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## Humanitarian Agenda 2015: Nepal Country Case Study

By Antonio Donini and Jeevan Raj Sharma

August 2008



A Maoist rally in Palpa. Photograph by Jeevan Raj Sharma



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## Acronyms

BOGs	Basic Operational Guidelines
CA	Constituent Assembly
CPA	Comprehensive Peace Agreement
CPN(M)	Communist Party of Nepal (Maoist)
DFID	Department for International Development, UK
GWOT	Global War on Terror
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International Humanitarian Law
INGO	International Non-Governmental Organization
OCHA	UN Office for the Coordination of Humanitarian Affairs
OFAC	US Office of Foreign Assets Control
OHCHR	Office of the UN High Commissioner for Human Rights
PLA	People's Liberation Army
RC/HC	UN Resident Coordinator/Humanitarian Coordinator
RNA	Royal Nepalese Army
SDC	Swiss Agency for Development and Cooperation
SRSG	UN Special Representative of the Secretary-General
TEL	Terrorist Exclusion List
UNMIN	UN Mission in Nepal
VDC	Village Development Committee
YCL	Young Communists League

## Executive Summary

*The crisis consists precisely in the fact that the old is dying and the new cannot be born. In this interregnum, there arises a great diversity of morbid symptoms.*

—Antonio Gramsci, *Prison Notebooks*

While it is possible to hold very different views on the current situation in Nepal, there is a general consensus that the country is undergoing a deep transition. Waves of optimism and enthusiasm for change have alternated with a sense of deepening crisis and foreboding. At the time of the fieldwork for this study, the expectations created by the popular movement that put an end to both the Maoist insurgency and the monarchy's authoritarian rule were waning. The Communist Party of Nepal (Maoist), which had led a ten-year low intensity "people's war" against the state, had pulled out of the interim government established after the June 2006 Peace Accords. The elections for the Constituent Assembly (CA), scheduled for November 2007, had been postponed indefinitely amid wrangling over the type of electoral system to be adopted and Maoist pressure for the monarchy to be abolished before the polls. Ethno-linguistic minorities in the Terai—the lowlands along the border with India—and elsewhere in Nepal were raising increasing, and often, violent demands for recognition and representation in a political system that seemed increasingly to be the preserve of a Kathmandu-based elite in which the Maoist leadership was playing an on again-off again spoiler role. Moreover, widespread *bandhs* (strikes/blockades) and long lines for scarce supplies of fuel added to the perception that the optimism of early 2006 had been replaced by a more somber mood.

By early 2008 however, the mood had changed again. After what seemed an eleventh-hour political compromise on how to deal with the issue of the monarchy, the Maoists agreed to return to government and the electoral calendar was put back on track. Contrary to the expectations of most local and foreign observers, the polls for the CA were held—relatively peacefully—on 10 April 2008. They delivered a totally surprising and convincing victory for the Maoists. While their commanding lead appeared sufficient for them to shape the future of the country, they subsequently failed in July 2008 to have their chosen candidate elected by the CA as Nepal's first president and

the shape of the first republican government was in flux. Clearly Nepal still presented some of the symptoms of the “interregnum” mentioned above. A return to authoritarian rule, either of a royalist or militarist variety, was most unlikely and the commitment of the Maoist leadership to the democratic process seemed solid.

Nevertheless, many serious challenges to peace and stability remained. The first relates to the festering aspirations of the ethnic and linguistic disenfranchised minorities in the Terai who did not feel represented by the political parties that participated in the CA polls. As has happened regularly since 2006, this discontent could degenerate into more widespread violence, both criminal and political, directed at the high caste Kathmandu-based elites that have traditionally monopolized power. The second relates to the internal coherence of the Maoist movement. If ethnic grievances are not addressed, it might split either along ethnic lines or, as has regularly happened to Nepali leftist movements in the past, between a leadership co-opted into the Kathmandu party politics system—which many see as ineffective and corrupt—and a more revolutionary wing tempted to take the struggle back to the hills. In addition, there is the issue of the future of the armed forces and whether it will be possible to smoothly integrate and demobilize some 90,000 Nepali army, 25,000 armed police, and around 20,000 Peoples Liberation Army (PLA) personnel. Stability will hinge on the ability of the new leadership to deliver a peace dividend amid a deepening economic crisis exacerbated by dramatic increases in the prices of food and fuel.

Finally, the continuing importance of external factors, particularly the role of India and China, including their growing interest in the affairs of the Terai, will continue to shape the nature of the state and political context in Nepal. The support of the international community as well as Nepal’s neighbors will be important, but the key element will be people’s perceptions as to whether or not their expectations for real change are being met. This uncertain moment represents the context in which the research and fieldwork for the present study was conducted.

This study is the 12<sup>th</sup> and final country case study of the *Humanitarian Agenda 2015: Principles, Power and perceptions (HA2015)* research project. As with the other case studies, it analyzes the four issues of *universality*,

*terrorism* and counterterrorism, *coherence*, and *security* of aid agency staff in relation to the activities of the humanitarian enterprise in Nepal. It is based on some 200 interviews and 25 focus groups discussions conducted during two field visits to Nepal in 2007 and a follow-up visit in early 2008.

In Nepal, the study's four themes, and the perceptions of local communities related to them, come together in different ways than the other case studies. This is due mainly to two unique features of the Nepal crisis and the role of the international community in addressing it. The crisis and its solution were fundamentally endogenous processes with limited outside influence or intervention and the aid community was, and is, dominated by development actors and narratives. In Nepal, the humanitarian dimension, which was at the forefront of our eleven other cases studies, is secondary to an already well-established development enterprise. That said, the findings of the Nepal study help illuminate, and are in turn illuminated by, the other contexts examined earlier.

The *universality* of humanitarian action poses no problems in Nepal. Foreigners in general and aid agencies in particular are respected ("Treat your guests as gods" is a saying often heard). The commitment of outsiders and the assistance they provide are valued across the various divided communities. While the Maoists initially labeled foreign aid as "imperialist" and shunned US-based aid agencies, they later became more welcoming particularly because the humanitarians' discourse of rights and inclusion resonated with them. Both the government and the Maoists formally subscribed to principles of international humanitarian law (IHL) and endorsed the aid system's basic operational guidelines (BOGs)—a joint donor initiative to ensure development and humanitarian space in the midst of conflict. However, issues relating to the baggage that comes with aid and the modus operandi of agencies abound. After the postponement of the elections for the CA in October 2007 there was a distinct increase in anti-UN and anti-aid agency rhetoric, with a dashed-expectations motif and a cynicism about the ubiquitous presence of aid vehicles—the white-car-syndrome—reminiscent of other transition situations.

Nepal has experienced *terrorism* as a daily reality in a variety of forms, particularly in the rural areas at the hands both of the Maoist insurgents and state security forces. More recently, various ethno-linguistic minority

groups, some more shadowy and criminal than political, have resorted to intimidation and violence, particularly in the Terai. This small “t” terrorism has been responsible for some 13,000 deaths in the past decade. The language of big “T” terrorism i.e. of the Global War on Terror (GWOT) also has a place in the Nepali crisis: the US still maintains the CPN(M) on its key list of terrorist groups, while the UK, India and China—who similarly had used the terrorist label—have stopped doing so since the CPN(M) has been accepted into the formal political process. These countries had also provided varying degrees and types of military support to the Nepali security forces, but at the time of writing the US remained alone in using the terrorist label. The US approach has had serious implications for the provision of humanitarian action by US-funded agencies as it has precluded their formal engagement of these agencies with the Maoists.

The issues relating to *coherence* between humanitarian action and other forms of international engagement in Nepal are colored by two key factors. On the one hand, there is a relatively tight-knit, development-orientated donor community that strived to continue development work during the conflict years. On the other, there is a narrowly-mandated, and time-limited, UN peace mission complemented by a pre-existing, separate and large UN human rights mission as well as long-established traditional UN development agencies. The UN’s humanitarian wing, the Office for the Coordination of Humanitarian Affairs (OCHA), has been a minor but important player in a field dominated by larger development actors who have tended to downplay the humanitarian dimensions of the crisis. Nevertheless, a humanitarian voice remained important given the exceptionally high levels of structural violence, the vulnerability to natural risks and hazards, and the volatility of the political situation. These could, separately or together, at any moment trigger the emergence of significant humanitarian assistance and protection needs.

Historically, the *security* of aid workers has never been a serious issue in Nepal. During the insurgency, US-based or -funded agencies were initially threatened or denied access by the Maoists. This was followed by a process of mutual accommodation. While serious incidents against aid workers have been rare—less than a handful in a decade—staff, particularly the national staff of aid agencies, have been frequent targets of intimidation and shake-downs for forced donations. The BOGs have been a useful tool in this regard.



The ethnicization of tension and violence in the Terai, the emergence of a gun culture, and the unfulfilled expectations of the peace process have resulted in a paradigm shift in the security situation of aid workers and of the communities in which they work. Since early 2007 the UN and INGOs have relocated staff or restructured programs in the Terai to cope with access challenges and related security threats.

Two additional findings deserve to be highlighted. First, as in most of the HA2015 case studies, the data points to the existence of significant tension between “outsiders” and “insiders”. Humanitarian and development assistance are elements in processes that are beyond people’s control. In itself this is not a new finding. The tension is however made worse by the economic, social, and cultural disconnects between the “Kathmandu bubble” in which the aid enterprise is based and the rural areas where the bulk of the population still lives. As one observer put it, “there is more distance between the hill areas and Kathmandu than between Kathmandu and Helsinki”. Moreover, because Nepal is a caste-based society where layers of discrimination and patron-client relationships define identity and activity (including within the aid system), the inherited structural and institutional barriers to change are quite different and perhaps more formidable than in our other case studies.

Second, and relatedly, the response to the Nepal crisis raises some key issues in terms of the humanitarian-development relationship. There are both definitional and operational issues here. The manner in which the crisis was defined—a low-level insurgency that did not impede the continuation of development work and generated few humanitarian needs—informed the aid enterprise’s response. In terms of policy, some have challenged the complacency of this narrative, charging the development community as culpable for not having sufficiently addressed structural issues, including those that had given rise to the conflict. In operational terms, the dominant development-centric perception has been seen, by the humanitarian players, as having limited the scope for humanitarian action. Moreover, given the volatility of the security situation and the unpredictability of the political transition, the heavy reliance on the developmental lens in situational analysis may prove problematic should assistance and protection needs for vulnerable groups suddenly require a shift into a humanitarian mode.

The case study ends with a number of conclusions dealing with the challenges faced by the providers of humanitarian action in an environment defined by developmental perspectives: the risks of premature withdrawal of humanitarian actors in transition situations; the distortions resulting from the (mis)use of the terrorism label; and the continuing need to nurture a more culturally-sensitive insider-outsider relationship between affected communities and the providers of assistance. Areas for further research are also identified in Annex II.

Map of Nepal



# 1. Introduction

This study is the twelfth and final country case study of the “Humanitarian Agenda 2015: Principles, Power and perceptions” (HA2015) research project.<sup>1</sup> As with the other case studies it attempts to capture the “view from below”: it analyzes local perceptions of the four issues of universality, terrorism and counterterrorism, coherence and security of staff in relation to the activities of the humanitarian enterprise in Nepal. At the same time, because of the idiosyncratic nature of the international response to the Nepali crisis, some additional issues are explored. These relate to the role of development agencies in the response to the crisis and more generally to the relationship between development policies and conflict. Another is the impact of conflict on social transformation, particularly in matters relating to discrimination. These two issues are introduced here but will be treated more fully in follow-up research by the Feinstein International Center.<sup>2</sup>

## Methodology

The methodology is essentially qualitative and inductive. Some 200 interviews and 25 focus groups discussions were conducted during fieldwork in Nepal in March and October 2007, and a follow-up visit in April 2008. Interviews and focus groups were held with a wide range of recipients of humanitarian assistance or respondents who had observed the activities of aid agencies. This allowed a composite picture of issues and perceptions to emerge from the ground up. Perceptions, of course, do not always match reality. What is recorded here, as in the wider study as well, is more about judgments, and what is meaningful to individuals and communities, rather than necessarily established facts.

Two types of interviews were conducted:

- Some 50 open-ended context interviews were held with aid agency and donor staff, from the UN, international non-governmental organizations (INGOs), national NGOs, the Red Cross movement, and government officials. These were held primarily in Kathmandu and Nepalgunj—a town in the Terai lowlands near Nepal's southern border with India. Additional interviews were held with Nepali academics, civil society leaders and journalists.

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<sup>1</sup> All the materials of the HA2015 research project are at <http://fic.tufts.edu/?pid=32>. These include the 12 case studies, a preliminary report published after the first six case studies (2006), and the final report, A. Donini et al., *Humanitarian Agenda 2015: The State of the Humanitarian Enterprise*, Feinstein International Center, Tufts University, Medford (MA), 2007.

<sup>2</sup> The follow-up research is outlined in Annex II.

- Interviews and focus groups with community members took place in five different ethno-geographic areas: a peri-urban area largely unaffected by the conflict (near Kathmandu); a central area of the Terai affected by communal violence (Nepalgunj and environs); a Terai district which had been, at the time of the visit (but not subsequently), spared such violence (Rupendehi district); and two hill areas, one in remote villages in the Maoist heartland (Rolpa district in western Nepal where movement away from the single motorable road still takes place on foot), the other in a more developed and accessible hill area (Palpa in the central hills) where the Maoists were a less recent, and not necessarily welcome, presence.

The locations of the interviews were selected in order to access as diverse a range of opinions as possible. The extent of exposure of local populations to aid agencies activities varied from very limited (Rolpa, where only a couple of agencies were or had been present) to extensive (in Palpa large INGOs have had continuing programs for a couple of decades and villagers have had access to a relatively modern aid-supported hospital in the district center). In the Terai and around Kathmandu, aid agencies' presence was very visible, as was that of the UN Mission in Nepal (UNMIN). White vehicles abounded but the levels of interaction with outside agencies varied considerably from place to place.

Our attempt to be inclusive was not as successful as we had hoped. It was initially planned to visit another Maoist heartland district (Rukum) and a lowlands district (Kailali) in the western Terai. These plans had to be abandoned because of logistical and security considerations. The return road journey from Rolpa to Nepalgunj was delayed because of various *bandhs* organized by the Tharu ethnic group and the trip to Kailali also had to be cancelled because of insecurity/*bandhs*.

#### **The HA2015 questionnaire**

(<http://fic.tufts.edu/downloads/SurveysMethodsfinal.pdf>) was used as a guide rather than as a precise list of questions. Interviews and focus group sessions at the village level have a dynamic of their own and it is often more productive to let issues emerge organically. Except in Palpa—where the fieldwork was undertaken by a Nepali researcher familiar with the area—interviews and focus groups in the field were facilitated by aid agency personnel and had to rely on interpreters. In order to reduce the biases that such “gatekeepers” might introduce in selecting or guiding respondents, interviews were held both in planned locations (often community buildings, schools or other workplaces) as well as by gathering villagers in an impromptu manner for a meeting, sitting outside a farmer’s house, or at a tea stall. Focus groups ranged in size from four to over twenty participants. Larger groups tended to be less productive and were often dominated by one or two strong personalities. Most groups were mixed gender, but as male participants tended to dominate a special effort was made to conduct female-only focus groups. The gender ratio among interviewees was approximately 60 per cent male/40 per cent female.

