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NEPAL

Unresolved property issues and IDP policy hiatus undermine search for durable solutions

As of early 2012, it was estimated that around 50,000 Nepalese displaced between 1996 and 2006 remained unable or unwilling to return to their homes due to unresolved land and property issues, insecurity and lack of assistance. This does not include several thousand people displaced by inter-communal violence and insecurity since 2007 in the central and eastern Terai (the region south of the Himalayan foothills), a group largely ignored by both the government and international humanitarian organisations. Displacement in Nepal has largely followed a rural-urban pattern, with most people moving in small groups to seek refuge with friends and relatives in the main towns and cities where most IDPs remain.

The Comprehensive Peace Accord (CPA), signed between the Government of Nepal and the Unified Communist Party of Nepal (Maoist) in November 2006, ended a decade-long conflict. The government encouraged post-CPA returns by covering transportation costs and providing a four-month subsistence allowance to those agreeing to return. However, this has often been insufficient to either convince all IDPs to return or to ensure the sustainability of returns. Land and property seized during the conflict has still not been returned in all districts and remains the main obstacle to the return of the displaced. Some groups, such as widows, face particular difficulties in reclaiming property due to limited economic rights and lack of legal documentation. Well-off and well-connected IDPs have generally managed to move on with their lives in their area of displacement. However, many of the poorest IDPs have struggled to find housing, new livelihoods or access to basic services. The vulnerability of women and children, particularly those from female-headed households, has made them often more likely to be exposed to a range of threats including exploitation and sexual violence.

A national IDP policy was promulgated in 2007 but has failed to meet its objective to ensure protection and assistance to all people displaced by conflict and to promote their rights to return, integrate locally or settle elsewhere. A flawed and uneven registration process started in 2007 has excluded many IDPs from assistance. Not all who managed to get registered have received assistance: less than a third of the 89,000 IDPs officially registered by the government have received any form of support. The government needs to adopt the revised IDP policy and its implementation guidelines if IDPs are to enjoy their full rights and achieve durable solutions. Until then, many IDPs will continue to lack access to proper information on their legal rights and entitlements. Local government representatives will lack guidance to ensure an even and effective IDP registration process. The government's decision in December 2011 not to extend the mandate of OHCHR, the main UN agency working on promoting IDP rights, will further reduce international capacity to support IDPs in Nepal.

Map of Nepal



Map No. 4304 UNITED NATIONS
January 2007 (Colour)

Department of Peacekeeping Operations
Cartographic Section

Source: UN Cartographic Section
More maps are available at www.internal-displacement.org

Background

In 1996, Maoist rebels launched a 'people's war' to overthrow the monarchy and establish a socialist republic. Maoists in the mid-western region attacked police, teachers, government officials, landowners and political opponents, forcing those associated with the royal government to flee to district headquarters. From 2001 the conflict escalated and the government declared a state of emergency. By then those from impoverished communities had also started fleeing their homes en masse as a result of increased fighting, Maoist extortion, forced recruitment and human rights violations by the Nepalese army. Men and young people were particularly affected as they were targeted by both sides. They moved to district centres and large cities such as Kathmandu, Biratnagar or Nepalgunj or crossed the border to India. Many also fled as a result of the consequences of the conflict: disruptions of trade, education and other public services and food insecurity (OCHA, 6 September 2006).

In 2005, the then-monarch King Gyanendra, dismissed the government and declared a state of emergency. This 'royal coup' was followed by increased fighting and human rights abuses across Nepal. In April 2006, following weeks of nationwide protests and international pressure, the King ended direct rule and reinstated parliament. The conflict ended with a Comprehensive Peace Agreement (CPA) in November 2006 which formally committed both sides to peace and constitutional change while providing for the return and rehabilitation of all those displaced by the conflict. In 2008, Nepal peacefully elected a Constituent Assembly (CA) which voted into office a Maoist-dominated government tasked with completing the transition to a federal democratic republic. From 2009 to 2011 intense power struggles between the main political parties created an unstable political environment which seriously hampered implementation of the peace process.

