

A Civil Society Assessment of the Situation of Economic, Social and Cultural Rights in Nepal

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Foreword

We have prepared and submitted this report to the UN Committee on Economic, Social and Cultural Rights in the midst of situation where grave human rights violations, especially related to ESCR, are systematic in Nepal. Violation of ESCR is the genesis, reasons, effects and results of conflict in Nepal. The assessment is a combined effort made by human rights organizations and civil society to give ground information to the Committee on CESCR about the implementation of economic, social and cultural rights in Nepal. Basically the report has contained the issues, which the state has failed to address to, or not adequately dealt with.

As we all are aware of the fact that the situation of human rights in Nepal is critical now due to the prolonged armed conflict between the state and CPN (Maoist). The conflict has compelled many Nepalese to suffer from involuntary displacement, disappearances, torture abduction, and denial to education, health facilities and livelihood options. This report has been prepared focusing on these critical issues and tried to reflect on the general scenario of the country.

The report is divided into three parts -part one deals with the general overview of ESCR situation in the country, part two deals with the implementation status of the Covenant along with some recommendations and part three deals with the general information about the emerging ESCR trends and/or issues in the country.

Several people and organizations have contributed to this summary report. I would like to thank Human Rights Treaty Monitoring Coordination Committee (HRTMCC) for their continuous support in preparing the report. My sincere thanks goes to other NGOs/CSOs who helped us a lot by providing information or other support. Likewise, I must thank writing committee members for their effort to prepare the report. Last but not the least; I thank all the staffs of RRN and HRTMCC Secretariat, INSEC for their consistent dedication to produce the report in this form.

I and my colleagues at RRN are very much pleased to have the chance undertaking this important task. We are confident that the report will be helpful tool for the Committee on CESCR and other relevant bodies to understand and act on behalf of international community to help improve the situation of ESCR in Nepal.

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Abbreviations

CBOs	Community Based Organizations
CERD	Convention on Elimination of all Forms of Racial Discrimination
CESCR	Covenant on Economic, Social and Cultural Rights
CPN-M	Nepal Communist Party - Maoist
CSOs	Civil Society Organizations
CSWC	Community Study and Welfare Centre
CWIN	Child Workers in Nepal Concern Centre
DNF	Dalits NGO Federation
ESCR	Economic, Social and Cultural Rights
FWLD	Forum for Women Law and Development
HRDs	Human Rights Defenders
HRTMCC	Human Rights Treaty Monitoring Coordination Committee
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDD	Inter-agency Internal Displacement Division
IFI	International Financial Institutions
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
ILO	International Labour Organization
INGOs	International Non-government Organizations
INSEC	Informal Sector Service Centre
MOHP	Ministry of Health and Population
NGOs	Non-government Organizations
NHRAP	National Human Rights Action Plan
NHRC	National Human Rights Commission
OCHA	Office of Coordination and Humanitarian Assistance
PRSP	Poverty Reduction Strategy Paper
RRN	Rural Reconstruction Nepal
SAFHR	South Asian Forum for Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNGP	United Nations Guiding Principles
UNSG	United Nations Secretary General
WTO	World Trade Organization

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1. SITUATION OF ESCR IN NEPAL: AN OVERVIEW

The conflict and the state ignorance towards the realisation of socio-economic and cultural rights for many decades now have grossly affected the rights of people. The denial of basic requirements of people such as food, shelter, clean drinking water and medical facilities, education and knowledge for a healthy existence under the economic, social and cultural rights further worsened the human rights situation in Nepal. Government initiatives designed to address the situation has seen ineffective and insufficient.

Poverty is the gross violation of human rights. Government response to address it is grossly inadequate. Investment of national resources in purchasing arms and ammunitions reduced the development budget which resulted in exacerbating poverty. Low levels of attaining education, nutrition and health facilities have grossly denied the dignity of human life. Guarantee and realisation of ESCR largely contribute to rescue the people from the dehumanizing conditions of poverty, thus respecting their rights. But, as the State has fallen short of taking sufficient legislative, programmatic and policy measures to the end of addressing ESC rights, the situation remains same.