The fieldwork in Palpa was undertaken in July 2007 by Jeevan Raj Sharma, a Nepali researcher who knew the area well as this was where he had researched issues relating to conflict and migration two years earlier. This had the added advantage of providing a perspective on how perceptions had evolved. All the other interviews were conducted by the main author of the case study with the assistance of interpreters either hired for the purpose or provided by the agencies facilitating the



field trips.

**View of the fieldwork area (Palpa District). Photograph by Jeevan Raj Sharma**

### Acknowledgements

This study would not have been possible without the support provided by Paul Handley, Wendy Cue, Greg Grimsich and their colleagues in the OCHA offices in Kathmandu and Nepalgunj. Their generous assistance, advice and trouble-shooting is gratefully acknowledged. The trip to Rolpa would not have been possible without the support and organizational skills of Frieder Konold of GTZ and his local colleagues on the ground in Saulichar and Gorhahi. Access to areas around Nepalgunj was facilitated by Save the Children USA and OCHA. David Purnell and Deepesh Thakur of World Vision deserve thanks for organizing focus group meetings around Kathmandu and the field trip to Rupendehi. Thanks also to Monique Mikhail, Alex Jones, Sujata Tulhadar, and Sunita Adhikari for their support at

various crucial moments. Thanks to Tim Morris for editorial assistance. The research in Nepal was underwritten by generous grants from the governments of Denmark and Finland.

With an eye to our continuing work in Nepal on issues related to local perceptions, we welcome comments, criticism and suggestions from our readers. Please contact Antonio Donini: [antonio.donini@tufts.edu](mailto:antonio.donini@tufts.edu).

## 2. Context



Government buildings in Tansen (Palpa district center) after Maoist attack, January 2006. Photo by Jeevan Raj Sharma

### Timeline of the Crisis

- 1990—Nepal becomes a constitutional monarchy following a popular movement against the 30-year authoritarian *Panchayat* system headed by the royal family
- 1991—Democratic elections held. Series of weak and short-term governments with much political in-fighting and corruption
- 1996—Launch of Maoist insurgency and civil war
- June 2001—Crown Prince Dipendra shoots and kills the then king, Birendra, the queen, eight other royal family members, and himself
- November 2001—King Gyanendra assumes power and declares a full state of emergency

- October 2002—King Gyanendra dismisses the prime minister and his cabinet for "incompetence" after they dissolved the parliament and were subsequently unable to hold elections because of the ongoing insurgency
- October 2003—key donors launch Basic Operating Guidelines (BOGs)
- June 2004—King reinstates prime minister who forms a four-party coalition government, but does not reinstate parliament
- February 2005—King Gyanendra seizes power and dissolves parliament
- May 2005—King's government releases party leaders and officially ends the state of emergency
- November 2005—Mainstream political parties (the Seven Parties Alliance) agree on 12-point agreement with the Maoists as roadmap for resolving conflict
- April 2006—Nationwide pro-democracy protests and general strikes; parliament re-instated and Maoists announce three-month ceasefire, agreeing to peace talks with key demand to draw up a new constitution
- May 2006—MPs vote in favor of radical curbs on the king's powers—strip him of control of the army and subject the royal family to taxation.
- June 2006—Government representatives and Maoist rebel chief Prachanda agree to dissolve parliament and set up an interim administration to include Maoists
- August 2006—Joint statement agreeing that PLA fighters would be confined to camps and government troops stationed in their barracks, with the UN monitoring both.
- November 21, 2006—Government and Maoists sign Comprehensive Peace Agreement (CPA) ending civil war; Maoists agree to put weapons under UN supervision
- January 2007—UN Security Council endorses CPA and establishes UN Monitoring Mission (UNMIN) to monitor CPA and ceasefire and provide technical support for Constituent Assembly elections; 73 Maoists sworn into 330-seat legislature and new interim constitution promulgated
- April 2007—Peace process bolstered by formation of new government 1 April. Maoists hold five of 21 ministries; new government sets 20 June date for Constituent Assembly polls.
- Spring 2007—Ethno-linguistic grievances trigger widespread unrest and violence in the Terai
- July 2007—CA polls postponed until November 2007
- September 2007—Tension rises in lead-up to November Constituent Assembly elections. Maoist ministers resign from cabinet 18 September after Prime Minister Girija Prasad Koirala rejects demands for pre-poll proclamation of republic.
- November 2007—CA polls postponed indefinitely after crisis talks fail to bring Maoists back into government.
- 30 December—Maoists rejoin government, after deal on vote by interim assembly to end monarchy; new date set for CA polls in April 2008.
- 10 April 2008—CA polls go relatively peacefully and deliver unexpected victory to Maoists (approximately 30% of the vote).
- 21 July 2008—Maoist-supported candidate unsuccessful as CA elects Nepali Congress party's Ram Baran Yadav as Nepal's first president.



### The Conflict

The Communist Party of Nepal/Maoist (CPN/M) launched its “people’s war” in 1996.<sup>3</sup> Its objectives were the overthrow of the monarchy, the convening of a constituent assembly, and establishment of a multiparty republic.<sup>4</sup> Few people, including perhaps the Maoists themselves, would have thought at the time of the first attacks against police posts and government offices that in the space of a little over a decade these objectives would be achieved, if not surpassed. What started as a ragged rural insurgency in the hills of western Nepal spread to almost all of the country’s 75 districts. The insurgents pursued a classical Maoist strategy of “encircling the cities” forcing the police and civil servants to retreat to district headquarters. By mid 2006, as the map below shows, over two thirds of the approximately four thousand secretaries of Village Development Committees (VDCs)—the lowest tier of government in rural areas—had been displaced to district headquarters or to Nepali Army strongholds. The government was able to maintain a stronger presence only in the Kathmandu valley and in some parts of the Eastern Terai.

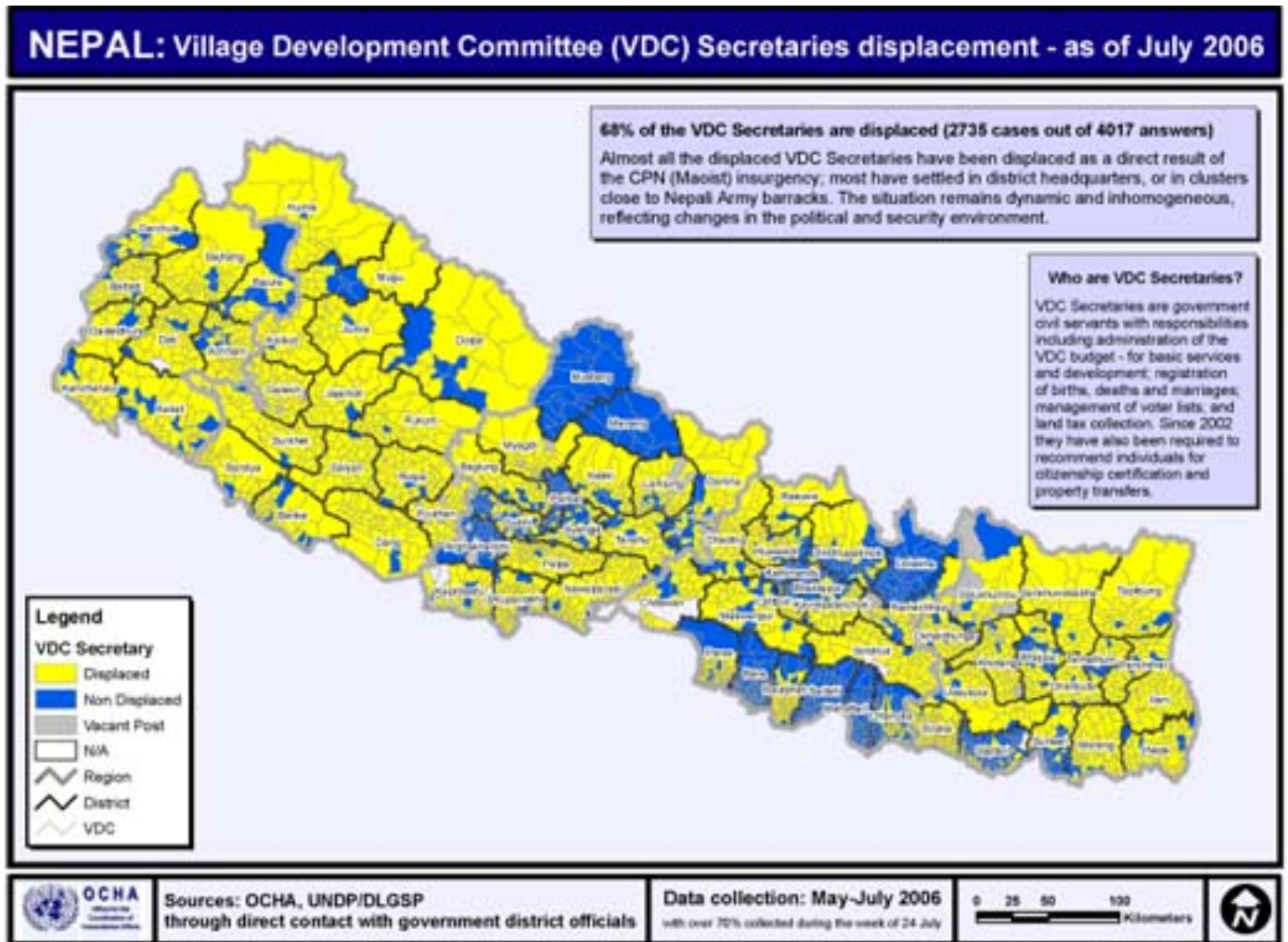
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<sup>3</sup> There are numerous studies on the emergence of the Maoist movement. See, for example, Deepak Thapa with Bandita Sijapati, *A Kingdom Under Siege: Nepal Maoist Insurgency, 1996 to 2004*, Zed Books, London, 2004; Michael Hutt (ed), *Himalayan People’s War. Nepal’s Maoist Rebellion*, Indiana University Press, Bloomington, 2004 and Arjun Karki and David Seddon (eds.), *The people’s war in Nepal: left perspectives*. New Delhi: Adroit, 2003. The International Crisis Group’s regular reports provide a running analysis and timeline of the crisis—<http://www.crisisgroup.org/home/index.cfm?id=2929&l=1>

<sup>4</sup> Maoist demands were set out in their *Forty-Point Demand of the United People’s Front* of February 1996 addressed to the Prime Minister:

[www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm](http://www.satp.org/satporgtp/countries/nepal/document/papers/40points.htm)

Displacement of Village Development Committee (VDC) Secretaries<sup>5</sup>



The insurgency thus affected the entire country. Lacking many modern weapons and often short of ammunition, the Maoists did not have the means to attack and hold district centers. In order to mount major operations they had to move and concentrate personnel and materiel over considerable distances, sometimes from bases ten days or more away on foot. They had little or no support from outside: the insurgency was largely funded by extortion/taxation of civilians, with most of the weapons and ammunition stolen from government forces during attacks. While they were not able to withstand large-scale government operations they effectively denied

<sup>5</sup> Map from *OCHA Nepal Situation Overview*, August 2006, p. 3. [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D4424EC1C39DAE4FC12571D10055132A/\\$file/ocha+nepal+no5\\_july06.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D4424EC1C39DAE4FC12571D10055132A/$file/ocha+nepal+no5_july06.pdf)

stable government access and presence throughout rural Nepal. This was achieved despite the provision of military assistance and supplies to government forces by India, the US, and the United Kingdom.<sup>6</sup> In the “liberated” areas the Maoists established their own structures of governance to promote their political and anti-discrimination agenda.<sup>7</sup> These included schools and “people’s courts” in addition to the CPN/M party structures and the Peoples’ Liberation Army (PLA). Some government services, nevertheless, continued to function including some health services and, except in the Maoist heartland, the itinerant postmen—equipped with spear and bell—who reach even the remotest villages once a month and are essential for ensuring remittances from migrants reach relatives. Maoist rule was not homogenous: it was more structured and transformative in their heartland hill areas but looser and sometimes contested in areas where their presence was more recent.

The rural population bore the brunt of the conflict. It was caught between Maoist intimidation, forced conscription and extortion on the one hand, and police or Nepali army reprisals on the other. Some 13,000 lives, in large part civilian, were claimed by insurgency and counter-insurgency. Civilians were targeted by both sides, though observers agree that more lives were lost to state-led than insurgent violence. Up to 5,000 people disappeared during the decade of armed conflict. The conflict was also characterized by recurring patterns of impunity for human rights abuses. Abductions, arbitrary detentions, sexual violence, and the use of child soldiers were common on both sides. The conflict affected women’s role in society as their menfolk often fled to avoid forced conscription by either side. At the same time many women and girls joined the PLA, making up an estimated 30% of its combatants.<sup>8</sup> Conflict affected children as well: many teachers were displaced and children in rural areas were taken from school in groups to indoctrination programs that sometimes lasted several days.

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<sup>6</sup> This support was substantially scaled back after the declaration of a state of emergency by King Gyanendra on 1 February 2005.

<sup>7</sup> Anthropologists provide key ethnographic insights. See: Sara Shneiderman and Mark Turin. 2004, “The path to Jan Sarkar in Dolakha District: towards an Ethnography of the Maoist movement,” in Michael James Hutt (ed.), *Himalayan people’s war: Nepal’s Maoist rebellion*, pp. 79-111. London: Hurst & Company; Judith Pettigrew, “Guns, kinship, and fear: Maoists among the Tamu-mai (Gurungs),” in David N. Gellner (ed.), *Resistance and the state: Nepalese experiences*, pp. 305-325. New Delhi: Social Science Press, 2003 and Judith Pettigrew, “Living between the Maoists and the army in rural Nepal,” in Michael James Hutt (ed.), *Himalayan people’s war: Nepal’s Maoist rebellion*, pp. 261-283. London: Hurst & Company, 2004.

<sup>8</sup> See: Shoba Gautam 2001, *Women and children in the periphery of the people’s war*. Prepared on the basis of a field study of Rukum, Rolpa, Jajarkot & Gorkha. Kathmandu: Institute of Human Rights Communications Nepal (IHRICON); Gautam, Shobha, Amrita Banskota and Rita Manchanda. 2003, “Where there are no men: women in the Maoist insurgency in Nepal,” originally published in Rita Manchanda (ed.), *Women, war and peace in South Asia: beyond victimhood to agency*, Delhi: Sage 2001 and Deepak Thapa (ed.), *Understanding the Maoist movement of Nepal*, pp. 93-124. Kathmandu: Martin Chautari.

