



# OCHA Nepal Situation Overview

Issue No. 12, April

## Highlights:

- **Ministerial team formed to address concerns of marginalised groups**
- **Election Commission announces that it is not technically possible to hold Constituent Assembly polls in June**
- **CPN-Maoist and Madhesi parliamentarians disrupt House business**
- **Bandhs called by Madhesi and other groups continue to paralyse life in East and Central Terai**
- **Citizenship Certificate distribution continues to be dogged by claims of irregularities**
- **New groups continue to pose challenges to humanitarian and development work**
- **Delivery of services by state in Terai districts hampered by Madhesi and other groups**
- **Reports of new displacements in East and Central Terai Districts**
- **Positive winter crop yield expected in many districts, but shortfall remains in Mid and Far West regions**
- **Improvement in nutrition standards reported in Bhajhang District**

Kathmandu, 3 May 2007

## CONTEXT

### Politics and major developments

On 8 April 2007, the government of Nepal formed a three member ministerial team headed by Peace and Reconstruction Minister to hold talks with Madhesi, Janajati, Dalits and other marginalised groups who have been engaging in protests for the last three months. Following invitation for talks by this team, several groups including Madhesi Peoples Rights Forum (MPRF) welcomed the move to try and resolve Madhesi issues through dialogue, with Nepal Federation of Indigenous Nationalities (NEFIN) suspending their planned strike programmes to give room for talks. On 26 April MPRF formed its talk team and submitted the names of team members to the Ministerial team.

On 10 April, pursuant to the Tripartite Agreement on Management of Arms and Armies, the Nepal Army (NA), under supervision of UNMIN registration teams and arms monitors started locking up an equivalent number of weapons registered by the CPN-Maoist in 14 storage containers at its Chhauni barracks in Kathmandu. This process was completed on 12 April with reportedly 2855 weapons (including rifles, machine guns, sub machine guns, pistols and mortars) registered by the UNMIN teams.

During the reporting period, a number of CPN-Maoist s' PLA were reported to have threatened to leave the Cantonment sites, citing poor living conditions. A joint committee composed of government and CPN-Maoist formed to assess the living conditions at the cantonments made recommendations for improvement of the living conditions at the cantonment sites. However, before the recommendations could be implemented, wind and rain is reported to have destroyed the temporary shelter of the CPN-Maoist combatants, forcing a number of them out of the cantonments into the neighboring villages in Nawalparasi, Kailali, Ilam and Chitwan sites.

Citizenship card distribution continued to be dogged with controversies, especially in the Terai districts, with claims that brokers were involved in getting money to secure Nepal

citizenship certificates to a number of Indian nationals. In Central region's Sarlahi district, some citizens had reportedly filed cases at the District Administration Offices (DAO) against individuals who reportedly aided the acquisition of citizenship certificates for their relatives from India. On 8 April, a group of brokers that included some Indian nationals reportedly locked up local leaders of the 8 political parties and the VDC Secretary at Govindapur VDC of Morang District after they were deprived of citizenship despite having paid money. There were widespread claims that Indian citizens reportedly paid between 2-20,000NPR to acquire Nepali citizenship. On 9 April, activists of Janatantrik Terai Mukti Morcha (JTMM- Jwala Singh) reportedly abducted the CPN-Maoist Area Secretary from his residence at Dewahi VDC-6, Rautahat District on claims that the abducted CPN-Maoist leader was helping a non-Nepali to acquire Nepali citizenship certificate.

On 12 April, the Electoral Constituency Delimitation Commission (ECDC) submitted its report to the Prime Minister, proposing a total of 240 electoral Constituencies for the Constituent Assembly (CA) elections from the current 205. The ECDC proposed additional 35 constituencies (28 in the Terai and 7 in the Hilly region), justifying the proposed increase on the basis of population growth, with each electoral constituency having up to 96,000 voting population. The ECDC proposal, which if implemented, would leave the Terai districts with 116 and the hilly districts with 124 electoral constituencies were rejected by both the Madhesi groups and the CPN-Maoist.