Lack of pro-active national mechanisms in terms of avoiding structural discriminations based on sex, castes, ethnicity, exploitation, and political participation, inclusion to ensure socio-economic and cultural justice has consequently affected the realisation of ESCR. The whole state mechanisms and state system revolve round the handful people who always dominate the power politics in the country. Ignoring the country need, the capacity of marginalized, excluded, under-privileged groups, women and Dalits communities have always been undermined.

The people of Nepal have further suffered great hardships and tragedies due to the internal armed conflict of last eleven years launched by the Communist Party of Nepal -Maoist (CPN-M). The conflict has caused death of many lives, wide spread and systematic torture, abduction, disappearance and displacement of tens of thousands of people. Owing the conflict, the state has been heavily militarised in which all dealings are settled by force, rather than legal procedures. In addition to sabotaging the family relationships and communal bonds, the conflict has heavily caused the destruction of infrastructures and socio-economic development. Development initiatives have been badly disrupted and enjoyment of people's human rights has fallen below the par. The insurgency and counter insurgency measures taken by the state in the name of quelling the Maoists systematically denied people for the enjoyment of their fundamental rights such as right to life, let alone the economic, social and cultural rights.

The ongoing peace process is more likely to create conducive environment to address the people's rights. The process can be sustainable if the issues of human rights are talked, debated and properly addressed. Unless the political, economic, social and cultural rights are activities are designed and implemented to ensure and respect the security of the peoples, especially the vulnerable groups. There is an urgent need to improve the political, economic and social conditions which ultimately contribute to end violence, restore peace, thus contributing sustainable development in the country.

2. AREAS OF INTERVENTIONS

2.1 Right to self- determination

All forms of colonization, state legislation, and foreign domination are manifestations of institutionalized racism. Such racism denies indigenous peoples the inherent right to self-determination. Such denial constitutes the non-recognition of the rights of indigenous people to have control over their territories, resulting in the dispossession, confiscation and appropriation of their resources. Race-based discrimination causes indigenous people much suffering in terms of loss of identity, culture, dignity and life, which then results in the destruction of social structures in their communities. Racism and discrimination against indigenous people also manifests itself in the following ways: policies of government institutions and authorities, the practice of police brutality, and a lack of effective protection and remedies from judicial institutions and authorities of government. The causes of race-based and other forms of discrimination against groups that is defined as minorities are complex. However, the result is simple. Current discriminatory acts against indigenous people deny entire groups the right to self -determination. Discrimination has lead to a sort of deprivation, which has political, social, cultural and economic dimensions. People, because of their race or caste, are deprived of political power, economic prosperity and equitable policies in terms of regional development, access to education, employment, land and other resources. The people in Nepal have hardly enjoyed the right to self determination. This is particularly true in connection to the armed conflict and beyond. Nepal is a multi-national state in which the *Khas* nationality dominates the state power and indulges in marginalizing the other nationalities.

Recommendations

- All the languages spoken in the country should be recognised equally.
- Constitutional provision for teaching non-*Khas*-Nepali native languages up to the high school level should be guaranteed and implemented.
- State subsidy for promotion of all languages should be provided.
- Provisions for providing citizenship based on community identity should be legally recognised.
- The right to organise of all nationalities on the basis of their ethnic identities should be ensured even in the new legislation.
- Direct and indirect censorship on freedom of expression should be declared void and punishable.
- Inclusive and transparent, tolerant and non-discriminatory state policy relating to all cultures should be formed and implemented.
- Effective programs are designed to end structural violence against marginalised cultures and religions, and impunity should be discouraged.

- New inclusive media policies should be formulated and ethnic languages in public service should be recognised.