Tens of thousands of Nepalis fled their homes to avoid persecution, extortion, conscription or conflict-induced economic hardship. There was no formal registration of internally displaced persons (IDPs) so their number is difficult to estimate.<sup>9</sup> Moreover, conflict-related population movements are difficult to disaggregate from the long tradition of labor migration as a coping mechanism in times of crisis, especially across the open border to India.<sup>10</sup> Some estimates put the number of migrants who moved to India during the conflict years at around two million.<sup>11</sup>

### The Nature of the Crisis

Ten years of conflict have dramatically affected the lives and livelihoods of the rural population, and to a lesser extent of the urban population. The impact is apparent in terms of direct violence, displacement, hardship and suffering or indirectly because of the breakdown of governance, disruption to the economy and social services or the development deficit resulting from the destruction of infrastructure and postponement of development projects. Several elements combined to shape the crisis. Nevertheless, there is some debate in aid agency circles in Nepal as to the causes and nature of the crisis and to the relative weight of political, economic, social and human rights factors.

**A human rights crisis.** There is no controversy around the human rights dimensions of the crisis. Human rights groups, both local and international, and the UN have regularly expressed concern over human rights abuses committed by both sides, the setbacks to multiparty democracy and the weakening of the rule of law throughout the conflict years. The security forces resorted to widespread arbitrary detention leading to numerous reported cases of torture, disappearance, and summary execution. The Maoists were responsible for large-scale abductions of students, teachers, and potential cadres for forced indoctrination; recruitment of child soldiers; indiscriminate bombings; assassination of politicians, journalists and

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<sup>9</sup> According to the Norwegian Refugee Council's Internal Displacement Monitoring Centre, the number of people internally displaced during the decade of war is estimated at between 100,000 and 200,000. [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CC2C3C0FBDAD8F03C125746D002F61D9?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CC2C3C0FBDAD8F03C125746D002F61D9?OpenDocument)

<sup>10</sup> For background on labor migration to India see: Seddon, D., Adhikari, J. and Gurung G. (2001), *The New Lahures: Foreign Employment and Remittance Economy of Nepal*, Kathmandu, NIDS; Thieme, S. (2006) *Social Networks and Migration: Far West Nepalese Labour Migrants in Delhi*, Munster, LIT publishing house; Sharma, J. R. (2007), *Mobility, Pathology and Livelihoods: an ethnography of forms of mobility in/from Nepal*. Graduate School of Social and Political Studies. Edinburgh, University of Edinburgh. PhD thesis; Dixit, K. (1997) Lowly Labour in the Lowlands. *Himal South Asia*, 10, 10-18 and Hitchcock, John. T. (1961) "A Nepalese Hill Village and Indian Employment," *Asian Survey*, 1, 15-20.

<sup>11</sup> Nepal 2005-2006 Consolidated Appeal, UN-OCHA, Kathmandu, p 4. <http://www.un.org.np/appealsandfunding/cap.php>

government workers; extortion of money and services (such as forced labor) from the general population as well as restrictions on freedom of movement. The military operations of both sides strengthened a climate of impunity and the militarization of society. The establishment of a large UN human rights mission in 2005 to monitor, investigate and report on human rights abuses by both parties to the conflict<sup>12</sup> is an indication of the international consensus on the seriousness of the human rights crisis.

**A political crisis.** The political elements of the crisis are also relatively clear-cut and uncontroversial. The insurgency was an endogenous phenomenon fuelled by widespread grievances related to the feudal nature of Nepali society, autocratic governance, caste, gender and ethnic discrimination and a blocked political process made worse by the disconnects between the Kathmandu elites and the rest of the country. Nepal is a complex and hierarchical society in which power is concentrated politically and geographically. The head of a local human rights organization noted that “there are a hundred layers of *apartheid* in Nepal.” It is not surprising, therefore, that resentment grew and boiled over. The insurgency was not supported or fuelled from outside in any significant way. The US, the EU, India and even China labeled the CPN/M a terrorist organization. The main external involvement in the crisis was the military assistance provided by the US, the UK, and India to the Nepali police and army. Unlike most other HA2015 case studies, the solution to the crisis was equally endogenous. While neighboring countries were concerned, they were not overly intrusive. The negotiation of the Comprehensive Peace Agreement (CPA)<sup>13</sup> was a Nepali-run process, with some Indian facilitation and the twelve point agreement between the political parties and the Maoists was signed in Delhi in November 2005. Since the trouble broke out in the Terai, India has been playing a direct role in political negotiation between the political groups there and the government. The UN political role came after the CPA. It was concretized by the establishment of UNMIN. The mission was time-bound and limited—mandated to deal with the cantonment of combatants and prepare the CA elections—largely because India, fearing a precedent would be set for intervention in Kashmir, had no stomach for an active UN peace-making role in its “backyard”.<sup>14</sup>

**A development crisis.** Understanding the root causes of the crisis and its actual consequences for ordinary Nepalis is more problematic. How is it possible that a low-intensity Maoist insurgency—something so anachronistically “20th century”—

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<sup>12</sup> <http://nepal.ohchr.org/en/index.html>

<sup>13</sup> <http://www.reliefweb.int/rw/rwb.nsf/db900SID/VBOL-6VSHK8?OpenDocument>

<sup>14</sup> UN Security Council resolution 1740 of 23 January 2007.

<http://www.un.org/News/Press/docs/2007/sc8942.doc.htm>, Initially the mission was to last for a year but was subsequently extended to 22 July 2008 because of the postponement of the CA polls,

took hold in the central hills of Nepal and spread rapidly to engulf most of the rural areas of the country and to trigger a popular movement that effectively led to the overthrow of the *ancien regime*? The literature on development in Nepal<sup>15</sup> and the opinions of staff of aid agencies, donors, and intellectuals we interviewed in Kathmandu, indicate a number of competing, and sometimes overlapping, narratives of the development-conflict nexus.

(a) The dominant narrative is one of “botched development,” the notion that the failure of mainstream development plans and strategies are at the root of the insurgency. The emphasis on infrastructure did not really change the lives of ordinary people and conflict emerged as a response to poverty and exclusion—issues that were not at the forefront of the concerns of the development enterprise in Nepal. The assumption of the proponents of this view is that appropriate strategies on the anti-poverty front would lead to peace. The problem is seen as technical; the solution is to be found in changing the mix of components of donor and government interventions. While the government, donors and agencies did not do their job in understanding the problem, they could be part of the solution. Supporting the Millennium Development Goals (MDGs), redesigning programs in a more “conflict sensitive way” and other adjustments to the way the aid system works would put the development agenda back on track. The notion that the problem is technical and can be resolved by “scientific” means is also a Maoist motif. As a Maoist cadre told us: “poverty and discrimination were the root causes of the conflict. These are problems that the state can solve in a scientific way.”<sup>16</sup> Aid organizations and their delivery systems were often perceived by the people as emanations of the state and were therefore seen as guilty by association with the institutions of the autocratic state. “Large parts of public opinion as well as the Maoists have often questioned the actual poverty focus of development agencies, their employment policies, their transparency and accountability.”<sup>17</sup>

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<sup>15</sup> Much has been written on Nepal’s checkered development history both by Nepali and foreign analysts. Key texts are Dor Bahadur Bista, *Fatalism and Development. Nepal’s Struggle for Modernization*, Orient Longman, Hyderabad (India), 1991 and Devendra Raj Panday, *Nepal’s Failed Development, Reflections on the Mission and the Maladies*, Nepal South Asia Center, Kathmandu, 1999. Among non Nepali authors one of the earliest—and still valid work—is by Eugene Bramer Mihaly, *Foreign Aid and Politics in Nepal: A Case Study* (Oxford University Press, 1965, 2003). See in particular the preface to the 2003 edition. See also: Sudhindra Sharma, 'Half a Century of Foreign Aid', in E. B. Mihaly (ed.), *Foreign Aid and Politics in Nepal - A Case Study* (Lalitpur, NP: Himal Books, 2003), pp. ix-lx.

<sup>16</sup> Maoist cadre, Saulichar village, Rolpa.

<sup>17</sup> Joerg Frieden, “The contribution of international development agents to conflict transformation in Nepal,” paper presented to the international conference “Development Dilemmas” organized by DFID, London, March 2007.

[www.dfid.gov.uk/Pubs/files/development-dilemmas-conf-report290307.pdf](http://www.dfid.gov.uk/Pubs/files/development-dilemmas-conf-report290307.pdf)

(b) A more critical narrative expands on development failure and goes deeper. According to this view, the flaws are structural, not technical.<sup>18</sup> Because of its linkages to the Kathmandu elite and because the development enterprise was Kathmandu-centric, if not lost in a “Kathmandu bubble,” it was unable to “see” the real conditions of the country. One observer calls this the “Shangri-La effect”: donors, the UN and mainstream development agencies were blind or even complicit in their support to a corrupt and unjust system based on structural violence.<sup>19</sup> Unlike in other countries, they did not feel it was their responsibility to address caste, gender and ethnic discrimination. By and large, throughout the 1990s they seemed to view the caste system and structural violence as givens that could not be changed (or that it was not their responsibility to change).<sup>20</sup> Moreover, in a very literal sense, they reproduced the caste system within their own organizations. Because their gate-keepers—Nepalis in government and civil society who were their primary interlocutors in their aid activities—were mostly from upper caste backgrounds, agencies naturally recruited from this elite, English-speaking and like-minded pool. Of course, donors and aid agencies have cozy relationships with local elites in many developing countries, but in Nepal this was taken to extremes. The proportion of non-upper caste staff in aid agencies is strikingly low, mirroring the domination of “NBCs” (Newari-Brahmin-Chettri castes)<sup>21</sup> in the civil service.<sup>22</sup>

“The government was in denial. The aid community was in denial. They did not understand the conflict and that its roots were in structural violence. NGOs and donors supported the middle levels of society. This gave the NGO sector a bad name. NGOs are dollar farms.”

—Director, Nepali Human Rights NGO.

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<sup>18</sup> Deraniyagala, Sonali. 2005. “The Political Economy of Civil Conflict in Nepal,” *Oxford Development Studies*, Vol. 33. No. 1.

<sup>19</sup> On the concept of structural violence see, P. Uvin, *Aiding Violence. The Development Enterprise in Rwanda*, Kumarian Press, West Hartford: CT, 1998, pp103-106.

<sup>20</sup> One experienced aid worker quipped that “donors did not want to hear about caste, ethnicity or class. Gender? A little bit. Basically agencies were here to move resources, not to change the society. They interacted with the elite... Foreigners got altitude sickness when they come to Nepal”. Another, commenting on the Kathmandu bubble syndrome, added that “aid is like a self-licking lollipop. There is no trickle down”.

<sup>21</sup> Newaris are the original inhabitants of the Kathmandu valley and consider themselves the core of Nepali society. Brahmin and Chettri are the higher rungs of the Hindu caste system. Of course, not all NBCs are part of the elite; but the elite is overwhelmingly composed of NBCs.

<sup>22</sup> See *Is There Room Enough? Dalit Recruitment Policies and Practices*, Save the Children and INSEC report, Kathmandu, May 2004. According to most observers, the proportion of NBCs in the civil service, already disproportionate in the early 1990s, has increased significantly during the conflict years and is said to have reached 90 per cent.

This same view is echoed in the field: “NGOs earn dollars, eat dollars and wear dollars”

—Local community organizer in the Terai.

As elsewhere, aid agencies tended to be capital-centric: like their government counterparts, few senior aid officials ventured outside Kathmandu and major district centers reachable by road or by air. There were exceptions of course—a handful of INGOs, a few committed individuals in the donor community—but the combination of elite linkages and the top-down nature of the development enterprise resulted in a major disconnect between the aid bureaucracies and the people they purported to help. This “insider-outsider dynamic” permeates the aid relationship and undermines it. As the HA2015 case studies show, this is a recurring theme in all countries studied. Projects are part of an externally-driven dominant discourse that, as we shall discuss in the next section, is perceived by the people on the ground as imposed from the outside, rigid, non-participatory, and lacking in accountability.

(c) There is also a counter-cultural narrative to the development failure explanation. Some view the emergence of the Maoists and the spread of the insurgency as a “development success”. A few international NGOs had been supporting community-based participatory programs in the western hills in the early 1990s. By raising issues of exclusion and gender and, in particular, by conducting multi-year informal adult literacy courses they “prepared the terrain” for the Maoist anti-discrimination agenda.<sup>23</sup> In a sense these projects were the antibodies of the dominant development discourse particularly because of their awareness-raising components.<sup>24</sup> The argument is interesting as a counterpoint, but not necessarily valid across the board. The penetration of aid in general and of small-scale community participation projects in particular was (and is) quite limited. As a Nepali aid worker in a remote village in Rolpa pointed out: “each donor has its own pet valley where it works. Sometimes this changes the life of local people. But it does not add up. Projects are just tiny islands of progress in a sea of poverty”. There is perhaps a broader point. Change, long-stifled during the *Panchayat* years of royalist autocracy, was in the air in the early 1990s. Education was expanding and so were the communication networks. In non Maoist-heartland areas—for example in the Terai or in Kathmandu—when we asked about the drivers of change respondents rarely

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<sup>23</sup> See article by Lauren G. Leve "'Failed Development' and Rural Revolution in Nepal: Rethinking Subaltern Consciousness and Women's Empowerment," *Anthropological Quarterly*, Volume 80, Number 1, Winter 2007, pp. 127-172.

<sup>24</sup> Mary Des Chene, “Fate, ‘Domestic Authority, and Women's Wills,” in Debra Skinner, Alfred Pach and Dorothy Holland (ed.), *Selves in Time and Place: Identities, Experience, and History in Nepal* (Oxford: Rowman and Littlefield Press, 1998), pp. 19-50. See also Lauren G. Leve 'Between Jesse Helms and Ram Bahadur: Participation and Empowerment in Women's Literacy Programming in Nepal', *Legal Anthropology Review*, Vol. 24 No.1 (2001), pp. 108-28.



mentioned the Maoist anti-discrimination agenda as the primary driver. Improved education opportunities and even migration to India were often mentioned first as factors in social change.

(d) A final narrative needs to be mentioned here. It is the sovereignty-centered critique of development that puts the blame on the foreigners and the biases of the development enterprise. One often hears the view that “donors wanted the government in the driver’s seat but they did not give us the car keys,” that “NGOs are dollar factories” or similar sweeping indictments of the aid system. The subtext of this critique is that the government at the central and sub-national level has been sidelined and that there is wastage resulting from the chain of intermediaries between donors and development activities on the ground. The Maoist version of this refrain is that “INGOs and NGOs are created by capitalists and work for capitalists,” hence their suspicions about the possible ulterior motives of the aid enterprise. Both versions are convenient for shifting the blame and acting as a smoke-screen absolving Nepali actors of responsibility for development failures. It may well happen that if the much-hoped for peace dividend is slow in materializing, this anti-imperialistic and slightly xenophobic voice will gather steam (as we have seen in a number of our HA2015 case studies).

