maximum of three years.
For approval periods greater than 12 months, researchers are required to submit an application for
renewal at each twelve-month period. All researchers are required to submit a Final Report at the
completion of their project. The Progress/Final Report Form is available at the following web address:
http://www.une.edu.au/research-services/ethics/hrec_pages/final.report.doc

The *NHMRC National Statement on Ethical Conduct in Research Involving Humans* requires that
researchers must report immediately to the Human Research Ethics Committee anything that might affect
ethical acceptance of the protocol. This includes adverse reactions of participants, proposed changes in
the protocol, and any other unforeseen events that might affect the continued ethical acceptability of the
project.

In issuing this approval number, it is required that all data and consent forms are stored in a secure
location for a minimum period of five years. These documents may be required for compliance audit
processes during that time. If the location at which data and documentation are retained is changed
within that five year period, the Research Ethics Officer should be advised of the new location.

Jo-Ann Sozou
Secretary

24/05/2007

Appendix IV

Consent Form

UNE
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School of Professional Development and Leadership
Armidale, NSW 2351 Australia
Telephone (02) 6773 2581   Facsimile (02) 6773 3363
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Consent Form:

I (the participant) have read the information contained in the information sheet for participants and any questions I have asked have been answered to my satisfaction. I agree to participate in this activity, and agree to have my interview recorded. I am aware that I have to be 18 years or older to participate in this research. I agree that research data gathered for the study may be published, provided my name is not used. I realise that I may withdraw from the process at any time.

....

Participant   Date

....

Investigator   Date

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Appendix V

Participant Information Sheet

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Information Sheet for Participants

This project has been approved by Human Ethics Committee of the University of New England (Approved No HE07/115, valid to 24/05/2008)

Introduction of the Research Project
Title of the Research: Recovering from the Effects of Internal Armed Conflict: Reintegration/Rehabilitation of Internally Displaced Persons (IDPs) as elements of Peacebuiling in Nepal

The objective of the research:
- ❖ To examine the programs, response and gaps of governmental, non governmental and international agencies who aim to address the problems of internally displaced persons (IDPs).
- ❖ To find appropriate rehabilitation and reintegration alternatives for IDPs.
- ❖ To explore how reintegration of IDPs has currently and in the past contributed to peacebuilding in Nepal.
- ❖ To examine the role of a civil society in reintegration of IDP.
- ❖ To develop a reintegration model for peace building in Nepal

I am carrying a research in three districts Banke, Bardiya and Kailali of two development regions of western Nepal. Through field work my aim is to deepen my understanding of the context relevant to my research through immersion in daily life of IDPs and to build relationships with them and the organizations involved in their rehabilitation and reintegration, I will gather data through a series of interviews, observations and discussions; and resource materials not available in Australia in relation to IDPs in Nepal. The field work will be documented through interview records and comprehensive field notes that will be maintained throughout the inquiry. You must be 18 years of age or older to participate in this research.

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Responsible Persons:

Dr. Siri Gamage, Senior Lecturer, University of New England, School of Professional Development and Leadership, NSW, Armidale, Australia , Tel : 00612 6773 3836, Email: sgamag2@metz.une.edu.au

Dr. Rebecca Spence, Senior Lecturer, University of New England, School of Professional Development and Leadership, NSW, Armidale, Australia , Tel : 00612 6773 5095, Email: rspence1@pobox.une.edu.au

Chakra Raj Ojha, Research student, University of New England, School of professional Development and Leadership, NSW, Armidale, Australia , Tel : 00612 6773 3621, Email: cojha@une.edu.au

Interview Process: In depth semi – structured interviews will be conducted with 126 informants representing the three districts. My aim is to engage the participant in a focused and extended group conversations about their perceptions and interpretations of programs related to the reintegration of Internally Displaced Persons (IDPs). The discussion will take about 45 minutes to an hour. There are no correct answers to the questions. I will keep all responses confidential. Names will not be recorded, participants will not be identified.

We hope that the research will benefit the people who are in need of humanitarian support. At the same time it will help us to understand what people in the research area and in the country want for the country to move forward. Your participation is voluntary. You may refuse to answer any question and you may choose to leave the group discussion at anytime. Refusing to participate will not affect you or your family in any way.

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Confidentiality of the Data: Participants' responses will be tape recorded with their permission in order to understand their responses accurately until the processing and analyzing phase of the research. If they do not feel comfortable, tape recording will not be used. Only the researcher and the researcher's supervisor will have access to the data. The raw data including tape recordings will remain confidential. During the study period, the information and the data collected will be stored in a locked filing cabinet at the School of Professional Development and Leadership (or its replacement after the restructuring of Schools by the University) for five years. After five years, all the data including tape recordings will be destroyed.

Completion of the Research: The research will be completed in August 2009. Initially the results will be presented as a Doctoral research thesis. Part of the research will be published in international journals after the completion of the research. The published data will be entirely anonymous. Participants will be able to access the results at that time. Once the research is completed, I will disseminate the results by conducting a series of meetings with the participating communities.

Risks: I am a PhD research student and not affiliated with any government or military organizations, I don't see any foreseeable risks to participants through their involvement in this research. It is unlikely that this research will raise any personal or upsetting issues. If it does, participants may wish to contact local Community Health Centre in Banke Kohalpur and Dhangadhi Kailali for counseling.

You may ask me any questions about this study at any time. If you have significant doubts about this, please feel free not to participate.

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Should you have any complaints concerning the manner in which this research is conducted, please contact the Research Ethics Officer at the following address:

Research Services

University of New England

Armidale, NSW 2351, australia

Telephone: (02) 6773 3449 Facsimile (02) 6773 3543

Email: Ethics@une.edu.au

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