2.2 Non-discrimination

The discriminatory practices in Nepal are rampant in all communities. Though the government has made chronological declarations and even, the parliamentary declaration after the reinstated house to end all sorts of discriminations once and for all, such declarations have not been effectively implemented. The dalits communities are dying of discriminatory action in most parts of the country such as Saileshwori temple case in Doti. Perpetrators involving in introducing and perpetuating such practices have been enjoying impunity due to the lack of strong legal provisions. Anti-discrimination programmes regarding housing, work and education with respect to the Dalits, the disabled and liberated Kamaiyas have been inadequate and ineffective. Discriminatory provisions of legal systems have tacitly contributed to continue the discriminations in the society. Unless such provisions are annulled and effective programmes are planned implemented, fight an end to discrimination remains ineffective.

The exclusion based on caste, region, gender, ethnicity and religion has caused the people more marginalized with the deprivation of their rights. To rescue them from such conditions, effective measures to address the suffering, atrocities and injustices of the people are urgently needed.

Recommendations

- The problem of impunity for violations of human rights of Dalits should be addressed
- A complete recovery package (rescue, relief, rehabilitation, and resettlement) to all forms of Kamaiyas systems should be geared up and implemented.
- An equality law guaranteeing the rights of the disabled persons should be enacted.
- All discriminatory laws based on Hindu domination should be amended.
- Access to justice for the poor and disenfranchised should be ensured and increased
- A massive and effective public education programme as an integral part of this national priority issue should be launched to end the injustices against Dalits in all spheres of lives.
- Special electoral constituencies should be designated for Dalits and women in the new constitution-making process.
- Unhindered access to justice with effective legal assistance programmes at all levels, targeted at Dalits should be enforced.
- The Election Act should be amended accordingly to suit the proportionate representation of Dalits.
- Human Rights Defenders (HRDs) policy with special reference to Dalits HRDs should be designed and implemented.
- Special training, education and incentives for the safety, security, protection and promotion of Dalits HRDs should be provided.
- Dalits' access to resources and their dignity should be respected in every sphere of life.

- Dalits women should be given priority in employment, education and health through a national policy.
- Dalits should be given special priority for poverty eradication and dignified livelihood.

2.3 Gender equality between man and women

The claim to equality is the most fundamental right of human being as it is the starting point of all other liberties¹. Right to Equality forms the foundation to equally use and exercise all the rights guaranteed by the state irrespective of the sex. The discrimination against women exists not only by the social and cultural norms and values but also by the state enacted laws. An updated study conducted by the Forum for Women, Law and Development (FWLD), “Discriminatory Laws in Nepal and Their Impact on Women, 2006” has identified 173 legal provisions of the various 83 Acts and Regulations including the Constitution and the Country Code, 2063 are directly discriminatory against women. 2 The major areas of discrimination are property, marriage and family, nationality, legal and court proceedings, trafficking and sexual abuses, employment and education. Though the Gender equality bill has brought about 56 reformations in various legal provisions, there are still 117 legal provisions that directly discriminates against women. The discriminatory citizenship law is still in existence denying women’s identity and depriving citizenship rights. There is no specific law to address the issues relating to violence against women including domestic violence and for the legal remedies. Court does not seem sufficiently liberal to void the discriminatory citizenship law. There is lack of proper and effective implementation of the judicial decisions due to the lack of dissemination of the judicial decisions. No laws to end the social ill practices that put women in vulnerable situation and compel to face violence. No programs are initiated for changing customs and practices that result in discrimination against women or perpetuate such discrimination. The government has not been taking the issue of nationality and birth registration seriously.

Recommendations

- All existing laws and policies against gender inequality in terms of women’s empowerment in decision-making should be repealed/amended.
- The Beijing Platform for Action and the Twelve Critical Areas of Concern should be incorporated in all legislation relating to gender equality.
- All discriminatory laws that stigmatize women on various social fronts should be repealed.
- The problem of impunity in relation to promoting social-evils against women should be effectively addressed.
- New legislation on inheritance rights and policy that ensures justice against unacceptable traditional practices should be enacted and enforced.
- Provisions on acquiring citizenship based on gender, for acquiring from the mother's lineage and on acquisition by foreigners should be amended in all laws in future.