**A humanitarian crisis.** There is some controversy around the issue of whether or not the conflict triggered a humanitarian crisis. Two points are worth making. The first is that, until 2001-2002 for most donors and aid agencies sitting in the capital, the conflict was a distant affair. It did not interfere with their relationship with their government counterparts and local partners. Like the government, donors and agencies were in denial or at best did not understand what was going on. It was, as many observers now point out, “business as usual”. Donors and UN agencies cultivated the illusion that local government authorities were still in place and that it was possible to advance decentralization, local governance and other development programs through them. “They were slow,” one observer told us, “in recognizing that the insurgency was, in fact, at the core of their business: that development work had reinforced the structural inequalities that had led to the conflict. They were complicit but could not see it”. Moreover, few aid agency officials had direct experience of what was happening in the hills. Until 2005 no UN international staff were based outside Kathmandu. As for agency national staff who traveled to the field, they were often regarded—because of their elite background—as more “outsiders” than the foreigners. One donor official recalls that “psychologically, it was very difficult for my senior national staff to engage with the Maoists on the ground. It was totally uncharted territory for them: they viewed the Maoists as ‘cannibals’. The first encounter was often liberatory”.

The second point is that, at the best of times, life in the hills of Nepal, where structural violence and underdevelopment combine, was poor, nasty, and short for the majority of the population. Over one third of the population of Nepal subsists

below the absolute poverty level and 86 per cent under the \$2 per day mark.<sup>25</sup> The extent to which lives of the poor were made worse by the conflict is unclear. While all agree that the conflict resulted in direct threats to human life and displacement, observers disagree on how much the war affected livelihoods. The argument has been made, for example, that losses in agricultural production were largely compensated for by increased remittances from migrants. Paradoxically, access and transport to some areas improved because both sides engaged in road construction projects (sometimes using forced labor) for strategic purposes. For its part, the government tried to maintain and even boost social services in areas it controlled. As for aid agencies, their initial encounters with the Maoists were problematic—especially for US-funded NGOs—but a process of accommodation ensued. Intimidation and requests for extortion were balanced by agreement of both sides to respect the BOGs. Unsurprisingly, most development agencies argued that the humanitarian consequences of the crisis were hyped, while the humanitarian agencies argued the opposite.<sup>26</sup>

Definitional and turf battles had a direct impact on the work of UN humanitarian players and the coordination role of OCHA. It is no secret that there was strong resistance in the UN Development Programme (UNDP) to the establishment of an OCHA office. On the other hand, donors and some aid agencies were critical of the UN Resident Coordinator/Humanitarian Coordinator (RC/HC) for not engaging in negotiating access for aid agencies to Maoist-held areas. Informal contacts in India between the RC/HC and the Maoist leadership were initiated only in 2005 despite the fact that much interaction was going on between aid agencies and Maoists in the field. This facilitated access to vulnerable groups somewhat. Fortunately, unlike other HA2015 countries (Colombia and Sri Lanka, for example) the government never prohibited or actively prevented aid agencies from entering Maoist-controlled areas (presumably because this would have been tantamount to admitting that large swathes of the country were not under its control).

Another instance of tension around the purported humanitarian dimension of the crisis was the controversy surrounding the first Consolidated Appeal issued in 2005. Again, resistance on the UN development side came to a head when the government, despite initial support, suddenly withdrew its endorsement of the CAP process, allegedly because it did not want to appear in front of the international community as a “failed state” in the same league as Somalia, Afghanistan and other failed-state

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<sup>25</sup> UN 2005-2006 Consolidated Appeal, p8.

<sup>26</sup> “A vulture waiting on the edge of cliff” is the image an experienced aid worker used to describe the desire of humanitarian actors to intervene in Nepal during the conflict years. Humanitarians for their part saw the developmentalists as “omniscient gods ready to sacrifice the people on the altar of development”.

“basket-cases”. The document had to be withdrawn from the official CAP launch ceremony at UN HQ and was only circulated later in a low-key fashion.

Despite these different views on the nature of the crisis and on the establishment of the OCHA office, it seemed at the time of the field visits for this study that OCHA had been able to demonstrate its usefulness both as the main agent for humanitarian coordination and provider of unbiased information—a task welcomed by most, if not all, actors on the ground, particularly NGOs. OCHA had become the key UN player in monitoring BOG compliance, as well as negotiating access and humanitarian space to remote Maoist areas. During the explosion of ethnic unrest in the Terai in 2007-2008 its role was crucial in ensuring access to affected groups and in coordinating assistance as well as protection activities with the International Committee of the Red Cross (ICRC), the Office of the UN High Commissioner for Human Rights (OHCHR),<sup>27</sup> and NGOs. OCHA’s coordinating role during monsoon floods in 2007 also brought home the point that Nepal is constantly vulnerable to natural and man-made shocks and that given current political and socio-economic uncertainties a UN humanitarian coordination presence was warranted.

### The Donor Response

The Nepal crisis is unusual in that some substantial development activities were able to continue throughout the conflict years despite a deteriorating political and security environment. Operational space for aid agencies was eroded by a number of factors including combat activities and militarization in many districts, absence of government structures outside district headquarters, and intimidation and extortion by Maoist cadres. Nevertheless, negotiation of access and engagement with local authorities allowed many activities to continue and some new ones to start, especially if such activities were seen as clearly beneficial to local communities and carried out in a transparent manner.<sup>28</sup> Increased humanitarian needs resulting from the erosion of development space and consequent loss of capacity and services in conflict-affected areas were addressed as an addition to, rather than as a substitute for, development activities. Given the size, history and influence of the development enterprise in Nepal, humanitarian players had second-fiddle status at best. The donor community remained in “development mode,” and while adapting to the conflict, did not feel it was necessary to shift into a humanitarian mode.

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<sup>27</sup> <http://nepal.ohchr.org/en/index.html>

<sup>28</sup> Anthropologists Sara Shneidnerman and Mark Turin offer an interesting account of their experience in observing the negotiations around issues of access and engagement of aid agencies and NGOs in Maoist- controlled areas in Dolakha district. See Sara Shneidnerman and Mark Turin, “The Path to Jan Sarkar in Dolakha District -Towards an Ethnography of the Maoist Movement,” in Hutt (ed.), *Himalayan ‘People’s War’: Nepal’s Maoist Rebellion* (London: Hurst and Company, 2004), pp. 79 -111.

The pre-eminence of the development over the humanitarian perspective had pros and cons. On the positive side, it allowed a re-direction of existing programs towards more clearly targeted assistance to disadvantaged and disempowered groups rather than the sudden introduction of a new set of activities. As we shall see in the section on coherence below, it resulted in an unusual level of coordination between donors and among donors and operational agencies around a common agenda on issues of principle, rights and engagement with the belligerents. The BOGs were an important catalyst for a more principled approach. The majority of donors and UN agencies—but not the World Bank—also more or less openly disassociated themselves from the government’s political and military strategy and demanded full respect of human rights and the restoration of democracy as part of their interactions with the government. While the US and the World Bank continued to engage with the government, other mainstream donors took a different tack. GTZ, the UK Department for International Development (DFID), and the Swiss Agency for Development and Cooperation (SDC), for example, progressively “veered away from the state,” as one observer put it, especially after the King’s authoritarian takeover in 2005. Projects in rural areas were implemented either directly (GTZ) or through, mainly national, NGOs rather than through state institutions. The focus on rights also facilitated the building of a consensus around the deployment of a UN human rights mission.

***BOGs: Donor Intervention in Midst of Conflict<sup>29</sup>***

In Nepal, the impartiality of aid and the degree of access to vulnerable groups has been codified through the UN and donor agencies’ Basic Operating Guidelines (BOGs), a set of measurable working principles that organizations have to apply and advocate on. The BOGs are the main mechanism the UN, donors, and NGOs have for protecting operational space. They are based on established and accepted humanitarian principles and international legal standards. They protect the interest of the conflict-affected population and the safety and security of UN, donor and NGO staff.

The BOGs were launched in October 2003 by a Working Group which brought together the UN; the European Commission; ten Western donors (Australia, Canada, Denmark, Finland, Germany, Japan, the Netherlands, Norway, Switzerland and the UK), as well as the Association of International NGOs in Nepal (AIN).<sup>30</sup> The US stood out from other major donors by not signing up. Translated into Nepali and five other local languages, the BOGs assert that assistance must be provided solely on the basis of need, and not influenced by any political, ethnic or religious agenda. The

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<sup>29</sup> <http://www.un.org.np/resources/index.php>

<sup>30</sup> <http://www.ain.org.np>

BOGs committed the donor community to work with any partner sharing a vision of tackling discrimination and social exclusion based on gender, ethnicity, caste and/or religion. Donors pledged to recruit staff solely on the basis of their qualifications and commitment to humanitarian values. They demanded that aid workers be protected from any form of violence, abduction, harassment or intimidation and that humanitarian and development supplies should not be stolen, diverted or otherwise misused. The donors announced their vehicles would not carry any armed personnel and that they would not make any contributions to political parties or respond to demands to make forced contributions in cash or in kind.

In 2005 both the government and Maoists formally endorsed the BOGs.

On behalf of the BOGs Group, OCHA started monitoring and consolidating information on operational space from a wide range of UN, donor and NGO sources in 2006.

Donor collaboration led to the establishment of two Risk Management Offices mandated to monitor information on operational space through frequent field visits and reports from its local partners. OCHA and the Risk Management Offices routinely provided specific information on BOGs violations and trend analyses. Through tracking and reporting violations of the BOGs, organizations were able during the conflict to progressively assess the degree of access to vulnerable populations and the effectiveness of humanitarian and development aid.

On the minus side, few development players had direct experience with the humanitarian ethos and assistance and protection operations. Most development aid workers were accustomed to working with or through government counterparts. As these officers would not travel beyond the narrow confines of district headquarters, implementation suffered. Inexperienced NGOs and contractors were brought in. Remote-control management of projects proved ineffective. Adaptation was not always easy, especially for the local staff of aid agencies who were subjected to intimidation and manipulation.

More fundamentally perhaps, the Nepal case shows that the issue of the coherence of development and humanitarian action in conflict situations remains problematic. The donor approach was concerned with conflict transformation instead of just saving and protecting lives, i.e. it was a deliberate attempt to work “on conflict” rather than simply “in conflict”. The temptation to utilize assistance as a tool to advance political objectives, as worthwhile as the promotion of rights and democracy may be, carries inherent dangers. Experience from other settings—Sri Lanka, Colombia and Afghanistan come to mind—has shown that such issue-linking can backfire and further complicate the task of agencies that are more narrowly focused on action aimed at saving and protecting lives.

### 3. Findings: The View from Below



Protest in Kathmandu. Photograph by Jeevan Raj Sharma

This section summarizes the voices heard during the fieldwork. We start with some general perceptions and then move to the four issues of *universality*, *terrorism*, *coherence*, and *security*.

#### (a) Nepalis' Perceptions of Humanitarian/Development Challenges

**Discrimination.** Seen from the perspective of villagers, unemployed youth, teachers or local administrators in the areas visited, there was a very strong sense that Nepalis were poised for dramatic positive change in their lives. The change had not happened yet, but it was within grasp. Everyone, from sophisticated urban intellectuals to illiterate women in the remotest villages, was talking the language of “awareness,” “rights” and “inclusion”. “Now we are aware of our rights” proclaimed a

woman in Rolpa from the *Dalit* (so-called “untouchable”) caste.<sup>31</sup> A female Nepali community organizer working for a Nepali NGO in Nepalgunj explained that “people here were mostly illiterate and did not know their rights. They were not aware of the extent of their exploitation.” When asked what accounted for the change, she added that “education, the role of NGOs, the emergence of the *Dalit* movement had started to pick up in the early 1990s. When the Maoists appeared on the scene, they capitalized on the work of others. *Janandolan I*<sup>32</sup> had announced the end to discrimination but had not put it in practice. The Maoists’ strength came from their ability to put these ideas into practice”.

“Awareness” came across very strongly as something new and valued. Actual change, however, was more elusive. This was echoed by a Chief District Officer in the central region who noted that “people are aware of their entitlements, but there is no drastic change in issues of discrimination. Change is very gradual”. Aid workers interviewed confirmed that gender and caste-based discrimination issues were now much easier to raise and that there was evidence both in Rolpa and Palpa districts—where the Maoists had had a longer-term presence at the village level—that discrimination was being slowly challenged. While the majority view, both in the communities and among aid workers, was that discrimination was on the decline, albeit very gradually, some observers were less sanguine. “The feudal system, reported one international aid worker, “is reasserting itself. The caste system was suspended during the conflict. Now it is coming back”.

In Yamgha village (Palpa district) there had been a conscious effort to construct a road through a settlement where people of lower caste background (*kamis*) lived. Village health clinics were now organized regularly in the settlements of people from lower caste background. A village health worker reported that “we regularly go to the locality where people from lower caste live. If we don’t go there and ask them to come to the school, they will complain and make a big issue.” Women and people from lower castes had joined different local committees both in Palpa and Rolpa (managing water, forest use and road construction) and were involved in varying degrees of decision-making. However, the process of inclusion seemed slow. Explicit discriminatory practices based on caste were not observed in the villages. Maoist presence and propaganda had contributed to a great extent to this. Several people (both from higher and lower castes in Rolpa and Palpa) had heard of or witnessed instances where people who had discriminated against lower caste people had been humiliated—for example forced to share food and water with *Dalits*—and asked to

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<sup>31</sup> When asked what this meant, practically, she added that “now if my husband beats me, I know I can beat him back”.

<sup>32</sup> *Jandolan* was the name given to the people’s movement of the early 1990s that contested and put an end to the authoritarian *Panchayat* system. The 2006 movement that put an end to the insurgency is known as *Janandolan II*.

apologize in public. People mentioned intimidation/threats and sometimes punishments in cases of discrimination based on caste. In both these hill districts, it was felt that the Maoists and to a lesser extent, the NGOs had played an important role in raising the issue of social exclusion.

In the Terai, perceptions were different. Villagers and even local aid workers downplayed the role of the Maoists on exclusion issues and credited education and to some extent the work of NGOs for improvements. In a focus group with teachers in Banke district, participants—mostly upper caste—claimed that there was no discrimination. “Here *Dalits* can go to the temple. No problem.” said one teacher. Another added that “yes, they can go, but they don’t know how to pray!” There were also some hints at reverse discrimination. Some upper caste people felt that they were being excluded from the benefits of aid programs. A Brahmin young man in Palpa quipped that “if we keep saying ‘lower caste’ and ‘women’ all the time, it seems we won’t get anything. This is also discrimination, isn’t it?” Local aid workers also explained that discrimination was more ingrained in upper caste communities than among *Dalits* and ethnic minorities. For example, a group of Bahun (upper caste) female teachers in a village in upper Rolpa had found a creative way around the traditional practice of consigning women to an insalubrious shed during menstruation and childbirth: rather than challenging the issue directly, which caste pressure prevented them from doing, they had pooled their resources to build a clean room that they could jointly use.

