

Migration, Refugee and Conflict

Week 4 – Armed Conflict and Migration in Nepal

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Background

- Academic literatures on forced migration depicts that conflict or violence is one of the major cause of forced displacement.
- The circumstances are developed due to situational events that's pushes an individual to take a firm decision to leave their home and flee to other area where they find themselves safe.
- It can be thus said that one of the important consequences of civil war is forced migration.
- Conflict-induced migration might have contextual notion as per the diverse facets of conflicts.
- The choices of movement remains under extremely dangerous situations.

Conflict and Causes

- The differences among individual or groups.
- Differences on the basis of diverse issues relating to political, economic, social and cultural factors.
- Conflict is contextual based.
- Scholars have defined conflict as per their understanding connoting it to be on the form of disagreement between people with opposing opinions, the presence of grievances, on-going battles.
- The feeling of segregation, exclusivity, dominated, suppressed defines the nature of conflict.
- Conflict is inevitable

Types of Forced Migrants

- Internally Displaced Persons (IDPs)
- Refugees
- Trafficked People (deception/coercion for the purpose of exploitation)
- Asylum Seekers
- Development induced displacements
- Environmental induced displacements
- Smuggled people

- The choice-centered argument also has a contribution to analyze forced migration.
- In addition, it can also be considered that the conflict and forced migration are associated with each other.
- The certain area and population residing in that area if have a fearful stay than they are forced to leave that place.
- This fear could be persecution, violence, threat to life, discrimination and others types of situational facets.
- Ethnic conflict creates ethnic tension and ethnic people are victims leading to forced migration.
- In political conflict the political ideology leads to forced migration.

- Three terms can be applied to conflict induced migration. They are as follows;

Inclusion

Exclusion

Non-inclusion

- When political conflict displaces people the exclusion occurs in different sectors. The practice of inclusivity is shadowed. People are deprived of their civil and political rights.
- In addition they also are deprived from enjoying their social and cultural activities.

- Internally displaced persons are those who are forced to flee their habitual residences due to several situational events.
- However, unlike crossing border they remain within the nations territory.
- Reasons behind IDPs could be as follows:

Violence, extortion, torture, armed conflict, situations of generalized violence, violations of human rights leads to conflict induced displacements.

- UN Guiding Principles on Internal Displacement has defined IDP .
- A conceptual understanding of conflict is very important before proceeding.

- The grievance exists that triggers violence and escalates violence .
- Mass migration during armed conflict is a major concern and 1951 refugee convention and its 1967 optional protocol also is an international legal instruments developed.
- The conflict despite is caused by certain reasons it gains to have interlinkages with other diverse issues of society. So, it can be said that the problems gets mixed with other issues.
- So, the political,economic,social,religious,ethnic,cultural all dimensions all is a push factors leading to forced displacements.

- The problems faced by displaced people can be viewed in both the origin and in the new destination .
- In case of Nepal conflict contributed large movement of rural people to urban area and ultimately they chose for abroad especially labour work.
- The demographic effect can also be considered. The tendency of whole family members leaving the place of origin was common.
- This movement occurred due to insecurity.
- The male youngsters in the village tend to escape from their origin due to a fear of being forcefully recruited by the rebels
- Male forcefully leaving created burden to women

Armed Conflict in Nepal

- The armed conflict in Nepal had two parties in conflict; Government of Nepal & the Maoist Rebels.
- The conflict began in 13 February 1996 and ended in 21 November 2006
- Basically a decade long armed conflict (1996-2006) formally ended by signing of Comprehensive Peace Accord (CPA) between the Government of Nepal and the Communist Party of Nepal (Maoists).
- The social, political, economic and other diverse dimensions of armed conflict occurred along with human rights violations by both the parties.

- Estimated death : 13,000
- Forced to flee : over 50,000
- Major objective of decade long armed conflict included: overthrowing the monarchy and establishing a republic state
- No displacement recorded in five districts: Kathmandu, Bhaktapur, Parsa, Mustang and Manang.

- In case of Nepal Internally displaced persons rose after the state imposed State of Emergency (SoE).
- The announcement was on 26 November, 2001.
- This decision took place after the 1st attack by the Maoist on Army.
- This occurred after the failure of first round of peace talks between the rebels and government.
- The internally displaced already existed due to conflict but SoE led to large number of population in the form of conflict induced displacement.
- The SoE labelled the Maoist rebels as “terrorists”
- Promulgated Terrorist and Disruptive Activities: Control and Punishment Ordinance (TADO) and assigned Nepal Army (then Royal Nepalese Army) for diverse nature of operations against rebels.

