



Joint Press Statement

4 December 2006

Internally displaced persons – the right to return

OHCHR, UNHCR and OCHA are pleased to welcome you here today for the launch of a 3-week media campaign to highlight that all persons who have been displaced by the conflict should be able to return home safely, in a dignified and sustainable way, if they wish to do so.

The historic Comprehensive Peace Agreement between the Government and the CPN-Maoist offers a breakthrough opportunity to resolve this hidden legacy of the conflict, which has affected thousands of Nepalis over the last decade. As the parties have committed to respecting the rights of those displaced by the conflict, it is essential that they now work together to ensure that the conditions exist on the ground for displaced persons to return voluntarily to their homes.

These conditions need to be in place, for all those displaced by the conflict to be able to return in a safe, dignified, sustainable manner and on a voluntary basis. And as the CPA sets out, this must be a collective effort involving both sides, the civil society and other local institutions.

Safe, for instance, from the acts or threats that made displaced persons flee in the first place, as well other threats to physical, legal and material safety. State institutions need to function to ensure the protection of those who return.

Dignified in the sense that there are no conditions on return.

Sustainable through minimum access to a livelihood and basic services.

In the next three weeks Nepali people will watch on television and listen on radio to a short one-minute spot aimed at raising awareness that Nepalis from all walks of life have been displaced by the conflict.

During 11 years of conflict thousands of Nepalis fled their homes due to threats, violence, and the effects of conflict. Nobody is able to calculate the precise number of people displaced. In order to survive, many displaced persons seek to blend into new communities. They often mix in with communities made up of economic migrants, who left their homes voluntarily to seek economic opportunities. With very few government support services on offer in past years, there has been little incentive for people to register with authorities or identify themselves as "IDPs". Also, displaced persons often prefer to be anonymous to avoid further persecution.

A key message we would like to share with Nepali communities across the country, through this media campaign, is that displaced persons come from all kinds of backgrounds and have fled for a range of reasons – women and men, girls and boys, wealthy and poor, from different religious and ethnic backgrounds. There is not just one type of internally displaced person. And that, whatever their background, all displaced people have the right to safe, dignified and sustainable return.

OHCHR, OCHA and UNHCR are pleased to note that, by signing the Comprehensive Peace Agreement, both sides have committed to ensure that displaced persons can return to their homes, if they wish to do so. We now call on both sides to fulfill their commitment by creating the conditions for such returns to take place, particularly as they prepare to soon form a new Interim Government and prepare for elections to a Constituent Assembly in June 2007.

A new and comprehensive policy on internally displaced persons must be agreed upon. It is essential that the new policy is in line with international standards and it is particularly important that the new policy recognizes that in Nepal people have been displaced by both sides of the conflict. Moreover, there is a pressing need for implementation and this means that district and village level authorities must be given clear operational instructions and sufficient resources to assist those who wish to return.

The commitments made in the CPA mean that there must be an end to all activities that obstruct the right of the displaced to voluntarily return in safety and dignity. These activities include, for instance, preventing the return of any individual displaced person, or establishing conditions to be fulfilled upon return (such as appearing before public or quasi-legal bodies, or making statements of contrition) .

To ensure sustainable return and out of respect for principles of justice, displaced persons must also be able to claim restitution or compensation for lost land, housing, and other property. International standards require that restitution procedures are facilitated by independent and impartial bodies that enjoy the confidence of the displaced population. These procedures must be accessible to all, without discrimination or fear of retribution.

To conclude, OHCHR, OCHA and UNHCR would like to highlight the two key messages of the 3-week campaign we now launch:

Firstly, that people in Nepal who have been displaced by the conflict come from all walks of life, all social and political backgrounds.

Secondly, that whatever a person's background, they have the right to choose to return to their home in a safe and dignified way and to know that their rights will be protected upon return.

We therefore call on the Government and the CPN-Maoist to fulfill the promise of the Comprehensive Peace Agreement, and work together to end the displacement of thousands of Nepalis.

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