On 12 April, the Election Commission declared that it was technically not possible to hold free and fair CA elections on 20 June as previously suggested by the political parties. The Chief Election Commissioner (CEC) stated that the Commission requires 110 days for preparation after the government has passed all the required legislation and settled the pending political issues. The CEC asked the government to announce the CA elections date taking into account the foregoing factors to enable the EC plan accordingly. Following this announcement, the leadership of the 8 political parties at different levels engaged in political debates as to who should take responsibility for the delay and the way forward, but no conclusions were reached. The

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announcement by CEC that holding CA elections in June was not possible also attracted protests from CPN-Maoist cadres across the country, including combatants from Chitwan and Nawalparasi Cantonment sites, who temporarily came out of their cantonment on 14 April to protest against delay in holding CA elections. On 15 April, the CPN-Maoist Chairman Prachanda stated that if the CA polls could not be held on schedule, the basis of unity among the eight parties had ended and new understanding should be reached on the process of declaring Nepal a republican state, including options for a referendum to decide on the fate of the Monarchy. On 27 April 62 political parties had reportedly submitted applications for registration to the Election Commission to enable them participate in the CA elections.

On 18 April, CPN-Maoist members of Interim Parliament started disrupting parliamentary proceedings demanding immediate announcement of date for CA elections, declaration of Nepal as a republican state and better management of the Cantonment sites. The CPN-Maoist also sought an apology from the Home Minister for the police raid on Young Communist League (YCL) offices. Similarly the Members of the Interim Parliament from the Madhesi community joined the CPN-Maoist in disrupting the business of the Interim Parliament demanding among other things the setting up of a high level judicial probe into the violence in the Terai, adequate compensation to the victims of the Terai violence and scrapping of ECDC report. On 25 May, due to these disruptions as well as the projected absence of the house speaker and his deputy, parliamentary proceedings were adjourned for two weeks.

### **Conflict and Security**

During the reporting period, several abductions and demand for ransom, notably by both factions of TJMM were observed. An OCHA mission in early April to Siraha and Saptari districts of Eastern Region was informed that in Saptari District alone, 12 cases of abductions attributable to TJMM were reported to human rights organisations within a span of one month. On 10 and 11 April, Medical professionals across the country staged protest against the government's inaction in securing the release of the Saptari District Medical Officer of Health, who was reportedly abducted from Rajbiraj, Saptari District on 4 April. The abducted doctor was later released in Eastern Region's Sunsari District on 11 April. The District Education Officer (DEO) of Saptari District who was abducted on 7 April was subsequently rescued by security forces in the same district after being held for 5 days.

On 9 April, TJMM (Jwala Singh) called a Terai bandh to mark the first day of 'Independence of the Madhesi'. This bandh was reportedly effective in Siraha, Saptari, Dhanusa and Mahotari districts. On 18 April, the DAO in Rautahat District in Central Region imposed a 3-day prohibitory order barring all demonstrations, rallies and gatherings in 7 wards of Gaur Municipality between 20 and 22 April. These dates coincided with those set by Madhesi Peoples Right Forum (MPRF) for calling a Terai bandh, which was largely observed in Parsa, Bara, Rautahat, Sarlahi, Mahotari and Dhanusa districts of the Central Region, Kapilbastu, Rupandehi and Nawalparasi districts of the Western Region as well as Siraha, Saptari, Sunsari and Morang districts in the Eastern Region. On 9 April, the TJMM (Goit) called on all people residing in the Terai region to boycott CA polls unless

the same is held by an interim government formed through a round-table conference of all political parties, organizations, intellectual community and the civil society from the Terai region.

On 23 April, Chure Bhawar Ekta Samaj (CBES), a group composed of principally Nepalese of hill origin (Pahadi) called for an indefinite Chure Bhawar Pradesh strike. The CBES, whose membership reportedly hails from different political parties, demanded among other things, the declaration of the Chure Bhawar region as an autonomous state. CBES bandh was reportedly effective in Bara, Rautahat Sarlahi, Mahotari and Dhanusa districts. On 24 and 25 April, owing to this strike, police had to escort vehicles along the highway between Sarlahi and Rautahat districts after CBES vandalised several vehicles along Mahendra Highway, including a private bus hired by the Nepal Red Cross. On 26 April, the strike had spread to Siraha District in Eastern Region, causing many travellers to be stranded along the highway and prompting the Home Ministry to issue a warning that the government through the security forces would use all measures to tackle protest programmes that disrupt the flow of vehicles along the highways. A confrontation between CBES activists and security forces as well as TJMM (Jwala Singh) activists reportedly led to the death of two people. On 30 April, the CBES strike was called off after the government reportedly agreed to release 9 arrested CBES members as well as set up a commission to investigate the incidents that happened during the CBES strike.

During the reporting period, Terai bandh called by Madhesi Tigers on 28 and 29 April to protest against the arrest of its activists by the police was observed in Siraha, Saptari and Sunsari districts of the Eastern Region. On 23 April, 227 members of former bonded labourers (Kamaiyas) reportedly set up a group in Bardiya District of Mid Western Region and threatened to start protest programmes in 6 VDCs unless the government settled former Kamaiyas and other landless people.