- The burden of work including (household, childcare, agricultural work
- The constant fear of being attacked by the warring parties further leads to displacement.

Why people are compelled to leave?

The constant fear remains. The fear of being

- attacked,
- abducted,
- killed,
- tortured,
- Forcefully recruited
- Arrested by warring parties

Conflict induced forced migration or displacement

- A situation in which people are forced to flee their habitual residence for diverse reasons and even state authorities are unwilling or unable to protect them.

- Some of the prominent reasons highlighted are as follows:

Armed conflict that includes civil war

Generalized violence

Persecution in grounds of nationality, race, religion, political opinion or social group

Conflict induced forced migration

Conflict induced forced migration is caused by certain factors :

- Political factors
- Social and Ethnic factors
- Economic factors
- Cultural factors

- Scholars have come up with idea that armed conflicts leads to behavioral changes adopted by an individual due to the changes occurring in the surroundings.
- The population response to this phenomena is considered important.
- Armed conflict affects the demographic dynamics that includes; migration rates, marriage rates, fertility rates, population growth etc.
- Another consideration is regarding the behavioral changes ; how conflict and the factors relevant to it leads to behavioral changes.
- The frightening complexities of understanding demographic change during armed conflict.

- It can be said that the people have either choice to leave or stay in any extreme conditions.
- The reasons vary as per the behavioral decisions made.
- This can be interlinked to the rational choice model where decision to flee or not flee incorporates diverse expectations of an individual. Sometimes the physical and economic security, socio-economic opportunities both is considered.
- Threats to physical integrity was also a main dimension to consider in armed conflict of Nepal.

Few things to focus ;

1. Greater threat to the physical integrity of persons is likely to produce more forced migration
 - Emphasizes on the importance of economic conditions as both push and pull factors explaining forced migration.
 - When people decide to flee or not the threat to economic security is considered.
 - People may tend to tolerate physical threats in the context where economy security is strong. However, people choose to flee the area where economic opportunities are less and there exists poor infrastructures.

2. The incidence of displacement associated with economic aspect

- Network here is considered an important entity.
- Networking through social and community organizations helps an individual cope up the conflict.
- Example: Is being involved in mobilizing community and non-governmental organizations (NGOs) in the place of origin.
- In case of Nepal Community Forest User Groups (CFUGs) were an important social networks operating throughout the country during and after conflict in local level.

- CFUGs and community based organizations played a major role in creating social cohesion in the grassroots.

3. Geography , infrastructure conditions such as road facilities are considered. Nepal also has a diverse topography.

4. Greater barriers to escaping are likely to result fewer displacements

Understanding the Causes of Flight in Nepal

“Maoists had come to my home to threaten me. The police came and killed them. The police then accused me of hiding Maoists and beat me. Then the Maoists came, accused me of collaborating with the state, blamed me for the death of their comrades and kidnapped me. I was able to escape and flee to the district headquarters with my family”.

—A respondent from Rolpa in Nepal

- Threatening physical integrity included the actual violence and threat of violence.

Threat of violence occurs when the surrounding / environment around develops fear created by conflict.

Example: Witnessing a neighbor being killed , abducted, physical assault, mental torture, forced recruitment into the army.

Viewing of others being physically hurt threatens so an individual need not be physically impacted by act. This is the threat of violence.

The actual violence includes the physical assault, being beaten, suffering from acts directed at them or their family members, being abducted, beaten, tortured, forced recruitment into army.

Stages of Migration process

This incorporates several stages of migration such as ;

- Leaving
- The journey
- Entrance
- Settlement
- Return and remigration
- Onward migration

- The concept of displacement also determines how and where the individuals resettle.
- The conceptual typology of resettlement patterns has been developed.
- There are four resettlement patterns highlighted .
- It includes segregation,expulsion,integration and dispersion.
- Segregation reflect clustered displacements within state
- Expulsion reflect displacements outside of the state
- Integration & dispersion means mixing with the other communities locally or internationally.

Leaving

- Leaving requires certain reasons behind it.
- The 1951 refugee convention that is an international legal instrument also defines what constitutes being forced to leave.
- The criteria's indeed revolves around the diverse nature of persecution that compels people to flee.
- The grave human right violations and the presence of threats.
- The decision to flee here can be interpreted as per the available diverse alternatives.