While the civil war has ended, many areas still experience conflict and violence due to the high number of armed groups and a weak state presence. During 2007, Madhesi groups in the Terai started to protest over lack of progress in implementation of the peace process and opportunities for political and social integration. In September 2007, inter-communal violence in Kapilvastu district between hill-origin Pahadi and Madhesi residents of the plains forced at least 8,000 people, mostly Pahadis, from their homes (IRIN, 26 September 2007). In 2008, Madhesi leaders called Terai-wide general strikes which triggered violent confrontations with the Nepal national police (OHCHR, 27 March 2008). Subsequent sporadic episodes of violence threats of extortion, kidnapping and murder from armed and criminal groups convinced many more Pahadis, but also some wealthy Madhesis, to leave their homes. Most have moved in small groups and headed west to seek refuge in cities where some have reportedly managed to integrate (Nepal IASC PC, 11 August 2011, p.2; Ghimire, Anita & Poudel, Suman Babu, 20 November 2010; NRC, 5 March 2008).

Slow progress on peace process commitments

After missing several deadlines to write the new constitution, the CA's parliamentary mandate was extended at the end of 2011 for a further six months, until the end of May 2012. During 2011 some progress was made on a number of peace process commitments while others remained stalled. In August 2011, the formation of a Maoist-led government paved the way for the signing in November of a Seven-Point Agreement by all the main political parties. Consensus was reached on contentious issues such as the future of Maoist fighters who were offered the choice to integrate into the Nepal Army or retire with a cash package. Signatories committed themselves to ensuring the return of all property seized during the conflict by 23 November. A State Restructuring Commission

(SRC) was established, tasked with making recommendations on different federal models (RCHCO, 8 November 2011, p.1). The main parties made a renewed commitment to the formation of two transitional justice mechanisms, a Truth and Reconciliation Commission (TRC) and a Commission of Inquiry into Enforced Disappearances.

By March 2012, the SRC had submitted two reports on federal models. There has been intense debate on the form of federalism to be adopted. The issue has served as a catalyst for protest and threats across the country. Some propose that federal structures be geographically-based while others believe they should be based on ethnic identity. Some reject any form of federalism. Some groups have sought new opportunities and access to resources while others have vied to preserve the status quo. Security is reported to have deteriorated. In the past twelve months unidentified armed groups in various areas of the country, as for example in Banke district in the Mid-Western region, have been responsible for increased abuses against civilians, including threats, extortion and kidnapping (IRIN, 2 March 2012).

The 23 November 2011 deadline for returning land and property seized during the conflict passed with little achieved. Stalling of a land reform process promised since 2006 has further contributed to the absence of progress in land return. The commitment by the Maoists and all political parties to return land seized during the conflict and formulate policies for land reform was formalised in both the CPA and the 2007 Interim Constitution. Despite the establishment of two Land Reform Commissions since 2006 and the formulation of a number of policy recommendations, land reform measures have yet to be implemented (ICG, 13 December 2011, p.2; ICG, 7 April 2011, p.1; Carter Center, 22 June 2010).

Despite formal commitments, there has been a near complete failure to address human rights violations committed during the conflict. No

political party appears interested in making this a priority (HRW, 24 January 2012). Parliamentary bills providing for the establishment of the two transitional justice mechanisms have been pending since 2010. Human rights advocates have expressed grave concerns that the latest versions of the bills fail to comply with international standards. The main political parties have reportedly agreed to remove clauses that would prohibit amnesty for serious crimes committed during the war (AHRC, 3 April 2012).