Clashes between CPN-Maoist, MPRF and other groups (including ordinary citizens) continued to be reported in different parts of the country. During the reporting period, a clash between villagers and representatives of other political parties on the one hand and CPN-Maoist on the other in Manma, Kalikot District, Mid Western Region left several people injured, prompting the DAO to impose a curfew. On 10 April, a clash between MPRF and CPN-Maoist in Bangai village, Rupandehi District of Western Region left several people injured. Similarly on 11 April cadres of the JTMM (Goit) are reported to have shot at three persons including 2 CPN-Maoist district officials in Sihorwa village of Central Region's Bara District.

During the reporting period, the police raided the offices of YCL in Kathmandu, Baktapur and Lalitpur districts of the Central Region, reportedly after a tip off, in search of illegal weapons and abducted people. However, the police search did not yield any positive results, prompting protests across

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the country, claims of harassment and demand for public apology from the police by YCL leaders, who claimed that the YCL are only involved in “development activities”. Continued usage of guns, explosives and bombs by varying groups to instil fear or make political statements notably increased during the reporting period. On 8 April, TJMM (Jwala Singh) activists fired several shots in the air in Janakpur to warn would be violators of their bandh called on 9 April. Similar incidents of shooting in the air were reported in Nepalgunj, Banke District on the eve of an MPRF called bandh. Following reports of widespread presence of weapons in the wrong hands, the Home Ministry issued a directive with a one week deadline to all people in possession of illegal arms to surrender the same to the state by 8 April. However, the Home Ministry reported that it managed to secure only 6 guns and 311 bullets in 6 districts across the country by the end of the deadline period

### **Operational Space**

On 4 April, Mugu Chamber of Commerce and Industry (MCCI) based in Mugu District of Mid Western Region informed air operators that they would not allow any flight by helicopters into Gamgudi helipad until MCCI demands for reduced rates for cargo for the local business community are met. Due to this blockade by local officials of MCCI, World Food Programme (WFP) was hindered from delivering 65 metric tons of emergency food aid to needy populations living in Kimri, Mangri, Pulu, Roba and Ruga VDCs in Mugu District. Following this blockade and failure by WFP to get assurances from MCCI that led to over two weeks of delay in delivery of the needed humanitarian assistance, on 20 April, WFP, issued an appeal to MCCI members to respect international humanitarian principles and allow WFP contracted helicopters access to deliver the relief food. The MCCI persisted in their blockade and efforts to resolve the issue between Ministry of Civil Aviation and MCCI were reportedly underway.

As previously reported, marked reduction in interference by the CPN-Maoist in the way development and humanitarian organizations deliver services continued during the reporting period, but new groups especially in the Terai region continued to pose operational challenges. An OCHA mission in early April to Siraha and Saptari districts in Eastern Region was informed by both the UN and other organizations based in the two districts that it was very difficult to continue operations, irrespective of the work or projects being implemented, a marked departure from how the situation was 3 months ago. This was due to the poor security situation, extortion from different groups and pressure from groups that were not directly benefiting from the projects. For some projects working in specific villages, the community was able to provide assurances once the project staff was in their villages, but access challenges to such villages remained, principally due to security reasons owing to the emergence of different players who had no identifiable leaders either locally or nationally and the absence of state structures to deal with such groups. Whereas many development partners informed the OCHA

mission that they have not received direct physical threats, some NGOs had reportedly been requested to close down their offices and a few staff who tried operating on the Southern parts of the two districts had been asked for ‘donations’, with threats of abduction from unknown groups. Similar patterns have been reported in other Terai districts of Central and Western region. For instance, during the reporting period, a TJMM (Jwala Singh) cadre reportedly asked a UN project office in Gaur, Rautahat District to give 1 million NPR to the group or cease operations. In Bara District, the TJMM (Goit) is reported to have telephoned two NGOs in the area, demanding 10% of the organisation’s total budget prior to the continuation of the organisations’ activities. A motorcycle belonging to one of the NGOs was also confiscated by the TJMM during the reporting period. Three NGO workers were also abducted and subsequently released by the TJMM (Jwala Singh) in Siraha District. On 24 April, a YCL activist telephoned an INGO office in Kathmandu and threatened the INGO staff to close the office and join in the celebration of “Loktantra day” or take responsibility for any consequences of the failure to close offices on this particular day.