¹ Sir Henry Lauterpatcht, Cf. B.G. Ramacharan, Equality and Non-discrimination” in Louis Henkin ed., *The International Bill of Rights: The Covenant on Civil and Political Rights* (New York: Columbia University Press, 1981) at 247

- Laws on divorce, marriage, inheritance should be enacted to suit ethnic tradition and practice in conformity with internationally accepted human rights principles.

2.4 Rights to work and employment

The condition of labour is very appalling in Nepal. Government's negligence to reduce unemployment rate through skills oriented training and education and determine minimum wages on the basis of an adequate standard of living has further aggravated the condition. A thorough review of national legislative measures to continue agrarian reform and resolve land tenure issues has been the need of the time. In addition to it, the government has not ratified all relevant ILO conventions, including the ILO Convention Nos. 29, 81 and 87, the Refugee Convention, its Protocol, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness. This has adversely affected the people for the enjoyment of right to work and employment.

Recommendations

- Laws on the minimum wage and a policy of if at least "one house, one employment" should be enacted and enforced.
- Skills training and safe migration packages for migrant workers should be developed and implemented.
- Bilateral/multilateral agreements should be concluded with the country of destination to safeguard the rights of migrant workers and their families.
- The UN Migration Convention-1990 should be ratified without reservation.
- Policy on fair land distribution with support packages is formulated and enforced.
- New legislation governing land rights issue should be enacted and implemented.
- The adverse effects of the WTO conditionalities should be effectively addressed.
- The mentioned conventions should be immediately ratified without reservation.
- National policies and programs basing on the above conventions should be formulated.
- The process of safe and dignified repatriation of refugees should be expedited.
- Policies for health care plans should be formulated keeping in view the special needs of disadvantaged communities with special reference to the disabled particularly in rural areas.
- Subsidies and reservation policies for the people with special needs in all sectors should be designed and implemented with a time-bound approach.

2.5 Right to education and provision of compulsory education

Though the government provides primary education free, a significant proportion of data revealed that the education in fact is not free. The quality of education available in majority of the rural schools is not satisfactory. Many people in rural areas do not send their children to schools due to extreme poverty. In many cases, the compulsion to use these young hands for households chores and to generate some additional earnings becomes an overriding factor. Patriarchal beliefs and customs still rule large to dissuade poor parents from sending their daughters to school. Many rural people feel that government programmes of making primary education free is not enough as they do not have the means to support other education expenses.

Recommendations

- Basic universal standards of education should be maintained in all academic institutions.
- All children should be enrolled in primary schools.
- Special programs for disadvantaged and economically challenged children should be formulated to ensure their mandatory enrolment and reduce drop-out rates.
- The relevance and effectiveness of the "Education for All" programme should be revisited and reviewed.

2.6 Adequate standard of living

Nepal has ratified and adopted numerous international declarations and covenants regarding housing rights. TO give an effect to its commitment, the Nepal government also developed list of policies, which includes the constitutional provision to 'make proper arrangement and create favorable atmosphere in order to fulfill the need of dwelling units in the form of a basic need of the entire people' and the directive 'provide shelter for people of all income groups' (MHPP 1997:4). But the practical application of the policies lags far behind.

The National Shelter policy was designed in conjunction with the Eighth Five year Plan (1991-1996) and was the first such effort of its kind in Nepal to specifically address shelter concerns. The policy aimed to help identify the right course of action in relation to housing programs in the short term (until 2000), midterm (until 2006) and long term (MHPP 1997: intro). Despite recognizing that the 'fulfillment of shelter needs has become a complicated problem for the majority of families, especially for families with limited and low income.' (MHPP 1997: intro) and the essential need for a policy to provide shelter to the underprivileged i.e., 'the resourceless, landless and helpless' and the inequality that exists in the distribution of facilities, the shelter policy does not specifically refer to squatters. In the majority of rural areas, government operated health posts are the only medical facilities available for the poor people. However, health posts lack the facilities and human resources to cater for pre-natal and postnatal reproductive health needs.