Focusing on factors of conflict displacement

- It focuses on the diverse kinds of violence that caused displacement
- It also highlights the attributes of the crisis due to displacement occurred by conflict.
- Displacement crisis leads to humanitarian emergency requiring large resources to overcome the crisis.
- It threatens the international security as people who flee conflict are both a internally displaces persons or they seek asylum to other countries . In addition, they also focus on securing refugee status.

To overcome the crisis of diverse nature of displacements the presence global governance mechanisms also exists.

-Understanding of conflict- induced displacement mainly revolves around the situations in which people leave their habitual residence to escape on-going political violence.

- In case of Nepal also the level of violence and the types of violence was major cause of forceful displacement.

- - In addition, the migration timing becomes very important to decide or to make a choice to flee.

- The escalation of conflict differs . Some regions might have more violence whereas others might be less prone to violence.
- People leaving in conflicting area experience more violence and therefore they decide to flee.
- In addition, people also chose to flee fearing from physical threats of violence , fear of being in between two parties , fear of being persecuted.
- The human rights existence is negligible in this nature.

- Nepal has National Policies on Internally Displaced Persons 2007
- The background of this policy highlights on the natural disasters, human-made circumstances and disasters, armed conflict and situation of violence and fears leading to threat and fear leading to forceful displacement.

According, to this policy

- person who is living somewhere else in the country after having forced to flee or leave one's home or place of habitual residence due to armed conflict or situation of violence or gross violation of human rights or natural disaster or human made disaster and situation or with an intention of avoiding the effects of such situations.

Guiding Principle of this policy includes

- International treaties on human rights to which Nepal is a party
- Universal Declaration of Human Rights of the United Nations
- United Nations Guiding principles on Internal displacement
- Constitutionally enshrined fundamental rights
- Universally accepted principles of social as well as natural justice and equality
- All party national agreement that includes minimizing problems of internal displacements in consideration to comprehensive peace accord.

Definition by Policy

"Person or family displaced by conflict"

- means a person or family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights.
- It focuses on human rights protection, relief, rehabilitation, and relief programs
- It further emphasizes on protection of internally displaced persons as the issues are cross-cutting

Global Report on Internal Displacement 2022

- This is world's leading source of data and analysis on internal displacement.
- Also it has a special focus on internally displaced children and youths
- Internal displacements in 2021 = 38 million
- Conflict and Violence led displacement= 14.4 m
- Disaster led displacement= 23.7 m

Internal displacements by conflict, violence and disasters as per regions are as follows:

- East Asia and Pacific = 626,000 which is 37.6% of the global total
- South Asia = 736,000 which is 15.7% of the global total
- Middle East and North Africa (MENA) region= 1,011,000 which is 3.3% of the global total
- Sub-Saharan Africa = 11,558,000 which is 37.1% of the global total
- The Americas = 381,000 which is 5.4% of global population
- Europe and Central Asia = 61,000 which is 0.9% of global total

The total number of IDPs = 59.1 million

By conflict and violence = 53.2million

Comprehensive peace agreement (CPA)

- This agreement was signed between the Government of Nepal and the Communist Party of Nepal (Maoist).
- It was signed in November 21, 2006
- In its preamble it expresses the respect towards the popular mandate in favor of democracy , peace and progress expressed through repeated historic struggles and people's movements from the pre 1951 era till date.
- It has commitment of 12 – points understanding and 8-point agreement between the seven political parties and the CPN (Maoist) and the 25 point codes of conduct agreed between the Government of Nepal and the CPN (Maoist).

CPA

- Incorporates the notion of human rights, fundamental rights and humanitarian laws.
- It has several points however here the focus is on conflict led displacements
- In the measures of normalizing the situation the agreement emphasizes on displacement .
- It includes that
- “Both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it for the normalization of the difficult situation that arose as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation activities for the victims of conflict and those displaced”

- Government of Nepal focused on working with conflict affected persons and communities.

- The special program for rehabilitation of IDPs:

To provide relief and rehabilitation support to an expected number of 50,000 persons who were displaced during the decade long conflict.

- Rehabilitation centers established for conflict affected:

Improved quality of life of the conflict affected people (CAP) with disabilities. It further focused on establishing facilities and extending quality services on physical, psychological, occupational and vocational rehabilitation of CAPs with disabilities.

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