More than five years after the CPA most Nepalese have seen few changes in their daily lives. Peace dividends remain meagre, particularly for those outside Kathmandu. Widespread impunity and political and bureaucratic corruption have undermined state legitimacy (ICG, 7 April 2011, p.16). The continued absence in many areas of centrally-appointed secretaries of Village Development Committee (VDCs), the lowest tier of government, has limited the state's capacity to provide basic services, particularly in central and eastern hill and mountain areas, while further eroding its credibility. In early 2010 it was estimated that only 42 per cent of VDC secretaries were in post (OCHA, 22 March 2010). Their non-deployment has also delayed implementation of development projects. These have also been disrupted by repeated strikes and protests in 2011-2012 which have limited operational space for international organisations.

IDP figures

There are no accurate estimates of the total number of people displaced during the ten-year internal conflict, or the number still displaced. It is believed that up to 200,000 people were internally displaced during the war, most fleeing rural areas to seek refuge in district headquarters and in the main cities, including Kathmandu, Biratnagar and Nepalgunj (IDMC, 19 June 2008, p.11). The vast majority were displaced by the Maoists (NRC, 20 September 2009, p.8). The scale

of internal displacement remained limited as the open Indian border allowed perhaps as many as two million people to cross into India. This estimate includes both economic migrants and conflict-IDPs (Ghimire, Upretti, Pokharel, 2010). Although the majority of those who fled their homes have since returned, a significant number have failed to do so due to unresolved land and property issues, insufficient security guarantees and lack of assistance.

At the end of 2011, the UN and international agencies believed that about 50,000 people were still displaced by the conflict and remained unable or unwilling to return to their homes (RCHCO, 2011, p.12). This did not include people displaced since 2007 by inter-ethnic conflict in the Terai and whose numbers remain unknown. In recent years these figures have remained steady. There has been no profiling of the displaced and only limited assistance to support IDPs to achieve durable solutions. In June 2009, the Nepal IDP Working Group, a group of international and national agencies, judged that up to 70,000 people displaced by the conflict had not found durable solutions (Nepal IDP WG, 15 June 2009, p.7).

Following the announcement of a National IDP Policy in 2007, the government started identifying and registering IDPs. In most districts, however, the process remained uneven and incomplete and IDPs were reported to face a number of political and procedural obstacles. These included the requirement to return to their home districts to submit a registration application, a trip many of the poorest IDPs could not afford. Additionally, there have been difficulties in obtaining required confirmation letters from VDC secretaries (especially from those who have relocated to district headquarters) and lack of information on the registration process, its requirements and deadlines (Nepal IDP WG, 15 June 2009, p.19). Many people displaced during the conflict were not aware of the registration. Some did not register, believing it would not result in any benefits (NPTF, May 2010,

p.8). Some also preferred not to be identified as 'IDPs', a concept which became politicised during the conflict when only those closely associated with the former royalist government were considered displaced and received assistance.

By the end of 2011, the government had registered 89,000 people (SAHR, 20 January 2012; Bhandari, 17 September 2011). The government considered most IDPs on their list to have returned or been compensated (RCHCO, 2011, p.12; AFP, 22 September 2009). It is difficult to estimate the proportion of IDPs who have failed to be registered. Some indication may be provided by the identification and registration process of 'conflict victims' eligible under the government's interim relief programme which since 2009 has sought to assist the families of those killed, disappeared, injured or abducted or who suffered property damage or losses. When the relief programme's registration deadline expired in May 2011, it was estimated that between 15 and 40 per cent of all conflict victims had failed to register, mainly because they were unaware of the programme (RCHCO, 12 October 2011; Carter Center, 10 May 2011, p.8).

Sustainability of returns threatened by limited access to basic services and lack of livelihoods

The majority of those who were displaced by actions of the security forces or who fled the adverse affects of the conflict on the economy and provision of basic services managed to return when the conflict ended, sometimes with assistance from the state or non-governmental organisations.

Major post-conflict recovery challenges have often affected displaced and non-displaced groups alike in the context of a depressed post-conflict economy, crumbling infrastructure, limited government presence and generally poor access to basic social services. Vulnerability often owes

more to cultural attitudes and social stigmatisation than displacement *per se*.