**Human security.** “Awareness,” combined with a more peaceful security environment, allowed communities to focus on key human security issues: employment, access to water, education and health services were mentioned as primary concerns. Safety and security had been a major concern in the past but people felt that they were no longer an important issue in their area. Young men spoke freely of intimidation by both parties involved in the conflict (armed police, Royal Nepalese Army—the RNA, and the Maoists) in earlier days but were wary of raising the issue of intimidation by the Maoist Young Communists League (YCL) and tended to mention it only in one-to-one interviews. In the Terai districts of Banke and Rupandehi people were more worried about the unpredictable nature of Madheshi and Tharu ethno-linguistic violence. A female teacher in Banke reported that “in the past when the Maoists called us to a meeting or organized a *bandh*, there was advance notice. We knew what to do. Now, it is much more dangerous and unpredictable”.

A major concern for the people in all the communities visited was employment and opportunities for securing stable livelihoods. People in the villages said that they had been facing different problems including ‘lack of development’ (*bikas chaina*), lack of employment opportunities, drinking water, good village health services at the village level, better facilities at the school and better roads/transport system. Conflict had made their life difficult and they hoped that the peace would finally come. At the



same time, expectation was tainted with unease. “People are not sure that peace is for real” explained a government official in a hill district. People spoke of lack of a conducive environment to do anything (*kehi garne batawaran/awastha*).

**Migration.** Young men spoke of their frustration at inability to find suitable work in the villages and that the only option left for those who could afford it was to migrate to India/the Gulf/Malaysia or to other parts of Nepal including Kathmandu. The comment of a middle aged Bahun (upper caste) man in Rolpa was typical: “there is nothing in the village. What do we do? It is not possible to do anything with this small piece of land.” People in the village were aware that not everybody who went abroad was able to get desired work and in turn improve the household situation drastically. While the aspiration for salaried employment (*jagir khane*) within Nepal was higher among the young educated men (those who had completed schooling or, in some cases, college education), it was becoming increasingly difficult to find jobs in Nepal. A man (aged 32) who belonged to a lower caste reported that “it is impossible to find salaried employment (*jagir*) in Nepal. People with BAs and MA degrees are unemployed, how would people like me get *jagir*. It is easy to say *jagir*, but who will give *jagir*?” The aspiration for out-migration among young girls was lower than young men. However, many young girls who had completed schooling aspired to go for further education and get jobs in the city.

At the same time, it was clear that migration had an impact on livelihoods even in the remotest areas. At an impromptu meeting, *Dalit* women in a remote village in Rolpa complained that they had seen no benefits from an internationally-financed small-scale irrigation and “green” road building project in their valley other than occasional day labor. They were, they said, on the “wrong side of the valley: all the assistance had gone to the other side” (where the villages were of Magar ethnicity and allegedly more supportive of the Maoists). When asked how they managed to survive, it turned out that the six women interviewed all had at least one male family member working in India (and one in the Gulf). The importance of remittances is demonstrated by the appearance of Western Union franchises as soon as a village is connected to the mobile phone grid. One of the women explained that “they send up a boy with a chit and I know I can go and get my money”.

The head of the government development department in a hill district stressed the downside of migration, “It has changed our social pattern and it is accelerating day by day. Conflict, fear of conscription were part of the reasons. But we lose so many young people: in some remote villages only women and older people remain behind. But what do the villages get back when people leave? Only some money and AIDS.

No technology comes back because the young people are mostly doing menial work.”<sup>33</sup>

***Yearning for peace.*** Relief that the conflict was over was palpable in all areas visited as were expectations that peace would change lives and livelihoods. As in our other case studies, people instinctively linked negative peace (the absence of conflict and violence) to positive peace (the fulfillment of wider aspirations for a better life). The sense that the peace was not yet “complete” was widespread. This was expressed mainly in terms of lack of employment opportunities and the expectation that peace, elections and stability would improve people’s prospects. At the same time, especially in Kathmandu and the Terai, there was a distinct deterioration of the image of the UN, the body that had embodied peace for the vast majority of Nepalis. While in early 2007 the UN’s image was still good and expectations were high by September, when the CA elections had been postponed, cynical comments were rife—“UNMIN is all dressed up with nowhere to go”; “all the UN has brought us is traffic jams in downtown Nepalgunj”. There was deep concern that something was broken in the relationship between the international community and Nepal. Unsurprisingly, corruption and mismanagement of the outsiders’ largesse was high on people’s minds. “For every 100 rupees spent by the UN, not even one paisa remains behind in Nepal,” a teacher in the suburbs of Kathmandu complained.

In urban intellectual circles there was also an undercurrent of resentment at the prominent role of the international community. “Nepali people have no say,” said the director of a Nepali NGO. “This is a country ruled by outsiders. Donors and major powers have a neo-colonial attitude”. He lamented that outsiders did not understand the complexities of Nepali society because “the meaning of peace and democracy is very different in Kathmandu and in the rural areas. In Kathmandu it is about who occupies which position in government. At most, they are talking about negative peace. In the villages it is all about the lack of a peace dividend. Is there water? Is the school going to function? There is massive frustration”.

While such frustration was, to a degree, tangible in the Terai, among the more educated persons interviewed—such as Nepali aid workers and teachers—the image of the UN and of foreign agencies was still quite positive in the hill areas and among the more disadvantaged groups. One explanation was that ordinary Nepalis “love the UN” because many young men aspire to join the army and participate in UN peace-keeping missions, a source of income and prestige for both individual soldiers and their families, and for the army as an institution. Indeed, in our conversations there

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<sup>33</sup> The size of the India migration valve is difficult to estimate as Nepalis can move freely across the border to India. According to the Norwegian Refugee Council there may be as many as six million Nepalis in India.

were frequent references to family members who served as UN peace-keepers or as Gurkhas in the British or Indian armies.

We now examine local perceptions of the four issues around which the HA2015 research is organized.

(b) Universality

The universality of humanitarian action poses no problems in Nepal. Foreigners in general and aid agencies in particular are respected (“Treat your guests as gods” is a saying often heard). The commitment of outsiders and the assistance they provide are generally valued. Often, lower caste and minority people in the hill areas visited expressed a sense of awe and admiration that foreigners would come to visit or work in their communities. In Rolpa (more rarely) and in Palpa (more frequently) people had seen foreign aid workers coming and going for several years. The general perception was that the foreigners came to help them and solve problems. Foreign aid workers were seen as “kind people” who sacrificed all the comfort they had in their countries just to come to help poor people. An elderly Magar man noted that “they leave all the comfort in their country just to come here and help us. They come here thinking that something will happen.” In a few cases, villagers fondly remembered Peace Corps Volunteers or foreign aid workers who had lived and worked in their area years before. They had appreciated the commitment of aid workers who accepted the difficult life in the village. Foreign aid workers were seen to be very rich, respectable, and knowledgeable. A few of the foreigners they had seen spoke the local language while most did not. A Bahun woman had been impressed by a foreign volunteer who “spoke fluent Nepali. She used to call me *didi* (sister).”

Local people were aware that the aid workers spoke different languages, ate different food, wore different clothes, and had different values. In general, this did not seem at all problematic. A woman commented that some aid workers wore clothes like Nepalis and spoke Nepali while others did not. Where aid workers from outside were rare, as in the remote hill areas of Rolpa, visitors were visibly met with curiosity and warmly welcomed. In the Terai, where aid workers and foreigners were more permanent fixtures of the landscape, the relationship was more businesslike but still quite respectful.

A distinctive feature of rural Nepal, compared to our other case study countries, was the extent to which villagers were unaccustomed or wary of expressing their views on assistance activities. At the beginning of an interview or a focus group, participants would say “you people know better” or words to that effect. Except for those who had recognized status in the community—such as civil servants, NGO workers or teachers—interviewees felt that they were not the right persons to judge the appropriateness of assistance programs. They told us to consult “the educated” or “the people who know”. A common refrain was that “whatever assistance comes,

we are grateful.” A comment from a Magar woman in Palpa was typical: “I don’t know these things, go and ask other people who know this.” A man from a lower caste background said poor villagers could not know what development assistance was appropriate or not. A middle-aged Bahun woman commented that “if there were many assistance programs here, then I could tell you whether the programs are appropriate or not. We don’t have any, what can I tell you?” These statements reflect the perceived lack of real engagement with the local communities despite the widespread rhetoric of grassroots approach and participation.

At the same time, when the conversations warmed up, hints of inappropriateness or discrimination were perceptible. A Bahun man told us “we need more development in our village, we need programs that create jobs. Some other villages nearer to Tansen (the Palpa district center), have received more assistance but our village is neglected.” An elderly *Dalit* woman in Rolpa complained that “the villages on the other side of the valley received all the assistance, not us. That’s because they are Magars”. She added that “we are so backward and illiterate that we don’t know what is happening. Our husbands tell us what to do”.

Commenting on the relative passivity and avowed disempowerment of disadvantaged communities, an international aid worker explained that “lower caste people and minorities are not aware they have any rights. They think that aid agencies are for the high castes”.

No rejection of assistance or the presence of aid agencies was perceptible. On the contrary, people generally asked for more. Two forms of criticism were, nevertheless, aired. A few people felt that foreign aid agencies came to their village to spread their religion. One of the participants in a group in Palpa shared how three people he knew had converted to Christianity after they came in contact with aid workers of an international faith-based NGO (those who converted got jobs too). The second form of criticism came from Maoist cadres. Echoing the widespread view in the aid community that the Maoists initially saw international NGOs as “vectors of westernization” or “agents of imperialism,” some Maoist activists in the villages visited said that not all the foreign aid workers were good. They felt that some of the aid workers came to keep an eye on their activities and not to help the people in the village. In the past, they had been particularly suspicious of aid workers working for US-funded programs, saying that “we feared that they were reporting to the police or to their embassy.” While the general perception at the community level was that aid agencies did not take sides and were neutral, a few interviewees in Tansen (Palpa district center) felt that US-funded projects “may be against the Maoists”. Some of the human rights agencies were seen as pro-Maoist because they were viewed as critical of the state while ignoring human rights violations by the Maoists.

While the Maoists initially labeled foreign aid as “imperialist” and shunned US-based aid agencies, they later became more welcoming particularly because the aid

agencies' discourse of rights and inclusion resonated with them. As we have seen, both the government and the Maoists formally subscribed to international humanitarian law principles and endorsed the BOGs. Respect for humanitarian principles was of course uneven. On the plus side, humanitarian access remained possible, if sometimes difficult, to nearly all areas throughout the conflict years. People's movements were however often severely restricted. Unlike some of our other case studies—Colombia and Sri Lanka come to mind—the Nepali government and its armed forces did not have a policy of denying aid agency access to vulnerable groups in areas controlled by the insurgents. On the minus side, in addition to running the risk of being caught in the crossfire, aid agencies, especially local and national NGOs, were subjected to varying degrees of harassment by both sides and by requests for “donations” by the Maoists. Many NGO projects suffered or had to close down. It was difficult for the aid workers to continue to work in a situation where they were often intimidated by the parties to the conflict, and it was sometimes almost impossible to travel due to various restrictions. A government official in Palpa asked “who would take risk and go to the field? It was extremely difficult to go to far-away villages. We went for day trips only to projects close to the district center.”

In general, people were not too comfortable talking about abuses that had occurred during the insurgency other than in general terms. One exception was the description of a violation of international humanitarian law by government forces in Palpa district. A group of villagers explained:

Before the conflict ended, RNA soldiers often came to the village in a tactical way. A group of soldiers would wait just outside the village while three or four of them came in dressed like Maoists and would start inquiring if people had seen their ‘friends’ (meaning the Maoists). It was sometimes very difficult to distinguish between the security forces and the Maoists.

A teacher (male, 37) added that the Maoists were softer spoken than the RNA and there would be at least one woman in the Maoist group, while the RNA group would only have men. “Three or four of them would enter the village without wearing uniform. These RNA men often had long hair”.

While our fieldwork confirmed that, as in our other case studies, the fundamental values of humanitarianism are generally shared and intuitively understood, all is not well in the relationship between outsiders and insiders. Not surprisingly, issues relating to the baggage that comes with the aid and the modus operandi of agencies abound. The familiar motif of corruption and of the chain of intermediaries who “take their cut” at every step was never far below the surface. Another was that it was the well-connected who got the assistance. “It is always the clever people who get all the benefits,” complained a Bahun man in Palpa District. “They do this and that and get benefits. Nobody comes to us”.

In many field conversations it was apparent that the assistance relationship was seen as top-down and relatively rigid. Two types of comments were heard. The first related to the aid archipelago syndrome—the tendency for projects, perhaps valid and coherent in their own right, to be implemented in “little islands of progress”. These did not add up both because there was little consultation among aid agencies and because they did not necessarily tackle priority issues. “Donors and international agencies are imposing their ideas to communities,” complained a female national NGO community mobilizer in Banke district. “Projects are driven by donor objectives not the needs of communities”. The critique that assistance was inappropriate or concentrated in accessible areas such as along motorable roads, was widespread. Government officials and teachers, for example, often noted that aid agencies came from ‘above’ to implement pre-planned programs. An official associated with a district development committee (DDC) said that “INGOs come to us with their programs. Some of them consult us before they choose the working area while others choose on their own. They have their own budget, their own staff and their own programs.” Another official complained that “it is not very easy to work with big ‘donor agencies’ (*datas*) because they are very particular about specific steps; there is no flexibility. If something is written in their document, we have to follow that no matter what.”

The second set of comments was about consultation with communities. Most local people felt they were never consulted by aid workers. Ordinary villagers felt assistance providers came and went without giving any information or consulting them. A few people remembered the visits of development workers who came and asked them about their household situation and filled out survey forms. “They came and asked us questions but we don’t know what they did with the information” is a comment we heard repeatedly. The impression was that in most cases agencies came with a set of activities to be implemented at the village level without any real discussion. There seemed to have been more consultation with “higher ups”. In the Maoist heartland areas, where there were parallel structures of governance, implementing projects without their consent was out of the question. In the district centers, now that the situation was more stable, aid agencies often consulted the representatives of political parties at the district and local level before starting new activities. A local level politician (a man, aged 58) noted that “these days they talk about people’s participation (*jan sahabhagita*) and hold one or two meetings with villagers.”

Impromptu meetings by the researchers with villagers who were not direct beneficiaries of projects showed the extent of the perceptions gap: many people claimed they “did not know” what was going on even when project activities were visible in their village. In some cases they “knew” but disagreed with the activity. For instance, people in the village of Yamgha (Palpa) felt that a campaign against filariasis (*hattipaile rog*—a parasitic and infectious tropical disease) was inappropriate as there was no problem of filariasis in the village or surrounding

area. Instead, several people who took government-provided medicine suffered from side effects and complained vociferously about the program. One of the participants in an informal discussion said that “they [donors/government] have money for a disease that we don’t know of, but they don’t have money for essential drugs that we need on a regular basis.” The large number of side effects after taking the medicine spurred rumors that the government was testing the drug on the villagers.



