

JOINT VILLAGE VISITS IN INDIA SIDE AND NEPAL SIDE AND JOINT MEETINGS WITH VILLAGE COMMUNITIES AND COLLECTIVE STRATEGY FORMULATION PROCESS

1. Programmes details

1. **DAY I MAY 8 SUNDAY-** Joint village visit to Fattepur, Matehiya, Bhagwanpur, Huliapur in Nepal side and Kakkardari in India Side on 8 May Sunday from 9.30 am to 8.00 pm. This involved Village Community Interaction, visit to Rapti River Bank which is just 10 meters away from Bhagwanpur, Laxmanpur Barrage and travel along the Kalkalwa Embankment to observe displaced communities residing at road side.
2. **DAY II MAY 9 MONDAY-** Multi-Stakeholder Interaction Meeting at Nepalgunj with Member of Parliament, Political Party representative, District Authority, NHRC Nepal Director, CSOs of the region, Media and Village Affected Communities on May 9, 2016.
3. **DAY III MAY 9 EVENING AND 10 TUESDAY MORNING-** Visit to Katerniaghat Village, which is located inside the Katerniaghat Wild Life Sanctuary to discuss about the negative impacts of crop loss and loss of human lives that inflicted by wild life animals- Elephant and Tiger and also issues of distress migration of Nepal village communities from Razapur located in Nepal side in Bhartia District inside the Bhartia National Park.

DAY 1 JOINT VILLAGE VISIT TO AFFECTED VILLAGES IN NEPAL SIDE AND INDIA SIDE

1. FIELD VISIT TEAM MEMBERS

1. *Mr. Jagdish Bahadur Singh, Laxmanpur Struggle Committee Chairperson. Nepalgunj.*
2. *Mr. Amar Bahadur Air, Chairperson of FIAN NEPAL, Nepalgunj.*
3. *Mr Raj Kumar Shukla, FIAN Nepal, Community Mobilizer.*
4. *Mr Suresh Kumar Gautam from FIAN NEPAL.*
5. *Mr Prakash Negi, FIAN NEPAL.*
6. *Mr Sanjay Rai- FIAN UP.*
7. *Mr Tomar, FIAN UP.*
8. *Mr Rajiv Kumar Jha, Senior Journalist, FIAN UP.*
9. *Ms Suman, FIAN INDIA.*
10. *Krish, NaO.*

2. PURPOSE OF THE VISIT:

1. First hand observation of the current status of these affected villages and also critically understand the issues, patterns, remedial actions, collective efforts of the communities and also understand the coping mechanisms that communities are adopting to deal with the flooding problems and mitigate those problems.

2. To understand the collective efforts undertaken by Rapti Displacement Committee that formed in UP Side, and also VDC committee of Nepal side and evolve way forward of these collective people's initiatives to find a lasting solution for the problem.



**Satellite view of Rapti Barrage, Lakshmanpur Koti, Shravasti District, Uttar Pradesh, India
(Longitude- 27.864728 and Latitude- 81.813636)**



Satellite view of Kalkalwa Bund (in red balloon) on Rapti river in Shravasti district, Uttar Pradesh, India

3. DISCUSSION WITH Fattepur Village Communities:

Nearly 75 affected communities comprising men, women and children participated in the discussion and they have shared their plight, deprivation and also the way forward to mitigate their woes in a poignant way and touching the heart and mind.

Testimony from Mr Faruk Ali Sheik, Fattepur

He shared that before the construction of Laxmanpur Barrage and Kalkalwa embankment, there was no issue of flooding in these villages and Rapti river flowed in its natural way and course as well. People had anchored their agriculture and land for their sustainable livelihood and there was no flood disaster in these villages of Fattepur, Gangapur, Holiya and Matehiya. But after construction of barrage in 1985, flood disaster affected once in four years very badly, causing the damages to their land, livelihood, small household assets, their housing, and their food security in many ways and there has been no long lasting remedy in sight for this horrendous tragedy.

Land: *They have lost sizable quantify of land which was submerged in the flood, even after waning the flood, they were not able to retrieve their lands as it was filled with sand and sand logged. This has very disastrous impact on their food security and created starvation and persistent hunger and children and women are severely malnourished due to food insecurity which was caused by this loss of land and loss of crops. In 2014, they have lost crops very badly due to flooding and submerged.*

Housing: *Nepalis or Pahadi people have been given land for construction of housing in the adjacent forest land in Terai region under the foothill of Himalaya however, the very badly affected communities- Madeshis of these flood affected villages were not given forest lands for construction of housing.*

Even the senior citizen old woman Ms Nankoo Ki Devi (her photograph is attached here) said that when she was engaging in cooking in her newly constructed house which was located in the Forest area it was demolished by bulldozers without any warning and she simply was running away from the house for safety. She had moved to this place after her house was badly affected in the 2014 flood. But after demolition of her new house, now she settled in temporary thatched house in Fattepur village. Based on her earlier bad memories, now she has full of fears of flood which may affect in coming June of 2016. The house which was constructed for merely safety had been demolished and now she is homeless and easy prey or victim of floods. Even the compensation for house demolition was not given. Even the assured Rs 5000 during 2014 floods as general compensation to all, was not distributed now also and thus all those promises were shattered.

Culture of Silence and Indecisive Future: *The local communities were protesting the construction of Kalkalwa embankment in 1999 and also the change of the direction of the river which would sound a death knell to the livelihood of local communities and also cause incalculable negative impacts on the status of malnutrition, health, housing and in total well-being of the communities. The current status of the communities is pathetic, children are looking pale as well as anaemic, women are deprived of basic entitlements, men are so depressed and thus total communities are silently moving towards gloominess and despondent. Their eyes are carrying an uncertain future and terror of death at the hands of disaster, imagining “**water graves**” is looming large. They are living with despair and no hope in their hearts.*

There was no consultation was initiated with the Local Self Government- Grama Vikas Samithi which is a powerful local government structure. There was a precedent of formation of such consultative committees in the history. Ganges Flood Committee was formed and documents also available to discuss the imminent danger of flood disaster.