Though some progress is reported in reducing discrimination based on caste, ethnicity, religion or gender, some groups in Nepal remain systematically disadvantaged and marginalised. Research on the impact of the conflict on women indicates that in general cultural patterns remain unchanged (AF & ICTJ, December 2010, p.31). Nepalese society remains based on patriarchal relegation of women as second-class citizens. Women from low castes who lost their husband or suffered sexual abuses during the conflict face particular hardship as they experience the cumulative discrimination of their gender, widowhood, victims of sexual abuse and membership of groups considered to be inferior. They continue to have reduced access to education, employment and health care. Women from particularly marginalised castes, such as Dalits (the so-called “untouchables”), were often more vulnerable to violence during the conflict as security forces assumed they were more likely to support or be recruited by Maoists.

Forced displacement exacerbated these difficulties by adding challenges such as the disintegration of families or loss of land, property or other means of livelihoods. Upon return widows, and those whose husbands disappeared during the conflict, have faced heightened difficulties in reintegrating and reclaiming their property due to unclear property rights, limited economic rights, lack of legal documentation and social stigma associated with their status (IRIN, 26 August 2011, AF & ICTJ, December 2010, p.99; WHR, 2 August 2010).

Most returnees have not received any state assistance. The approximately 25,000 who have been supported have only received transportation and four-month subsistence allowances. Most have expressed their need for long-term livelihood opportunities, skills development training and support to help repay the loans most incurred in order to survive during displacement (RCHCO,

20 October 2011, p.4; NPTF, May 2010, p.21).

According to an assessment by the Nepal IDP Working Group, more than a third of returnees reported facing severe livelihood difficulties (Nepal IDP WG, 15 June 2009, p.27). Although, they are notionally included in the state’s agricultural assistance programme no IDPs have received loans for agriculture since 2007 (NPTF, January 2012, p.42). Financial assistance to reconstruct homes damaged by the conflict has also only reached a few: some 2,600 families (NPTF, May 2011, p.12).

IDPs who have failed to return since the end of the conflict and reclaim property are mainly those who fled actions by the Maoists. They include prominent landowners and active supporters of anti-Maoist parties (SAHR, 20 January 2012; Bhandari, 17 September 2011). Significant numbers of returnees have also been forced into secondary displacement, most returning to the cities where they had initially sought refuge (SAHR, 20 January 2012, p.iii; One World, 3 April 2009).

Unfinished business: return of land and property

Despite repeated commitments by all parties, including the Maoists, land seized during the conflict has not been returned in all districts. Problems have mainly been reported in areas of Central and Far-Western Terai which were far more affected by land seizures during the conflict. Most of the land that remains unreturned appears to concern the larger land holdings (RCHCO, 17 November 2011, p.1). Most land that had been returned consisted of small plots belonging to non-politically active IDPs (NIP, 20 November 2010; Nepal IDP WG, June 2009, p.33). The more land IDPs owned, and the more active they were in non-Maoist political parties, the less likely it is that they have recovered ownership.

The main resolution challenge is that expropriated land has often been sold or distributed to

others, including landless people and tenant farmers. Depending on use of the land for their own survival, they refuse to abandon it if they are not provided with alternative land. Land reforms promised since 2006 have failed to materialise. Thus marginalised and landless groups have been unable to improve access to land. Land reforms undertaken since the late 1950s to abolish feudalism and foster economic transformation have generally failed to reduce landlessness and insecurity of tenure, which has been in many regions the main cause of poverty and food insecurity and a root cause of the conflict. These reforms, together with the abolition of customary land rights, have led the state to become the largest land owner (DFID, November 2008, p.v). In 2010, a High Level Land Reform Commission reported that some 1.4 million people in Nepal were landless and that they needed some 421,770 hectares of land. The Commission recommended distributing some 492,851 state-owned hectares to the landless as it was not being productively cultivated (Nepalnews, 15 May 2010).