Recommendations

- The current laws and policies regarding squatters and evictions are vague and inadequate. The government should enact and implement effective laws and policies.
- A policy should be introduced that guarantees a safe and secured home for development project affected poor families and provides the basis for urban poor families to realize their rights to secured housing.
- National policies must prevent unnecessary evictions and violations of human rights to housing; gives security to tenure to existing squatter settlement and guarantee resettlement and adequate compensation should a squatter eviction take place.
- The Government should formulate special policies concerning health plans, mentally ill persons, the disabled and access to private hospitals and institutions for disadvantaged groups.
- Policies on minimum calorie availability, access and utilisation should be formulated and implemented
- Policies on clean drinking water and sanitation facilities for all should be formulated and enforced.
- Access to natural resources for indigenous people and disadvantaged sections of society should be preserved through appropriate law.

2.7 Right to take part in cultural life

The reinstated House of Representatives has declared the Nepal as the secular state. This has respected the feeling of the general people. But this has not been enough. There are many discriminatory social provisions which directly obstruct the cultural beliefs of one community to another. On the top of it, people's right to take part in cultural life has been grossly violated during the armed insurgency. There are many evidences where the bereaved families are denied to observe the last rite of the deceased member of the family.

Recommendations

- Promotion and equal treatment of all religions by the state should be ensured.
- Excessive propaganda of Hindu religion by different state organs and other agencies while neglecting other religions should be discouraged.
- The declaring of Nepal as a secular state by the parliament should be made unchangeable in even the process of new constitution making.

- The pervasive inequality, injustice and discrimination against different native languages should be eliminated.
- Discrimination in citizenship should be abolished in the future constitution and law-making process in conformity with the recent parliamentary declaration.

3. EMERGING ISSUES

3.1 Situation of conflict-induced internally displaced peoples in Nepal

3.1.1 Background

Following the start of the armed insurgency in Nepal in 1996, many people have been displaced from the place of their or origin. The number of displaced persons as estimated by the Nepal Government ranks around 300,000 to 600,000 as revealed by the Ministry of Finance. But there is great difference between such estimation and exact registration and assessment from the government level. The Ministry of Home had the records of only 7,343 IDPs until the end of 2003. There is no formal data from the government side. Varieties of estimations are made by different NGOs . (See Annex 1)

This general confusion and stigmatization of IDPs has been exacerbated by the lack of a clear national policy defining an IDP. To date, the definition used by the Nepali governments has explicitly failed to recognize those persons displaced by the state forces. Another fact hampering a rights-based and recognized intervention in support of the displaced persons in Nepal is the lack of a comprehensive policy²

3.1.2 Initiatives taken by the government

Legal protection of IDPs can be illustrated under the broader fundamental rights of the citizens enshrined at the Constitution of the Kingdom of Nepal 1990 and the provisions of the Civil Act 1995 at the national level. But, such instruments are silent to take the IDPs as the specific groups of concern; neither have they recognized their rights with reference to the crisis they have been facing in the ground³. Despite so, the government set up a Victims of Conflict Fund, under the aegis of the Ministry of Home Affairs aiming at providing financial, educational and medical assistance to the victims of the conflict (Annex 2 for the programme launched by the government).

National Human Rights Action Plan prepared in June 2004 by the government has given priority to the security of people, protection of unalienable basic human rights, rehabilitation and resettlement of the victims of conflict, and reconstruct the physical and social infrastructures damaged during the conflict⁴. But in practice there has not been significant progress in these targets. Considering the proximity of IDPs as serious, the National Human Rights Commission (NHRC) of Nepal has recommended to the government to provide shelter and compensation to the victims of conflict including internally displaced persons. It has also recommended respecting the UN Guiding

² The Internally Displaced Persons: Current Status, OCHA Nepal Thematic Report, Issue No. 1, 6 September 2006, Kathmandu

³ Youvaraj Kafle, 2006, "Country Paper on Internally Displaced Persons in Nepal, Asian Forum for Human Rights and Development, Thailand

⁴ Deep Ranjani Rai, 2005 "A Pilot Survey on Internally Displaced Persons in Kathmandu and Birendranagar", SAFHR, p. 33

Principles on Internal Displacement and to formulate long term policy and rules to solve the problem at the earliest.