Laborers at the “green road” construction work in Rolpa district. Photograph by Antonio Donini

Not surprisingly, the perspectives of community members who were direct beneficiaries of assistance projects or somehow involved in them were different. For example, Kumaya women (freed bonded laborers) in Bardiya district who had received building materials and land and were supported by a local NGO, said that dialogue on the project objectives and implementation had been good. “Now we feel free,” they said. The beneficiaries of a small-scale community development project in Rupendehi district involving support to irrigation, agricultural inputs and education were equally satisfied. Their “users’ committees” were very active. In the remote village of Kasala in Rolpa district where an international donor was financing a “green road” built through a food and cash-for-work scheme, the workers and user groups confirmed that there had

been a lot of discussion and consultation, even if the outcome of discussions on the priority activities had not been to everyone’s satisfaction. The fact that the community mobilizers had made an effort to discuss the project in regular sessions held in different villages was particularly appreciated. It was unclear if these rather intensive consultations helped contain pressure from Maoist cadres to control or exploit the project (which was strategically important to them). While compromises with local leaders in this and other projects may well have been made, the general point here is that the relationship between outsiders and insiders need not necessarily be top-down or disempowering. Reasonably effective and culturally-sensitive efforts can succeed. Better accountability to beneficiaries may well be worth the extra time and effort required.

(c) Terrorism and Counterterrorism

Nepal has experienced terrorism as a daily reality in a variety of forms, particularly in the rural areas, at the hands both of the Maoists and the government security forces during the insurgency. More recently, various ethno-linguistic minority groups, some more shadowy and criminal than political, have resorted to intimidation and violence, particularly in the Terai. This small “t” terrorism has been responsible for some 13,000 deaths in the past decade. The language of big “T” terrorism—i.e. of the Global War on Terror (GWOT)—also had a place in the Nepali crisis.

At the time of writing the US still maintained the CPN(M) on its Terrorist Exclusion List<sup>34</sup> (TEL) even as the Maoists were poised to lead the first republican government after the CA polls. For their part, the UK, India and China, who had used the terrorist label in the past, stopped doing so since the CPN(M) had been accepted into the formal political process by joining the government in April 2007. Like the US, these countries had also provided varying degrees and types of military support to the Nepali security forces. At the time of writing the US remained alone in using the terrorist label.

The incorporation of the response to the Maoist insurgency into the GWOT was seen as contrived and spurious by most people interviewed in the assistance community, both national and foreign. Whether one subscribed to their objectives and tactics or not, the rhetoric that the Maoists were part of some wider global war did not resonate. By all accounts, the insurgency was home-grown, under-resourced and was not supported by outsiders in any meaningful way.<sup>35</sup> Nevertheless, the proscribing of the CPN(M) by the US government had direct implications for humanitarian action by US-funded agencies, precluding their formal engagement with the Maoists. It also shaped the views of Maoist cadres on the activities of such agencies. A few interviewees in Palpa and Rolpa, thought that US-funded projects might be “against the Maoists”. In the past, US-based or funded agencies had been viewed “with suspicion,” said local Maoists. By and large, that suspicion had lifted. Maoist cadres seemed to be more concerned with allegations of corruption, the “mushrooming” of NGOs and their inability to coordinate the work of NGOs, than with suspicions of political agendas.

At the time of our visits, the situation was somewhat paradoxical. The Maoists had been legitimized by the peace accords and their participation in government. The US

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<sup>34</sup> <http://www.state.gov/s/ct/rls/fs/2004/32678.htm>

<sup>35</sup> The CPN(M) is a member of the Maoist-inspired RIM (Revolutionary Internationalist Movement: <http://www.aworldtowin.org/index2.htm>) which provided ideological support to the insurgency. The CPN(M) is nonetheless considered to be “revisionist” by the Naxalites and other armed insurgent groups in South Asia.



still dubbed them terrorists while sectarian ethno-nationalistic groups who wreaked havoc in the Terai were given no such label. A split in the donor community had occurred during the latter part of the conflict years: the US had continuously remained engaged with the state, reminding everyone that the Maoists were terrorists, while most other donors, following the example of the Swiss and British governments, had, as we have seen, distanced themselves from the state in order to be able to fund activities in Maoist or contested areas. This alternative approach was especially true after the King's authoritarian takeover in 2005.

For aid agencies not receiving US funding, the terrorism label had minimal impact. It did not affect their relationship with the Maoists on the ground except when western INGOs were—often mistakenly—assumed to be receiving US funds. For those who did receive such funds and for their local implementing partners, there were two types of consequences. At the Kathmandu level, the labeling was perceived more as a nuisance than as a direct impediment to work in the field. While the rhetoric of the US embassy was strong, it was more of a “don't ask, don't tell” variety than an actual encroachment on program activities. An aid worker from a US-funded agency summarized the US position as “you can speak to the Maoists, but you can't offer them tea”. Some US-based INGOs made it a point to eschew US funding and not hire US nationals, making such decisions public in order to demonstrate their independence from US political agendas.

In addition to the concerns that US-financed agencies might be violating US anti-terrorism legislation by interacting with Maoists at the local level, the US approach also created bureaucratic impediments. One American NGO had to request a license from the US Office of Foreign Assets Control (OFAC)<sup>36</sup> in order to be able to interact with its counterparts in the Ministry of Rural Development because the Minister was a Maoist. Arguably, the implications were more damaging for USAID and embassy staff as US civil servants are subject to a “no contact” policy with terrorist organizations. This meant that staff were often unable to see in person what conditions were like in the country, not to mention the fact that they were proscribed from providing any material assistance, including to former PLA combatants.<sup>37</sup>

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<sup>36</sup> The license allows NGOs to operate in areas where groups listed on US terrorist lists are present as long as organizations or individuals associated with terrorism do not benefit directly. Such a license is required if the funds involved originate with private contributors as well as from US government agencies. In July 2008, the license was expanded to allow USAID grantees “to engage in transactions notwithstanding the possible participation of the Communist Party of Nepal-Maoist (“CPN-(M)”) in those transactions”.

<sup>37</sup> Our Colombian study documented similar effects from the application of US legislative restrictions, both in the politicization injected into agency activities and in the reduced access and flexibility enjoyed by aid agency officials.

The consequences in the field were of a different nature. On the one hand, US agencies and their local counterparts faced criticism and harassment from the Maoists for their perceived links with the “imperialist” policies of the US government, including suspicions that they were “spies”. On the other, USAID frequently reminded its partners that they should not attend meetings where Maoists were present.<sup>38</sup> By cultivating relationships at the local level and by being open about their activities, their budgets and their funding sources, aid agencies over time were relatively successful in convincing their interlocutors of their *bona fides*. Some practical and paradoxical impediments remained, however. US-funded agencies were able to interact and provide material assistance to institutions of the Nepali government, and even to political groupings, but not to the Maoists. During the violence and displacement in the Terai in 2007 and in the response to the heavy monsoon flooding the same year, US-funded agencies had to be very careful who received essential relief supplies. In one instance, a US-based agency had to withdraw assistance—medical supplies and other non-food items—from a particular IDP settlement, because the YCL was managing both the camp and the distribution of supplies (a task it appeared to be performing quite effectively).

In sum, while US terrorism policies did not altogether impede the work of US-funded agencies they did contribute to the politicized atmosphere in which aid agencies functioned and to the perception that outside assistance was seeking to advance political objectives. In this regard, the case of Nepal confirms the finding of several of our other country studies that the rhetoric of global terrorism and the use of assistance to combat it work to distort the realities on the ground. The GWOT discourse thus distracts from the very real challenges confronted by aid agencies and the communities and vulnerable groups they seek to assist.

Our interviews underscore that for ordinary Nepalis, whether urban or rural, the suggestion that the Maoists were part of a larger global terrorist campaign did not resonate. Indeed, people residing in Kathmandu and other urban areas were not really affected by the insurgency until 2003. A Nepali journalist noted that “the Kathmandu elites started getting worried only when *bandhs* and extortion reached the city. Until then, the insurgency was a ‘hill thing.’” In the rural areas, individuals and communities had to contend with “small t” terror tactics as a daily reality from both parties to the conflict. Whether the Maoists were part of a global scheme or on a terrorist organization list made no difference for them. Of course, the accusation by state military apparatus that villagers were “terrorists” or supporting “terrorists” often had direct and dramatic consequences. As in other conflicts, the criminalization of civilians through such accusations was widespread.

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<sup>38</sup> According to an aid worker from an agency receiving US funds, “even after the elections USAID reminded its partners that they could go to meetings where Maoists were present but that they could not talk to them”.

The experience from Nepal confirms our more general finding that the narrative and the rhetoric of “terrorism” complicates and undermines humanitarian initiatives—whether the labeling is linked to a civil or a global war. As we will discuss in the following section, our data indicates that classical humanitarian principles—that assistance and protection represent a response to urgent need rather than a vehicle for forwarding a political agenda—need constant reaffirmation in contested environments.

(d) Coherence

The issues relating to coherence between humanitarian action and other forms of international engagement in Nepal are colored by two key factors. First, there was a relatively tight-knit, development-orientated donor community that strived to continue development work during the conflict years. Second, there was a narrowly-mandated and time-limited UN peace mission complemented by a pre-existing, separate and large UN human rights mission as well as a group of long-established traditional UN development agencies. The UN humanitarian wing, the Office for the Coordination of Humanitarian Affairs (OCHA), has been a minor but important player on the ground in Nepal in a field dominated by larger development actors who tended to downplay the humanitarian dimensions of the crisis. Nevertheless, a humanitarian voice remained important given the exceptionally high levels of structural violence, widespread endemic poverty and vulnerability to natural risks and hazards, and political volatility. Separately or together, these factors could at any moment trigger the emergence of significant humanitarian assistance and protection needs.

The issue of the shape and division of labor within the aid enterprise did not have much prominence in our conversations at the community level. Informants there were much more concerned with the quality of the assistance being provided and the nature of the relationship it entailed than with the particular agency involved. (We reached a similar conclusion in a number of other HA2015 case studies.) As discussed in the preceding section, communities were concerned with the ‘what’ and the ‘how’ but not so much with ‘who’ was providing assistance. What follows, therefore, is based largely on conversations within the aid and donor communities.

Nepal presents an atypical but nevertheless illustrative case of the interaction between institutional players in a conflict environment. In the donor, UN, and NGO communities long-established development players dwarfed the humanitarians. Coherence issues arose, therefore in the realm of the humanitarian-development relationship and, to a much lesser extent, around the presence and role of UNMIN.

***Development “in” conflict.*** As we have seen, during the first four or five years of the insurgency the Kathmandu elite and their international counterparts played down the reality of the conflict and attempted to continue “development as usual”. In

our interviews, the term “denial” was frequently used to characterize this phase: denial both of the reality of the crisis and of its root causes. Aid agencies and the Nepali state maintained the fiction that the insurgency was a minor impediment to the functioning of the development enterprise. Paradoxically, the fact that the government was in denial about the progressive shrinking of its presence in the countryside meant that successive regimes tolerated the fact that aid agencies and donors continued to work in Maoist-controlled areas.<sup>39</sup>

As mentioned above, most mainstream donors, with the exception of the US and the multilateral development banks, progressively distanced themselves from the state, thereby recognizing implicitly, in the words of a senior donor representative, that “aid agencies and their delivery systems—perceived by the people as part of the state machinery—have been associated with the institutional problems that triggered the armed conflict.”<sup>40</sup> Or, as a NGO director put it, “development was working for the status quo. It did not challenge the root causes of poverty.” Donors eventually started questioning the actual poverty focus of their activities and recognizing that their impact on structural and discrimination problems had been marginal. The challenge as they saw it was both to redirect their policies towards empowering disadvantaged groups and to “defend the development space against the pretensions of the insurgents and the interference of the security forces.”<sup>41</sup>

Unlike our other case studies, where the humanitarian players were in the lead, in Nepal the issue of how to relate to the insurgent Maoists and operate in a volatile environment became the preserve of the relatively tight-knit donor community and of the UN development agencies rather than of the humanitarian players. As we have seen, the BOGs became the main tool for negotiating access and space with the belligerents—i.e. essentially the Maoists, as the government’s presence was limited mostly to district headquarters and Kathmandu. The BOGs allowed the aid community to adopt reasonably principled standards for operating in a conflict environment, as well as a mechanism for compliance verification. This was key to maintaining the credibility of the assistance effort as well as allowing agencies to react individually, collectively and predictably to violations and abuses against implementing partners.

The BOGs were not a legal instrument but provided a tool with which to advocate for verifiable principles that would allow development activities to continue with a humanitarian approach. Since the ground rules concerned development rather than humanitarian space, neutrality was not one of the principles. The BOGs focus was on the impartiality of aid, access and the freedom of development and humanitarian

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<sup>39</sup> Joerg Frieden, *op. cit.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.* p 2.

organizations to assist beneficiaries and implement projects independently of military and political interference.

Since 2005, UN and donor agencies as well as a number of NGOs have stepped up efforts to monitor threats to the operational space from either the CPN(M) or the security forces. Through tracking and reporting violations of the BOGs, organizations have been able to progressively assess and work to protect the degree of free access to vulnerable populations and, ultimately, the effectiveness of aid. Consequently, the BOGs have emerged as a widely accepted standard among development agencies operating in the country to monitor and manage operational space.

**Working “on” conflict.** The implicit assumption behind the BOGs and the changes in donor policies during the conflict years was that a developmental approach would have a positive impact on conflict transformation. One donor reported that “the efforts deployed by donors to remain engaged and relevant in the conflict have had some modest but positive effects on the dynamic of the conflict, moderating some of its destructive consequences and contributing to the still unachieved political reconstruction of Nepal.”<sup>42</sup> For example, donors dissociated themselves from any attempt to solve the political crisis by military means and demanded the full respect of human rights and the restoration of democracy as integral components of development policy. Donors also claim that their pro-human rights engagement protected Nepal’s vibrant civil society from outright repression at the hands of the state and that the engagement of aid agencies in a difficult development dialogue with the cadres of the CPN(M) conveyed the message that the insurgents would be accepted as a legitimate force by portions of the international community if they laid down arms and entered the political arena.

This may well have been the case. However, it is less certain that the developmental approach pursued by the donors was equally successful in ensuring that fundamental humanitarian needs were addressed. Our case study on Sri Lanka showed the dangers of mixing assistance and conflict transformation approaches. The result there was a shrinking of humanitarian space and the vilification of humanitarian agencies by both parties to the conflict who saw the assistance-cum-peace-making agenda of the donors as unwarranted political interference.<sup>43</sup> Nothing so dramatic happened in Nepal, but humanitarian actors did have some serious reservations with respect to the approach favoured by the donors.

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<sup>42</sup> Ibid.

<sup>43</sup> Humanitarian Agenda 2015, Sri Lanka country case study, October 2007, <http://fic.tufts.edu/downloads/HA2015SriLankaCountryStudy.pdf>

The response to the displacement crisis is a case in point. From the perspective of the few humanitarian actors on the ground in the early years of the conflict, the developmental approach resulted in reluctance to address the assistance and protection needs of IDPs. An experienced humanitarian aid worker remarked that “IDP issues were addressed very late by aid agencies. Donors felt that the priority was development and that there was no need to work on purely humanitarian issues like IDPs. They were too keen to get back to their large scale development projects. As a result humanitarian agencies got little attention and funding. Some UN agencies were also reluctant to ring the humanitarian bell.” According to this view, donor emphasis on basic social services and rural infrastructure were implicitly aimed at discouraging displacement and downplayed protection concerns.