Land disputes are further complicated by the frequent absence of unambiguous land ownership documents and destruction of cadastral records and maps (RCHCO, 27 January 2012, p.2). In 2010, the Carter Center reported that in several districts inaccuracy of official records was an obstacle to returning land. Furthermore, many land owners never reported their land as seized, believing that no help would come from the state (Carter Center, 22 June 2010, p.1).

In 2011, the UN noted the absence of any coherent state policy on the return of seized land. Decisions remain *ad hoc* and are made by local leaders (RCHCO, 26 August 2011). When land has been returned to the displaced it has generally been the result of individual negotiations at the local level that have not formally involved the state. Sometimes the owner of the land has been asked to make a donation to have it returned (RCHCO, 26 August 2011). A trend observed in

2011 in Dang, Bardia and Banke is that some landowners who are afraid to return, or whose land is now occupied by tenant farmers, have sold their land to local brokers at around half the market rate (RCHCO, 17 November 2011). In January 2012, the Maoist-led government decided to validate all property transactions and registrations made during the conflict, thereby further complicating the issue (RCHCO, 27 January 2012, p.1).

Living conditions and protection concerns in urban areas

The majority of people still displaced in 2012 live in the towns and cities where they sought refuge during the war. There they often mingle with economic migrants and other vulnerable groups and squatters. While some of those who fled the conflict, in particular the well-off and connected IDPs, have easily managed to find a new home, integrate and find jobs, others, particularly poorer children and women, have struggled to find proper accommodation, make ends meet and access basic services. Their economic and social vulnerability has increased their exposure to a range of threats including trafficking, sexual exploitation and child labour.

In 2011, the UN estimated that up to 57,000 children had been affected by the conflict, including some 8,000 who lost their parents (RCHCO, 2011, p.26). The number of displaced children is unknown, although in 2005 some estimated their number to be 40,000 (Xinhua, 12 June 2005). Denied protection afforded by family and community networks, and often denied an education as they lack documentation such as birth certificates or money, displaced children in urban areas are extremely vulnerable to exploitation and child labour (IRIN, 11 July 2007 & 18 November 2008). When the war came to an end, many displaced children were reported to be working as domestic servants, subject to severe exploitation and exposed to physical or psychological abuse (TDH & SCA, June 2006, pp.16-19). Many are now emerg-

ing into adulthood without professional skills or education. Without targeted vocational skill training and employment opportunities most will remain trapped in poverty.

Many women who fled rural areas have struggled to adapt to new urban environments and are forced to perform low-paid menial jobs. A survey conducted in 2007 among 700 displaced women in Kathmandu showed that they worked predominantly in carpet factories, had small businesses or did manual work (ERDCN, 17 January 2011). Other women were sometimes coerced into prostitution to eke out a living (SIRF, 6 May 2009, p.54; IRIN, 2 May 2007; IRIN, 17 February 2006). A survey conducted in 2005 among 1,600 women working in restaurants, massage parlours and entertainment venues in the main cities of Nepal showed that more than half had been displaced by the conflict (Bhandari, 17 September 2011). HIV/AIDS prevalence is reported to be particularly high among internally displaced sex workers, due to their limited health care knowledge and social and economic vulnerability (NHRC, 11 November 2011, p.37; Karkee & Shrestha, 2006 p.364). Many also suffer from mental disorders caused by trauma experienced during the conflict, including sexual violence (MoPR, 1 February 2011, p.2). The extent of mental health problems suffered by conflict-affected women, including those displaced remains largely unknown and unaddressed (AF & ICTJ, December 2010, p.98). Victims of torture and sexual violence are not recognised as conflict victims by the government and therefore excluded from its interim relief assistance programme (RCHCO, 20 October 2011).