3.1.3 Gaps and weaknesses

The Policy does not seem to have realization of the vulnerable situation of IDPs. As the policy itself is not a declaratory act which can not be claimed by the people, the effective implementation thus lacks the proper cross-checking from the aspect of the IDPs. Another major loop hole of this policy is lack of approach to empower IDPs and their participation on programmes designing and coordination, which is very important to come up with practical policies and programmes. Some the policy gaps are as follow⁵:

- The policy has excluded large number of IDPs to be entitled to the protection from the government. It has also ambiguous criteria to identify the IDPs which also increase the possibility of ignorance on the vulnerability of genuine IDPs. It can result lack of protection against displacement and discrimination on compensation and assistance.
- The policy is ambitious rather than inclusive because it stated that the policy has been prepared in the conformity with UNGP, underlying the UDHR and national constitution, 1990 but there is absence of proper process, mechanism, plan or institution to reflect its spirit on the ground level.
- There are varieties of estimation on the number of IDPs due to lack of easy registration system. The policy has not provided spaces for NGOs and other stakeholders to get involved on these processes.
- The policy lacks proper strategic plan to establish coordination with other stakeholders to better coordinate and cooperate for the relief, rehabilitation and resettlement of the IDPs, including their protection during displacement.
- The policy has been made as a tool to provide help to the IDPs and excluding the vital aspect of taking the victims as rights-claimers. It also does not specifically reflect any plan for the empowerment of the IDPs.
- The policy also lacks proper attention on the rights of specific groups such as women, children, elderly and differently able IDPs who need more care and protection.

Recommendations

- Reformulate/Amend the National Policy on IDPs from rights-based approach. Broaden the definition of the conflict-induced IDPs without any discrimination.

⁵ Youvaraj Kafle, 2006, "Analysis of National Policy on Conflict-Induced Internally Displaced Persons in Nepal, A sian Forum for Human Rights and Development, Thailand

- Develop a strategic way forward for rescue, relief, repatriation, rehabilitation, reintegration, and reconciliation of all conflict induced IDPs those displaced by Maoists and security forces, to their place of origin.
- Establish appropriate mechanism for the registration of IDPs in coordination with NGOs and victims; make such process easier.
- Request the NHRC to be the major coordinating body for the monitoring of the situation of IDPs.
- Ensure through the policy that the rights of IDPs are to be protected in a way where they can claim justice of the violation of their rights
- Enact a separate legislation to address and ensure the rights of IDPs in compliance with the UN Guiding Principles.
- Facilitate and co-operate with the international community in order to provide assistance to the IDPs.
- Implement the recommendations made by the NHRC.
- Develop IDP-related programmes and projects, especially focusing on women and children.
- Set up a high level independent institution and statutory body to deal with the IDP issues, especially in terms of programme formulation, implementation, co-ordination and monitoring.
- Implement concerns of the Special Representative of the UN Security General on the Human Rights of IDPs to guarantee security of the returning IDPs, access to properties left behind and basic infrastructures, guarantee political space for the IDPs, address specific needs of IDPs and returnees for the protection of their human rights and take into account in the drafting of the new constitution.

3.2 Situation of food rights in Nepal

3.2.1 Background

Agriculture in Nepal is basically a livelihood activity of people. In this context, any adverse effect on the agriculture sector will be devastating for a large section of society. (*Nepal in the WTO: Livelihood and Food Security Perspectives, Action Aid-Nepal and SAWTEE, 2004.*) Nepal is suffering of a great food crisis in some districts in one of the most remote parts i.e. Kanrali region, which is also the hard –hit region of Maoist conflict. The ten districts of this region have been under grave suffering due to insufficient food supply. More than 90 percent of this region is barren with little or no rice or wheat production which causes food deficiency in the region." A lack of transportation

infrastructure and years of conflict have exacerbated this situation, and there is almost no food available in the markets. In total, more than 200,000 people are currently suffering from lack of adequate food supplies.