More attention was also given to Maoist-induced displacement than to those who had been displaced by the state (who were often more vulnerable, often in hiding and reluctant to articulate their needs). More generally, as the director of an international think tank recalled: “the way in which the situation was defined had consequences. The development agencies were complicit in presenting the conflict in development terms. They did not see that the persistence of ‘business as usual’ development actually reinforced the structural inequalities that had led to the conflict.”

***The case for a humanitarian response.*** Until around 2005, fully eight or nine years into the conflict, very few humanitarian players were present on the ground. Médecins Sans Frontières (MSF) had a mission in western Nepal for a couple of years. The Norwegian Refugee Council (NRC) had started dealing with IDP issues and of course the International Committee of the Red Cross (ICRC) was performing its traditional dissemination and protection activities. UNHCR was present but focused exclusively on the plight of the Bhutanese refugees in the east. At best, as a donor representative explained, “agencies were doing development with a humanitarian approach”.

The prevailing view, summed up in 2004 by the country director of a UN agency, was that “there was no evidence of a humanitarian crisis”.<sup>44</sup> A former MSF aid worker recalls being told by a major international NGO that “there is no room for you”. Other humanitarian NGOs hinted that the development NGOs were hostile to the presence of their humanitarian counterparts because this would have been tantamount to recognizing that there were serious conflict-related problems that might compromise their (development) funding. Officials of development and humanitarian NGOs traded accusations of being “cowboys” and “blind to reality.”

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<sup>44</sup> Erika Joergensen, “Steering Through Insurgencies in Nepal,” in Larry Minear and Hazel Smith (eds), *Humanitarian Diplomacy. Practitioners and their Craft*, United Nations University Press, Tokyo, 2007, p 216.

Similar debates were going on in the UN family. According to one observer, “WFP [the World Food Programme] did not want to talk about conflict and conflict-related displacement. They were talking about migration. Until 2006, they did not want to mention emergency needs. Similarly, UNICEF was reluctant to address the issue of child soldiers”.

Nevertheless, by 2005 the situation had deteriorated to a point where even the most stalwart developmentalists, such as UNDP, had to recognize that the crisis was deepening. Although there had been resistance by key donors and UN agencies to an OCHA presence, in March 2005 the UN Emergency Relief Coordinator decided to appoint the UN Resident Coordinator as Humanitarian Coordinator, opening the way for an OCHA office. By then, recognition of a humanitarian crisis had become much more widespread. On 18 March 2005 a group of bilateral donors and the UN issued a statement warning that “insecurity, armed activities and CPN (Maoist) blockades are pushing Nepal towards the abyss of a humanitarian crisis.”<sup>45</sup> This pronouncement coincided with a flurry of international activity on Nepal including visits by the UN Committee on the Rights of the Child and the Secretary-General’s Special Representative on the Human Rights of IDPs as well as agreement between the Office of the UN High Commissioner for Human Rights and the Nepali government to establish a major OHCHR office to monitor and report on human rights and respect for IHL by both parties to the conflict.

The OCHA office was generally accepted but remained controversial for some in the donor community and even among UN agencies. Gradually, its functions of information mapping and dissemination as well as negotiating access and coordinating emergency response became key. Nevertheless, the suspicion lingered that somehow the humanitarian approach was undermining Nepal’s development prospects through the diversion of funds to humanitarian activities. As we saw earlier, the government, despite its participation in the preparation process, demanded that the Consolidated Appeal for Nepal be withdrawn from the UN session in New York where all consolidated appeals were being launched in October 2005 as it did not want to appear in front of the international community in the company of “failed states”. Some donors, especially DFID, have been consistently unhappy with the consolidated appeals for Nepal, presumably because they distracted the focus away from development funding.

At a donor meeting a senior donor representative even called the 2008 appeal “a crime,” the implication being that, in the absence of any conflict-related humanitarian needs, donors should go into development mode.

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<sup>45</sup> *Consolidated Appeal for Nepal 2005-2006*, United Nations, Kathmandu (2005). <http://ochaonline.un.org/cap2005/webpage.asp?Page=1252>

**Integration and beyond.** In addition to such issues related to interaction between humanitarian and development needs and institutions, similar but generally less serious coherence issues emerged at the time of the establishment of the UN political mission (UNMIN). As we have documented in our earlier case studies, the UN orthodoxy of “integrated missions” has had mixed results at best for humanitarian actors and action. In Nepal, the lodging of humanitarian activities within an overarching political framework was not considered viable for a number of local and geostrategic reasons. When consideration was first given to the establishment of a UN political mission, there was already a major UN human rights mission on the ground (the head of which eventually became the Special Representative of the Secretary-General (SRSG) in charge of UNMIN). Because India was opposed to a peace-keeping or peace-building mission that might have constituted a precedent for Kashmir, UNMIN received a very narrow and time-limited mandate: monitoring the cease-fire agreement, cantonment of combatants, and assistance in the preparation of the CA polls.<sup>46</sup> With the Nepali government itself not keen on integration, it would have been disruptive and impractical to integrate the larger OHCHR mission into UNMIN. As for OCHA, the question of integration did not arise: the RC/HC was not appointed deputy to the SRSG, so there was no functional link with UNMIN.

The UNMIN mandate also made the SRSG overall coordinator of the UN system's support to the peace process. UNMIN was to work with the UN Resident and Humanitarian Coordinator to ensure that all UN agencies coordinated their efforts and maximize UN support to Nepal's peace process. This has led to occasional friction between the mission and UN agencies on issues not falling squarely within the mandates of one side or the other. Thus there were problems in the areas of mine awareness, child soldiers or children in armed conflict that were considered by the UN country team as within the purview of the RC/HC rather than of UNMIN. For some, the fact that the RC/HC was not appointed deputy SRSG led to the perception that UNMIN “was there to step on the toes of UN agencies” or, on the contrary, “was doing its own thing” without reference to the competence and capabilities of the agencies. Some actors, while not openly advocating integration, lamented the absence of a common framework or strategy for UNMIN and the other UN players that would have provided a sense of direction for all concerned. That said, however, when compared to other conflict or post-conflict situations these turf wars were relatively minor, largely because of the SRSG's personality and the respect he commanded in the international community.

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<sup>46</sup> UN Security Council resolution 1740 of 23 January 2007.

<http://www.un.org/News/Press/docs/2007/sc8942.doc.htm>, Initially the mission was to last for a year but was subsequently extended to 22 July 2008 because of the postponement of the CA polls.



The lessons here, as compared to some of our other case studies, are somewhat ironic. In general, our view is that integrated missions have a place in the UN toolbox only in post-conflict situations, i.e. when there is agreement by all concerned on the overall direction of a peace process—a situation that in fact obtained in Nepal. In an open conflict or hot-war situation, there are particularly strong arguments for keeping the humanitarian actors free from political conditionalities, or as the case of Nepal shows, from incorporation into a development discourse inevitably built around the agenda of the state. Our findings indicate that having an independent humanitarian voice ultimately was both necessary and effective in re-orienting the aid enterprise’s understanding of the crisis and its response.

(e) Security

Historically, the security of aid workers has never been a serious issue in Nepal. In our visits we did not collect any evidence of aid workers having been killed specifically because of the work they were doing. While serious incidents against aid workers have been rare—less than a handful in a decade—staff, particularly the national staff of aid agencies, have been frequent targets of intimidation and requests for forced donations. There were also cases of misuse or looting of aid agency commodities and equipment (and of their restitution by the Maoists when effective pressure was applied by aid agencies).<sup>47</sup>

While the security situation had improved to a great extent in all the hill areas visited in the months following the conflict—itsself an indication of the extent to which aid activities had been caught up in the civil strife—intimidation was still a concern in different parts of Palpa and Rolpa. An informant—a 54-year old male told us that “you have to take care of yourself. It is not useful to turn to the police for help.” Maoists still used threats and intimidation as tactics and occasionally demanded donations. Because of this practice, arguments and occasional fights between different political factions were becoming common in the study area. Police were present in the larger villages but not very active. In a village in Rolpa we were told that “when the police returned to the village, the Maoists welcomed them with garlands and told them not to move out of their compound without their permission.”

There were no armed elements to be seen in the hill areas. Conditions seemed generally peaceful, despite instances of intimidation by the YCL. In the Terai, however, there was a distinct sense of tension and even foreboding. Ethno-nationalistic groups had resorted to violence in several of the areas visited and our travel was disrupted by *bandhs*. Some of the groups responsible for violence had splintered from the CPN(M). “The Maoists were riding a tiger (that of minority and

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<sup>47</sup> Joergensen, cit. p 232.

national demands),” said an activist in Nepalgunj. “Now their problem is getting off the tiger”. There were widespread concerns about the spread of a “gun culture”. While the conflict had abated, the lethal hardware by which it was waged was still to hand.

There had not been any direct attacks on aid workers in the areas visited. However, some interviewees were aware of cases of threats and intimidation of aid. Aid workers who visited field areas had often been the target of questioning and intimidation by both parties to the conflict. The people we interacted with at the village level said that there should not be any pressure on aid workers. During the conflict aid workers needed to be very careful while working and travelling in the villages. People felt that the aid workers who came to help should not be given any trouble by the security forces or the Maoists. A Magar woman (38) reflected this view. “Why,” she asked, “give trouble to people who are here to work? They are here to help us. They should be left undisturbed to do their work.”

Whether aid workers faced more risk than the local people depended on who they were, i.e. if they came with an agenda. In general, local people agreed that there it was unlikely that the aid workers would be targeted for ‘being aid workers’. The nature of their work—requiring them to travel to the interior during the conflict period—might have put them at risk of being caught in an ambush or cross-fire. People believed that aid workers sometimes were intimidated if they were unable to communicate the purpose of their visit and of their activities to the local people (including the security forces and the Maoists). Sometimes aid workers had been accused of not being transparent about their programs and budgets, which invited conflict. A teacher (male, 42) observed that “people are now educated and they want to know what the development workers do. This is the age of people’s participation. If development workers make their program clear to villagers through meetings, then it won’t be an issue.”

Local people believed that aid workers who worked in US-funded projects were often viewed with suspicion by the local Maoists. The general perception, however, was that aid agencies did not take sides and were neutral. However, a few informants in Tansen felt that US-funded projects might be designed against the Maoists. Similarly, some of the human rights agencies were seen as pro-Maoist because they were seen raising questions about the abuses of state agencies while ignoring human rights violations by the Maoists. On balance, most of the people interviewed thought that the presence of outside agencies had been a positive factor in their own security. Other case studies in our series have concluded that in many settings engagement by aid personnel with local communities and transparency in operations serves as an investment in staff security, although it is of course no guarantee of safety.

During the insurgency, US-based or funded agencies were initially threatened or denied access by the Maoists. A CARE sub-office was burned down and World Vision had to close down its activities in the Terai for a six-month period because of threats. In general, however, initial tension and conflict was followed by a process of mutual accommodation. The BOGs were a useful tool in providing a standard to which the parties to the conflict and the international community had agreed. The Maoists took the BOGs quite seriously and instances of intimidation decreased after they had signed up. In a sense, it was the aid agencies themselves who were sometimes uncomfortable with the BOGs and their reporting requirements. Conventional wisdom in the aid community has it that attacks against aid workers and acts of intimidation (including denial of access and extortion of “donations”) were under-reported. Agencies, particular local NGOs who had often replaced international NGO or donor presence during the insurgency, were reluctant to report incidents because they feared that their projects might be shut down by the donors.

In sum, communities and aid agencies at the time of our visits shared a cautious optimism on security matters both in Kathmandu and in the hill areas. In the Terai, the perception was different. Several people expressed concern that their appearance—people from the hills are lighter-skinned while those from the Terai are usually darker—might put them at risk. People there were concerned that the ethnicization of the tension and violence, the emergence of a gun culture, and the unfulfilled expectations of the peace process might result in a paradigm shift in the security situation of aid workers and of the communities in which they work. The Maoists had become a state actor, at least formally, even if the YCL still employed the violent tactics of the earlier era. The danger was seen to come more from the new non-state actors who felt excluded or had withdrawn from the peace process.

## 4. Conclusion

At the time of finalizing this report, Nepal was still wavering close to the edge of an abyss of crisis and conflict. The popular fervor that had characterized the CA elections and the decisive Maoist victory had waned. The high expectations of 2007 and early 2008 were giving way to a sense of impending despondency. The economic situation was deteriorating with the prices of food and fuel rapidly rising. The political process was stalled. The Maoists were threatening to abort their participation in government. Some cadres even talked publicly of a possible return to armed conflict. The country had two armies. The sensitive task of demobilizing the PLA, closing the cantonments in which PLA personnel are based, and integrating the PLA and the Nepali Army had not even started and there was no agreed roadmap on how to do this. Conditions in the PLA cantonments were deteriorating, stipends were not being paid, and the monsoon was making living and health conditions deplorable. A couple of minor revolts had broken out in the garrisons of the armed police. The Terai situation continued to fester. As one international observer put it, “the elements for an explosion are there. You should remember that the CPA is really just a cease-fire between two armies”.

Against this backdrop, donors and aid agencies were again moving into development mode and sharpening their long-term programming tools. There was recognition of “residual” humanitarian needs arising from the conflict, but even within the humanitarian community the emphasis was shifting from conflict to floods and other disasters with natural causes. There was talk of winding down the OCHA office.

Whether the lessons of the failures of the development discourse of the past had been internalized was unclear. This had not been lost on the Maoists. According to several sources, the Maoist deputy leader, Baburam Bhattarai, put his finger where it hurts when he asked at a donor meeting “what have you achieved these past fifty years?”

This leads us to our first conclusion. Given the volatility of the security situation and the unpredictability of the political transition, the heavy reliance on the developmental lens in situational analysis is problematic. Should the need for assistance and protection for vulnerable groups suddenly require a shift into a humanitarian mode, the aid community would be hard pressed to orchestrate a response. In other words, the UN and the humanitarian community would be wise to maintain a humanitarian capacity in Nepal until the situation clearly and unambiguously shifts from conflict to post-conflict. A surge in humanitarian need cannot be ruled out. Our HA2015 case studies—Afghanistan and Iraq in particular—

have documented the negative effects of “declaring post-conflict” too early. This needs to be avoided in Nepal.

Secondly, and perhaps more fundamentally, the Nepal case shows that the issue of the coherence between development and humanitarian action in conflict situations remains unresolved. The donor approach in Nepal was concerned with conflict transformation, not just saving and protecting lives. It was a deliberate attempt to work “on conflict” rather than simply “in conflict”. The temptation to utilize assistance as a tool to advance political objectives, as worthwhile as the promotion of rights and democracy may be, carries inherent dangers. Experience from other settings—Sri Lanka, Colombia and Afghanistan come to mind—has shown that such issue-linking can backfire. It can make the task of agencies that are more narrowly focused on action aimed at saving and protecting lives more difficult if not more dangerous. In this connection, while the BOGs experience was undoubtedly a positive one in terms of maintaining access and engagement, its focus remained essentially developmental. As in our other case studies, this leads us to reaffirm the importance of humanitarian principles and to caution against the blurring of lines between humanitarian action and development (and, of course, political action).