### **Reach of State**

During the reporting period, an OCHA mission in early April to Siraha and Saptari districts in Eastern region was informed that it was increasingly getting difficult for the government to deliver services compared to past months. The MPRF activists had consistently locked government offices and the different emerging groups had threatened middle and high level government officials of hill origin (Pahadi). Due to pressure from these groups, a number of “Pahadi” civil servants had reportedly been forced to vacate their offices, seek transfer or quietly go on leave in Kathmandu and other places. Government officials of Madhesi origin were reportedly making ‘technical appearances’ in the offices using the back door, but were not working consistently owing to fear of being perceived by different groups as supporting the government against the ‘wider Madhesi cause’. The OCHA mission was further informed that all the VDC Secretaries of Pahadi origin were not able to continue working in their respective VDC offices or even the district headquarters. A few VDC Secretaries of Madhesi origin were reportedly willing to continue working, but had been directed to pay 25,000 NPR to TJMM (Goit) before undertaking any activity. Following further directives from TJMM (Jwala Singh) that all government departments should surrender to the ‘Madhesh government’, it was reportedly difficult even for the VDC Secretaries of Madhesi origin to work effectively. In Central Region’s Mahotari District, MPRF is reported to have issued death threats to government employees who opened their offices. Similarly, JTMM (Jwala Singh) claimed responsibility for a device which exploded on 11 April at a private house in Gaur, Rautahat District, reportedly in protest at the CDO’s decision to reopen government offices in the District. During the reporting period, JTMM (Jwala Singh) also issued a press statement asking all civil servants of “Pahadi” origin to leave the Terai districts as soon as possible.

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The re-establishment of police posts that had been displaced during the conflict continued to face challenges in different parts of the country. In Western Region's Parbat District, a police team that had gone to re-establish a police post in Thulipokhari was reportedly denied permission to do so by local cadres of CPN-Maoist. Similarly, due to pressure from CPN-Maoist, a police post located at Ragechaur village of Salyan District in Mid Western Region was reportedly shifted to the area police post at Tharmare and subsequently to the district headquarters. On 30 April, CPN-M local cadres reportedly attacked a police post based in Katkuiya VDC of Banke District, Mid Western Region. During the reporting period, an OCHA mission in early April to Siraha and Saptari districts of Eastern region was informed that the police in Siraha have re-established only 7 rural police posts out of the original 23, while only 50% of the police posts that had been re-established in Saptari District are operational owing to attacks and other forms of threats from TJMM.

In Bardiya District of Mid Western region, despite an agreement during 8 party meeting, the CPN-Maoist stopped Nepal Electricity Authority (NEA) officials from reading electricity meters in rural areas of the District. Similarly, in Chitwan District, CPN-Maoist is reported to have stopped the police and government officials from moving into 3 Villages of Chainpur, Shaktikhor and Jutpani without 'permission'. In Eastern region's Khotang District, CPN-Maoist is reported to have asked all the VDC Secretaries to give 10% of their budget to CPN-Maoist.

### **Drought**

The World Food Programme (WFP) released its latest food security update covering the status of main winter crops (Wheat and Barley) in 36 districts. According to the report, the outlook for the winter wheat production is positive, with early estimates from the Ministry of Agriculture and Cooperatives (MoAC) pointing towards target output of 1.5 Million Metric tones. This positive scenario can mainly be attributed to the increase in wheat production in the Terai. In the nine Terai districts (Saptari, Siraha, Dhanusa, Bara, Parsa, Nawalparasi, Rupandehi, Banke and Bardiya) monitored by the WFP Food Security Monitoring and Analysis System, the average increase in wheat production is 38%. This increase is attributable to increased area under wheat cultivation and better yields due to favourable weather. However, the crop situation is less positive in several Hill and Mountain districts of Mid and Far Western Regions. In these areas, the effects of drought, hailstorm, late snowfall, excessive rainfall and pest have led to substantial localised decrease in winter crop production. Heavy losses in wheat production is expected in Dailekh, Jarjakot and Pyuthan districts of the Mid Western Region as well as Baitadi, Achham and Bajura districts in the Far Western Region. Food security conditions in the latter districts remain precarious. According to the WFP report, the Barley crop production is expected to be normal in the main production areas of the country.

During the reporting period, an international fact finding mission on the right to food, led by FAO's UN Special Rapporteur on the right to food arrived in Nepal and visited Siraha, Makwanpur, Nawalparasi, Chitwan, Banke, Jumla, Dadeldhura and Accham districts. On 19 April, the team, composed on 8 NGOs and 4 INGOs released its preliminary findings which suggest that food insecurity is pervasive in surplus and food deficit districts and primarily affects women and children, indigenous nationalities, bonded labourers, other marginalised groups and people living with HIV/AIDS.