The series of development plans adopted had put agriculture as its priority agenda for poverty reduction but the scale of budget allocation and its priority within the agriculture sector is very limited. The latest 10th plan, known as PRSP also emphasized agriculture but no concrete inputs are made available to address the structural causes of food insecurity in Nepal. The situation becomes even more serious when drought, floods and extreme price fluctuations happen with regularity. The current situation of armed insurgency has added another significant dimension to worsen the ad hoc and non-transparent system of food distribution of the government of Nepal (Seddon and Adhikari, 2003). Conflict has added to the difficulties of food availability of the poor.

The vast majority of the rural households, particularly the poor, continued to rely for the most part on income from their own production supplemented by local employment in agriculture. For these households- who probably constituted a significant minority (perhaps 40%) of the rural population, and whose lack of food self-sufficiency combined with low and often sporadic incomes from manual laboring employment- the slow process of change in agriculture, the sector on which they relied for the most part meant increasing food insecurity.

The situation of food deficit is the most severe in the remote mountain and hill districts, where basic food self sufficiency is not possible and access to income from farming, enterprise and paid employment locally is limited. The people in these areas appeared to be extremely vulnerable.

3.2.2 Way forward

The farming communities are the one, who can really maximum potential of sustainable use of natural resources through conscious management of protection, utilization and promotion of it. In specific, the indigenous communities, fish folks, women play vital role in conservation of biodiversity and medicinal herbs. Similarly, majority of land cultivators are most disadvantaged communities from dalits and indigenous communities. In such a context, there is urgent need of policy reform on access to means of production basically land, forest and genetic resources use for agricultural purposes. At the same time, community based interventions are much required to promote the bio prospect of existing biodiversity and associated traditional knowledge and claim the equitable benefit from the generated incomes.

It is at this background of issues and problems regarding food concern of Nepalese people that the government of Nepal, civil society and CBOs has to play meaningful role. Networking and fact based research is must from civil society in securing farmer's rights and achieve rights to food is important. The following measures should be undertaken:

- Right to food should be ensured legally
- Strong legal mechanisms should be established to deal the food security issues.
- Strong mechanisms should be established to protect the farmers' rights

- Protection of farmers' intellectual property rights i.e. indigenous knowledge, traditional knowledge through legal mechanisms
- First and prior consent should be taken for the utilization of local resource.
- Right to natural resources as stated by the convention on biological diversity should be ensured.
- Conformity should be maintained to farmers seed breeding rights
- Build and strengthen domestic capacity
- Build effective standard setting agencies
- Improve laws and policies
- Sensitize legal community
- Develop knowledge and information bank
- Develop new plan and strategy
- Emphasize coordination and partnership

The End

Annex-1

Estimated Numbers of IDPs in Nepal

Index of conflict-induced IDPs	Estimated Number	Source
Records by the District Administration Offices of Nepal	7,343	Nepal Government, Home ministry had recorded in Jan 2003
Ministry of finance while addressing the donor conference in 2005	300,000 to 600,000	The Rising Nepal, 6 May 2005
Nepal Maoist Victim Association	60,000	www.internal-displacement.org
INSEC has reported that between 2001 to 2004	50,356	www.inseconline.org
Norwegian Refugee Council has estimated	200,000	Report on the Inter-Agency Internal Displacement Division (IDD) Mission to Nepal, April 2005
GTZ, INF, SNV, UNDP/RUPP In cooperation with NHRC and the Global IDP project has been reporting	350,000 to 400,000	Rural Urban Partnership Programme/ UNDP, March 2005
Research on conflict-induced IDPs in Nepal	100,000 to 150,000	Peace and Democracy in South Asia, Volume 1, Issue 2, 2005 by Bandana Shrestha and Som Niraula
Refugee International estimated during the Mission in Nepal	400,000	Refugee International, by Michelle Brown and Kavita Shukla, 2005
Community Study and Welfare Center (CSWC) estimated	350,000-400,000 (Identified 160,000)	Estimates by extrapolating the figure of IDPs in five districts of Mid-west during November 2003 – January 2004, "Plight of Internally Displaced Persons in Nepal", by Dilli Raman Dhakal
Children displacement due to violent conflict	40,000 Children	ILO and CWIN's Report, 2005