These two conclusions have put the accent on what was different. In Nepal, the humanitarian dimension, which was in the forefront of our eleven other cases studies, was secondary to a well-established development enterprise. Our final conclusions stress some of the similarities.

As in other case studies, our findings in Nepal highlight the distortions resulting from the (mis)use of the terrorism label. Nothing could be further from GWOT than the home-grown Maoist insurgency. The use of the label has not only complicated the work of humanitarian agencies and at times jeopardized the security of aid workers. It has also undermined the rights of vulnerable groups to receive humanitarian assistance. The opportunistic use of “terrorism” has acted as a distraction from the causes of the conflict. As in our other case studies, this points to the need for a much more cautious use of the term by political actors so that humanitarian actors can do their work un-harnessed by any linkage with a purported anti-terrorism agenda.

From the perspective of individuals and communities either involved or witnessing the work of aid agencies, our Nepal findings also resonate with our other cases. The universality of the humanitarian ethos is not an issue. People understand and appreciate the notion that outsiders “come to help” those who are less fortunate in crisis and conflict. The nature of the relationship is more problematic. The familiar tension between “outsiders” and “insiders” is palpable in Nepal as well. The relationship is seen as rigid and top-down. It is “something we cannot influence”. Consultation is perfunctory or an after-thought. While the rhetoric of accountability to beneficiaries is making inroads even in remote villages, the practice is not.

We are left, then, with a fundamental question: is the aid relationship inherently one that implies the subordination, if not the disempowerment, of beneficiaries? That the act of giving is often more functional to the interests of the giver than those of the receiver is nothing new. For years, anthropologists and community mobilizers have been telling us that we need to preach less and listen more, that social change can be successful only if it is illuminated from within, rather than imposed from without. Humanitarian and development actors are too often in a hurry: they need to show results, increase their “spend” so they can increase their “ask”. Institutional survival instincts are always at play.

On balance, our view is that there is no reason why the relationship should not change in important and substantive ways through improved professionalism, humility, and cultural sensitivity. Many individual projects, including some visited in Nepal, are testimony to the fact that more respectful, culturally sensitive and less arrogant approaches are possible. Going up to scale, however, is a tall order. This would require a thorough rethinking of the rules of the game of the northern and western humanitarian enterprise. Such reform is not on the agenda, for now at least. In the long term, it is unavoidable. It is the prerequisite for the establishment and continued relevance of a system that provides safety nets for the most vulnerable in conflicts and disasters, a system that cuts across cultures, is principle-based and, to the greatest extent possible, remains independent from politics.

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## About the Authors

### **Antonio Donini, Senior Researcher, Feinstein International Center**

Antonio works on issues relating to the functioning of the humanitarian enterprise. He is the team leader for the Humanitarian Agenda 2015 research project. From 2002 to 2004 he was a Visiting Senior Fellow at the Watson Institute for International Studies at Brown University. He has worked for 26 years in the United Nations in research, evaluation, and humanitarian capacities. His last post was as Director of the UN Office for the Coordination of Humanitarian Assistance to Afghanistan (1999-2002). Before going to Afghanistan he was chief of the Lessons Learned Unit at OCHA, where he managed a program of independent studies on the effectiveness of relief efforts in complex emergencies. He has published widely on evaluation, humanitarian, and UN reform issues. In 2004 he co-edited the volume *Nation-Building Unraveled? Aid, Peace, and Justice in Afghanistan* (Kumarian Press). He is the author of the Afghanistan HA2015 case study as well as several articles and papers exploring humanitarian policy issues as well as the implications of the crises in Afghanistan and Iraq for the future of humanitarian action.

### **Jeevan Raj Sharma, PhD**

Jeevan completed his PhD at the University of Edinburgh in 2007. His research interests include mobilities, masculinities, poverty and household livelihoods, social transformation, and development discourses in South Asia (Nepal and India). Since June 2007, he has been working as a research consultant for the HA2015 project in Nepal. He has also received small research grants to carry out further fieldwork of his own among Nepali migrants in Nepal and the UK. He has worked as a consultant for various NGOs and aid agencies in Nepal, India, and the UK and is presently working for Save the Children UK in Scotland. He is completing a manuscript entitled 'Migration and Gendered Construction of Identities in Contemporary Nepal', based upon his doctoral and postdoctoral research. He is shortly to publish "Practices of Male Labour Migration from the Hills of Nepal to India" in *Development Discourses: Which Pathology?* Gender, Technology and Development, 2008. He has published several book reviews and presented seminar papers in academic seminars and conferences.

## Annexes

### Annex I: Online Sources of Information on Nepal

- AIN—The Association of International NGOs in Nepal: <http://www.ain.org.np/index.html>
- Amnesty International Nepal: <http://www.amnestynepal.org>
- Asia Times Online [www.atimes.com](http://www.atimes.com)
- Asian Centre for Human Rights: <http://www.achrweb.org/countries/nepal.htm>
- Center for Human Rights and Democratic Studies (CEHURDES)  
<http://www.cehurdes.org.np/>
- Contributions to Nepalese Studies:  
<http://www.digitalhimalaya.com/collections/journals/contributions/index.php>
- UK Department for International Development, Nepal:  
<http://www.dfid.gov.uk/countries/asia/nepal.asp>
- Friedrich Ebert Stiftung, Nepal: [http://www.fesnepal.org/about/fes\\_in\\_nepal.htm](http://www.fesnepal.org/about/fes_in_nepal.htm)
- GTZ Nepal: <http://www.gtz.de/nepal/>
- Gorkhapatra: *The Rising Nepal*: <http://www.gorkhapatra.org.np/trp>
- Himal, *South Asian Magazine*: <http://www.himalmag.com>
- Human Rights Watch Nepal: <http://www.hrw.org/asia/nepal.php>
- Informal Sector Service Centre (INSEC): <http://www.inseconline.org>
- International Crisis Group: <http://www.crisisgroup.org/home/index.cfm?id=1265&l=1>
- International Displacement Monitoring Centre (IDMC): [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CC2C3C0FBDAD8F03C125746D002F61D9?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CC2C3C0FBDAD8F03C125746D002F61D9?OpenDocument)
- Nepal Development Gateway: <http://www.nepalhomepage.com/gateway/>
- Nepal News*: [www.nepalnews.com](http://www.nepalnews.com)
- Nepali Times Weekly*: <http://www.nepalitimes.com>
- OneWorld Nepal Page**: <http://uk.oneworld.net/guides/nepal/development>
- Office of the United Nations Commissioner for Human Rights (OHCHR) in Nepal**:  
<http://nepal.ohchr.org/en/index.html>
- Save the Children Nepal**: <http://www.savethechildren.org/countries/asia/nepal.html>
- Swedish South Asian Studies Network (SASNET): <http://www.sasnet.lu.se>
- Swiss Agency for Development and Cooperation: [www.sdc.org.np](http://www.sdc.org.np)
- United Nations Development Programme (UNDP): <http://www.undp.org.np>
- United Nations International Children's Fund (UNICEF):  
<http://www.unicef.org/infobycountry/nepal.html>
- United Nations Mission in Nepal (UNMIN): <http://www.unmin.org.np>
- United Nations Nepal Information Platform: <http://www.un.org.np>
- World Vision: <http://nepal.wvasiapacific.org>

Annex II: Post-HA2015 Feinstein International Center Research in Nepal  
A May 2008 meeting of HA2015 researchers, Center staff and a few outside experts, reviewed overall progress in the research program and explored avenues for future research. It was felt that while the four original “petals” of the HA2015 research were still valid for framing current humanitarian challenges, there were a number of emerging issues that needed to be explored. The meeting discussed the need to continue to engage with donors and humanitarian agencies on the issues emerging from HA2015, in particular the politicization and instrumentalization of humanitarian action, especially in the context of the global war on terror. A number of small consultations will be held on both sides of the Atlantic to pursue these issues. Various donors, NGO consortia and research institutions have already agreed to support these activities.

The Center will also pursue country specific follow-up research activities. The country studies in Afghanistan, Iraq, and Sri Lanka will be updated to take into account emerging humanitarian issues. Policy briefs on these countries will be issued in October/November 2008.

Moreover, our work in Nepal has uncovered a number of interesting issues around the humanitarian-development relationship and the challenges of social transformation in a (hopefully) post-conflict environment that we feel that it is important to research both because they are largely un-explored and because of their potential policy implications. These are discussed below.

***1. The relationship between aid policies and violence in Nepal.***

HA2015 research in Nepal has uncovered a number of issues relating to the relationship between government/donor/aid agency development policies and the events leading up to the Maoist insurgency. The prevailing view seems to be that the insurgency was a result of “development failure” in the sense that the Maoists were able to capitalize on the lack of traction by the Kathmandu élites and mainstream aid agencies in addressing issues of structural inequality, caste, ethnicity, and other forms of discrimination.

The objective of the research is twofold:

- to document, through the analysis of perceptions of rural communities, the extent to which interventions of local and international aid actors actually addressed issues of social inclusion and empowerment in the years preceding the Maoist insurgency (as well as the Maoists’ own interaction with the aid community)
- to document how the Kathmandu-based development and humanitarian players reacted to the incipient conflict and adapted (or not) their programs. The analysis of the tensions that existed in the aid system between those actors who tended to minimize the impact of the conflict and the extent which it impacted on development activities, on the one hand, and

those who saw in the conflict the emergence of a deeper humanitarian and structural crisis, on the other, is likely to result in a number of lessons that would lend themselves to policy recommendations. Research on this project is already underway and it is planned to produce a report by October 2008.

## **2. Conflict, gender and social transformation in Nepal.**

The Maoist insurgency was built around an agenda, which fundamentally attacked the feudal nature of Nepali society and its inherent structural inequalities. Whether this agenda was instrumental—a tool for toppling the Monarchy and feudalism—or the harbinger of a profound social revolution is still an unanswered question, both in Kathmandu and in the remotest countryside. It is not too early, however, to analyze social change resulting from the Maoist agenda and communities' exposure to conflict. The Maoists introduced, often forcibly, measures aimed at addressing centuries-old deeply rooted forms of discrimination. Feudal structures and the caste system were abolished, parallel “peoples” structures of governance were introduced, and affirmation of ethnic identity was encouraged. Perhaps more profoundly, women's empowerment was promoted both through the abolition of odious social practices (such as relegation during menstruation and childbirth) and encouragement of women's enrolment in the ranks of the People's Liberation Army (some thirty per cent of whose cadres were reportedly female) and in the Maoist governance structures.

Now that the conflict is over, at least formally, what remains of these various forms of empowerment? Have the feudal structures and social norms re-established themselves? What is happening to returning female combatants, are they being shunned or are they asserting themselves? What kinds of tensions are emerging at the village or community level? These are some of the issues that will be explored through focus groups and interviews at the community level. In addition, a comparative dimension will be introduced in the study through linkages with other FIC research on the implications of conflict on gender and social transformation (in northern Uganda and in Sudan in particular).

### (a) Objectives

The overall objective of the research is to better understand the dynamics of social transformation in Nepal in the context of the Maoist insurgency and its aftermath.

Specifically, the research will seek to:

- document and analyze, through interviews/focus groups and retrospective analysis, the nature and drivers of change at the community level;
- compare and contrast the impact of the conflict and other factors of change in relation to gender and various socio-economic strata and geographical areas of the country
- provide an evidence-based picture of social transformation and derive from it key conclusions of relevance to aid agencies and policy makers.



If resources permit, we would like to look at both the general impact of the conflict on social change and at the specific aspect of **conflict and gender**. We would therefore envisage a separate component of this project that would focus on gender issues and in particular on the female combatants in the People's Liberation Army (PLA), their demobilization and reintegration, the return to their villages and the problems encountered. For example, will the former female combatants be perceived as role models by their communities or will they be shunned? Will they play an active political or social role or will the earlier/feudal roles prevail?

(b) Assumptions and research questions

As in all transition situations between armed conflict and (hopefully) post-conflict recovery, the dynamics of social interactions and tensions in Nepal is likely to be complex and different from region to region and even within different segments of the same communities. Drivers of change and resistance will likely be difficult to identify: many narratives will probably coexist and contradict. Our first assumption, therefore, is that it will be possible to identify a small number of key variables that could be tracked in different contexts. These will likely be linked to the empowerment agenda of the Maoists, the resistance of the state and established caste/class power structures, people's own coping mechanisms (e.g. migration), the influence of outsiders including aid agencies, and the role of media, communications, and new infrastructure.

For example, the Maoist ideology and political agenda will have influenced local power relationships and perceptions of change in different ways in areas where Maoist rule has been longer and persistent and in areas where Maoist presence has been relatively recent or more low-key. Our earlier research has also shown that caste, class and education levels also account for different local perceptions of the relative importance of the insurgency vis-à-vis other drivers (education, migration, new infrastructure, communication and media) that may help to explain people's perceptions of "what has changed".

Our second assumption is that through semi-structured interviews and focus group meetings at the community level it will be possible to build up a composite picture of the drivers and the nature of change and to learn significant lessons on how individuals and communities internalize the effects of such external drivers of change—be they the Maoists, the aid agencies, government policies or new infrastructure.

Our third assumption is that change is easier to track in villages and small towns than in Kathmandu and the larger cities such as Biratnagar, Nepalgunj, and Pokhara. Tracking change in urban areas would require a separate study. Thus research will focus on rural areas, including remote hill areas, smaller district centers and the peri-urban areas of smaller towns.

(c) Methods

As with the earlier phases of the HA2015 project, the research will be inductive in nature and based on the perceptions of people affected by conflict and crisis. Gaining a composite picture of local perceptions, including perceptions of the roles and functions of outside actors, is key to a balanced understanding of on-the-ground realities. Of course, perceptions do not necessarily correspond to realities,—they are more an indication of “meaning” rather than “fact”. However, our research so far has shown that compilation and analysis of local perceptions—when coupled with triangulation of information from other sources—can yield sophisticated insights relevant both in their own right and to shape the work of outside agencies.

As with phases I and II of the HA2015 project, the research will rely primarily on focus groups and semi-structured interviews with local communities and individual interviews with aid personnel and others at the country level.

The research itself will be conducted by Feinstein International Center researchers or consultants with the assistance of local researchers and institutions in the countries involved. The Center team has already established a network of contacts that will facilitate research on the ground. These include UN-OCHA, international NGOs such as World Vision, Save the Children (USA), and CARE, as well as several national NGOs and local civil society groups. Antonio Donini, Senior Researcher at the Centre, will continue to be the team leader and work with Jeevan Raj Sharma and Francesca Bonino (consultants) on the generic social transformation issues. Dyan Mazurana, a Research Director at the Center, will take responsibility for the study on conflict and gender, with specific focus on female PLA combatants and their reintegration into their communities.

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