Female-headed households and widows are, once again, particularly vulnerable as they face social and cultural discrimination which limits their mobility and they often lack employment skills. A survey conducted by Women for Human Rights among 800 displaced widows in Kathmandu showed that 83 per cent were living in poverty, facing a daily struggle to provide for themselves

and for their children. Typically, they live in single rooms with three or four children, without adequate access to clean water and sanitation facilities (WHR, August 2010). Displaced widows have often been unable to access government assistance or compensation schemes, being unable to meet the requirement to return to home districts for registration. While widows with husbands killed by the Maoists have sometimes received compensation, those whose husbands died as a result of actions by state security forces have often received nothing (SIRF, May 2008, p.63). Compensation is often reportedly taken by the family of the dead husband (NRC, 20 September 2009, p.30). Lack of awareness of rights and information are the main obstacles to accessing compensation or justice (AF & ICTJ, December 2010, p.84).

National response

Since the end of the conflict in 2006, successive Nepalese governments and the main political parties have made repeated commitments to protect and support IDPs to return home and reclaim their property. This was formalised in February 2007 by the announcement of a National IDP Policy to provide for the return, local integration and settlement elsewhere of all people displaced by the conflict. In September 2007, the government started providing assistance to the displaced through its Special Programme for Relief and Rehabilitation of the IDPs overseen by the Ministry of Peace and Reconstruction (MoPR), the main government body responsible for assisting IDPs. This has been funded from the Nepal Peace Trust Fund (NPTF), a programme established by the government in February 2007 to invite interested donors to contribute to implementation of the CPA.

However, four years on, much of the promised assistance has failed to reach the displaced. As of early 2012, less than a third of the up to 84,000 IDPs registered by the government are reported to have received some form of relief and compen-

sation. Support has only been available to those willing to return home. Of its total IDP budget of 370 million Nepalese rupees (\$4.5 million), the government has only managed to spend NPR 241 million (\$2.9 million), identifying “complexities to communicate with IDP at the local level” as the main obstacle to its full implementation (NPTF, January 2012, p.17).

The government’s overall failure to comprehensively address the protection and assistance needs of its displaced population (or for that matter of other categories of ‘conflict victims’ it started assisting in 2009), is explained by the interplay of a number of elements. These include weak administrative capacity, lack of adequate resources, poor governance, political instability, corruption, lack of accurate data on the displaced, and, above all else, lack of political will. The IDP issue remains highly politicised and successive governments, particularly those led by Maoists responsible for the majority of the displacements, have tended to sideline the issue and downplay the impacts of acts committed by their supporters.

Five years after its adoption, the National IDP Policy has yet to be fully implemented. The MoPR developed procedural directives as implementation guidelines in late 2007 with international technical support but they have not been formally adopted (Brookings, November 2011, p.79). Both the policy and the directives have since been revised but are yet to be adopted and properly disseminated. Until they are, most IDPs are unlikely to enjoy their full rights and achieve durable solutions. The directives are crucial as they would add institutional mechanisms for improved coordination of assistance and implementation of the national IDP policy. They would also put in place clear and simple procedures to help IDPs access their entitlements and access services (Nepal IDP WG, June 2009, p.14). In their absence many will continue to lack access to proper information on their legal rights and on how to access assistance. State representatives at the local level will not

have the needed guidance to ensure an even and effective IDP registration process (Nepal IASC PC, 11 August 2011, p.3).

The IDP identification process and provision of interim relief is reported to suffer from manifold shortcomings: political bias, lack of transparency in screening and making recommendations, poor coordination, inconsistency in applying policies, unclear and overly bureaucratic procedures, insufficient capacity, lack of awareness of entitlement among beneficiaries and lack of local participation (RCHCO, 20 October 2011, p.4; AF, 2010, p.26). The process is described as painfully slow: some have had to wait for three years before receiving any assistance (RCHCO, 12 October 2011, p.3).