### **Population Movement**

Following changes made to government ministries when an interim government incorporating CPN-Maoist was formed in early April, the responsibilities for Internally Displaced Persons (IDPs) was shifted from the Ministry of Home Affairs to the newly created Ministry of Peace and Reconstruction. OCHA, UNHCR, OHCHR and NHRC have been requested by the Peace and Reconstruction Ministry to support a team to prepare implementation guidelines for the new IDP policy.

During the reporting period, UNHCR jointly with OCHA, NRC and OHCHR organised IDP workshops in Tehrathum, Dhankuta, Rukum and Jajarkot districts. The Workshops were attended by political parties including CPN-Maoist, Police representatives, CDO, the displaced (IDPs) and civil society representatives. Sessions focused on among other topics the IDP Guiding Principles and the draft national IDP policy. The Workshops are aimed at providing the participants with a better understanding of international norms guiding the return of internally displaced persons and possibly establishing district level IDP working groups. UNHCR is to continue leading similar workshops in Taplejung and Panthar districts.

In the Mid Western Region's Surkhet District, the DAO distributed NRs. 5,000 as return assistance to 40 IDP families out of 366 IDP families that has registered from within Surkhet district. DAO is reportedly in the process of coordinating with other districts to verify IDPs staying in Surkhet from other districts. DAO Banke is also in the process of facilitating the return of 139 IDP families from Rukum, Rolpa, Dang, Mugu and Jumla districts who are currently residing in Banke District that have sought return assistance.

### **Health and Nutrition**

During the reporting period, the Disaster Health Working Group (DHWG) through the Director General of the Department of Health Services in collaboration with the Epidemiology and Disease Control Division (EDCD) and the EHA programme organized a workshop to discuss how to make operational Emergency Preparedness and Disaster Response plan for the health sector and decide the future direction for the working group. Participants included health officials and representatives from UN organizations, international organizations and NGOs. During the workshop,

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participants agreed on key preparedness and response activities in coordination, logistics, emergency patient care, environmental health, disease control, and food & nutrition areas as well actors, constraints and implementation plans.

On 7 April, Nepal marked the World Health Day, focusing through various activities on this year's theme of international health security with the slogan 'invest in health, build a safer future'. The theme focused on how globalization accentuates the relation between health and security by redefining old threats in a new context (like. polio, malaria, TB, HIV/AIDS, environmental degradation, disaster management and terrorism) as well as confronting new public health challenges like global warming, global ageing, double burden of disease and risk of Avian Influenza pandemic.

On 19 and 20 April, UNICEF supported the distribution of Vitamin A capsules to children in Nepal aged between 6 months and 5 years. The exercise, which also aimed at de-worming children between the ages of 1-5, targeted approximately 3.7 million children in the country.

During the reporting period, Action Contre La Faim (ACF) released a report of its nutritional survey that was conducted in Bhajhang District of Far Western Region in December 2006. According to the findings of the survey, which was done in 8 most vulnerable VDCs of the District, Global Malnutrition rate of 11% and Severe Malnutrition rate of 1.2% was observed. The survey noted that high rates of

Chronic Malnutrition (59.2% and 28% for global and severe malnutrition respectively) are a pointer to the fact that nutritional situation in the District is not normal and that children do not have all the necessary elements for a good growth. The survey report indicates that the causes of malnutrition in the District are multiple and include in addition to low access to food inadequate care for children and diseases.

#### **COORDINATION**

OCHA and WFP reached an agreement to work jointly on information management so as to take full advantage of the resources of the WFP field monitors present in 32 districts as well as OCHA's capacity in Geographic Information Systems (GIS) and analysis. Some of the upcoming joint projects include further analysis on determining measures of "conflict affectedness"

On 30 April, the Inter Agency Standing Committee (IASC) meeting decided to conduct a natural disaster contingency planning workshop in early June. The IASC also endorsed a proposal to use the cluster approach as the basis for the Contingency Plan. The IASC further agreed to start the Mid-Year Review of the Common Appeal for Transition Support in May.

UNHCR jointly with other partners (UNMIN, OHCHR, UNDP and OCHA) set up a protection sub working group to deal with issues of statelessness in Nepal. The group plans to meet periodically to discuss the situation and issues related to statelessness in Nepal.

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