Annex-2

Programmes Announced by the Government of Nepal for IDPs (Year 2001 – 2006)

Programmes	Year	Details	Remarks
Victims of Conflict Fund	2001	Initially the government of Nepal decided Daily Allowances to the IDPs under the “Ganeshman Singh Peace Campaign” in September 1999. But the actual disbursement of the allowance began in 2001.	Fund was not specifically directed towards IDPs in as many words
Immediate Relief Package Programme	2002	In 2002, government produced a package programme for IDPs which was aimed at providing interest free loans for 200 women, educational materials for 1000 orphans from 18 districts, NRs. 1000 (US\$13.3) per child per month for food, shelter and education especially for IDPs, and skills training for 25 women. Moreover, the government had targeted to send one member each from 545 displaced families to foreign employment.	Haphazard distribution of the money which did not reach to most of the IDPs and also there was no systematic records of disbursements; neither coordination on implementation; The programme foreign employment of IDPs has also not been implemented in a systematic manner.
IDP Rehabilitation Programme	2003	It was under the broad category of ‘conflict-victim assistance’. An amount of NRs. 50 million (US\$ 667,000) was allocated for the overall assistance.	It is not known whether the money was disbursed
Immediate Compensation and Relief to the Victims	2004	Additional NRs 50 million (\$667,000) was allocated for the same.	Problem in definition and covering areas
Task Force to Prepare the Relief Package including Work Plan for IDPs	2004	Mandate was given to formulate a package and an action program for providing assistance and relief to the IDPs.	This programme could not address the problem because of the narrow definition of IDPs (people who have left their villages due to terrorist activities, and moved to other places and other districts.....), the definition include only those displaced by Maoists and thus excluding those displaced by the government's own security forces.
15-Point Relief Package for the Maoists Victims	2004	Education allowance of NRs. 1000 (US\$ 13.3) per month for children of deceased or displaced persons. NRs.300 (US\$ 4.0) per month for displaced persons aged above 60 years. Income-generating skill development programs for displaced women and men. A lump sum between NRs. 2000-4500 (US\$ 26.6-64.28) per family. Provide soft loans for small-scale business.	The funds are not really focused to IDPs, it covered compensation to the dependents of civilians and families of security personnel killed by the Maoists, and other types of expenses such as compensation for lost properties, treatment of conflict-victims and so on

Assistance programme	2005	Vocational training, arrangement of basic public services, priority in labour intensive public construction works and waiving of land revenue for the registered conflict-affected people were the major priorities for IDPs.	The government has not mentioned the sum of amount of this assistance
National Policy on Internally Displaced Persons	2006	To provide immediate humanitarian assistance in such a way that it will be complementary to the Foreign Aid Policy 2059 adopted by the government, Poverty Reduction Assistance Strategy, Millennium Development Goals and Annual Development Programs.	No clear definition of and protection mechanisms to the IDPs

Source: Gnyawali, Prakash, "State of Statelessness (A Critical Observation on Government Responsibility for Conflict-induced IDPs in Nepal)", Informal, Vol. 19, No. 2&3, Sep. & Dec. 2005, INSEC; Khatiwada, Padma, "Internally Displaced Persons (IDPs) in Nepal: Problems and Challenges", Nepali Journal of Contemporary Studies, Vol. IV, No. 2, September 2004; and HMG of Nepal, "National Policy on Internally Displaced Person", March 2006