Local Peace Committees (LPCs), set up in all districts to assist with the implementation of the CAP, have failed to guarantee the effectiveness, independence and accountability of the relief process. In most districts LPCs have only played a subsidiary role, assisting MoPR taskforces to update lists of conflict victims and recommend persons for relief and compensation. Most LPCs lack decision-making power, resources or informed understanding of their role. They have also struggled to properly verify data and monitor the provision of assistance due to the complexity of procedures (RCHCO, 13 June 2011). In many districts the process has been prone to political influence, with the main political parties favouring their supporters and ignoring genuine IDPs (Carter Center, 10 May 2011, p.1). It has also been noted that the absence of VDC secretaries (or their replacement by assistants) has caused significant delays in the issuance of official documents including those necessary for IDP registration applications. Furthermore, VDC secretaries have been found to sometimes favour the application of politically-affiliated applicants while letting other wait (Advocacy Forum, 2010, p.26)

In February 2011, the government launched a National Action Plan on Women, Peace and Security. After being identified, women and chil-

dren affected by the Maoist insurgency, including IDPs, are to be provided with improved access to education, health and psychological care and vocational skills training (MoPR, February 2011).

International response

In 2011, the protection cluster, headed by the Office of the UN High Commissioner for Human Rights (OHCHR), identified conflict-induced displacement as a core, but neglected, protection concern in Nepal. As a result, it adopted a strategy which it hoped would provide a 'road map' for improving protection and a more effective response to violation of the human rights of IDPs. The UN has acknowledged that the government's failure to implement the revised IDP policy constitutes a major obstacle to the realisation of IDPs' rights and their achievement of durable solutions. It has therefore made the implementation of the comprehensive national IDP policy and guidelines one of the main priorities of its peace-building strategy in 2011-2012 (UN, June 2011, p.9). In line with this, the protection cluster had planned a number of activities in support of the dissemination of the national IDP policy. However, due to the government's failure to adopt the revised policy and issue implementation directives, most of these activities have not taken place.

OHCHR has in recent years been the main UN agency working on promoting IDP rights. In December 2011, the government decided not to renew the mandate of OHCHR, arguing that the National Human Rights Commission (NHRC) could take on the role of monitoring human rights (Himalaya Times, 30 December 2011). According to human rights advocates, the NHRC's capacity to fulfill its mandate may actually be seriously limited by the new National Human Rights Commission Act the president signed into law in January 2012 and which could weaken the NHRC's autonomy and independence (Asia Foundation, 12 March 2012). Towards the end of its mandate,

OHCHR had expressed strong concern about the lack of state efforts to address impunity, in particular in relation to the bills proposing the establishment of the transitional justice mechanisms. The departure of OHCHR has left unfinished work undertaken to foster these nascent entities mechanisms. In 2010, OHCHR conducted a mapping of conflict-related human rights and international humanitarian law violations committed by both sides during the conflict. The report was initially scheduled to be released at the end of 2010 but has not been published, reportedly due to government pressure (Kathmandu Post, 8 March 2012).

OHCHR's departure will further reduce international capacity to support IDPs in Nepal. The Office of the UN High Commissioner for Refugees (UNHCR) is likely to take over as leader of the protection cluster. In recent years, UNHCR has not worked on IDP issues but has focused instead on the protection of refugees, particularly those of Nepalese ethnicity expelled from Bhutan, and on the issue of statelessness (UNHCR, 1 December 2011, p.196).

In January 2011 the UN Human Rights Council undertook a Universal Periodic Review (UPR) to assess Nepal's progress in upholding human rights. Several delegations brought up the IDP issue and made a number of recommendations that were formally supported by the Nepal government. These included the setting up of a follow-up monitoring mechanism to ensure the return, registration, reintegration and rehabilitation of all IDPs, as well as measures to ensure that displaced children and their families enjoy the right to health, education and birth registration without discrimination (UN HRC, 8 March 2011).

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

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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