Severe Acute Malnutrition: *Children and women were deprived of food during the flood and in the last 2014 June floods, for four days there was no supply of food and they were in starvation and deprived of food. Even helicopters were not able to land as everywhere flooding. Children were*

dropped out of school as parents were so petrifying of sending their wards to school which is located far away and also surrounded by water and almost submerged.

TESTIMONY OF DURGA PRASAD PANEY, WARD NUMBER 1, FATTEPUR, NEPAL

Cultural bonding is so strong:

Madhesis were treated as foreigners even though they are living in the territory for generations together. They have close bonding for their dependency on food and also relationship. They wished to marry their daughters from India side particularly within their homogenous caste groups who are residing in the Uttar Pradesh side not willing to marry off their daughters to poor Nepalis. Here economic considerations are so strong along with their interest in continuation of cultural connections within India and caste groups such as Yadav's, Muslims, Pandey's, Singh's etc.

There is a potential to construction of houses in the forest area but they have not been allowed to construct their houses. There are 7 wards in Fattepur with more than 50% population of Madhesis. Wards number from 1, 2 and 3 Bartha are affected by floods. 3 small hamlets are part of Fattepur. Under this VDC, there are 24, 000 people are living. All 24000 people along with total 60000 people in the Terai region were affected by floods in 2014. In total 3000 hectares of land were submerged. Now it has become unproductive and not retrievable due to sand logged condition.

TESTIMONY OF REHMAN KHAN, WARD NUMBER 4, PEPRA KHAWA

DMC supplied readymade or packaged food during 2014 flood disaster and VDRC also engaged in flood relief. In must be remember that even in 1971 technical committee collected data on flood situation in Rapti River bank and they have identified a place for rehabilitation. Even the Central Ministry had identified an alternative site. But it was not pursued further. Central Ministry was also sanctioned Rs 5000 as immediate flood relief and Rs 75000 for house damage but it was not given. There was no alternate land or housing was provided for the victim and even an amount of compensation for the repair of house damaged was also not given.

But instead, Pahadi or Nepalis were allowed to construct houses in the forest region. Even during the floods in 2014, there was no place to land helicopter and the entire surroundings were severely impacted in the floods. Due to no land and they were not able to retrieve land for agriculture, their livelihood was squarely shrunken. They were not able to go to their land as they submerged still or retrieved land has become totally unproductive due to sand logging and they could not retrieve for practising agriculture.

TESTIMONY OF Nankoo Ki Devi, 85 years old- a Senior WOMAN OF THE VILLAGE

During the flooding in the last monsoon in 2014, we were experienced difficulties due to no toilet as we used to open defecate and during floods, it has become problematic. Pregnant women were experiencing hardships for delivery of birth and they need to travel to Nepalgunj which is 40 kilometres away with no proper road connection. Those who were ill during the flooding also experienced hardship to access to health care and health services as there were no services available in the area. Women were used to go to work for agriculture, rearing of livestock's, milking cows etc but during the flood, they were not able to go work. Children were not able to go to school due to school also submerged. For disabled, they were not getting food or any assistance. For old age pension, they were getting Rs 500 Nepal Rupees for those above 70 years old and for tribes living in the hilly region and also for SC communities or Dalits, it was above 60 years old. Thus the limitation for consideration of old age pension is very high. For the delivery assistance in the Government Primary Health Centres, it was just Rs 500 being given that too only for transportation purpose, other than this, there was no maternity benefit for ensuring food security of pregnant women and lactating mothers. It was not provided for home delivery as they could not access PHC due to transportation problems during flooding. During October to November, CBOs are visiting women and giving them training also prepare for disaster. There was no food for women and children for 4 days during the flood and they were surrounded by 7 feet water in the monsoon of 2014 in the months of July-September.

Other Information given by the Villagers:

The village has 550 households with 3500 populations. The civil society organizations such as INF, BEE Group, ACIFER INTERNATIONAL are regularly visiting and they had done some relief and rehabilitation work during the disaster. After the floods in June-September in 2014, temporary houses which were put up in the forest area for the safety and human security, demolished in January-March 2015, and after that village communities are living in temporary thatched huts which were put up by themselves and it was also located near 50 meters from Rapti river and it is potential to affect in the forthcoming monsoon in June-Sep 2016. Hence the immediate demand of the communities is allowing them to construct houses in the forest land which is far away located and provide them safety.

Safety and security is the foremost concern for them along with food security for their women and children during the time of flooding.

Thus the local communities have enlisted their priorities as follows according to their aspirations and want.

Immediate Needs which can be fulfilled within 48 to 72 hours

1. Supply of nutritional food- packed and cooked food and also with paediatric focus on children.

2. Sanitation and also mobile toilets as women and children were facing problems in open defecation.
3. Temporary and safety shelter as their houses were submerged in the floods
4. ICDS and PDS should also be considered for temporary period on temporary structures and these can be implemented on experimental basis in this disaster affected areas.
5. Cloths and necessary bedding cloths to manage.
6. Torch lights as there was no electricity in the entire area/region.

Short term Needs which can be fulfilled within 8 weeks

1. Access to health care- for ill and also pregnant women as they have to travel to 40 kms to reach Nepalgunj which was not possible during flooding as roads were also submerged and mobile clinic can be organized.

Long term Needs

1. RESTORATION OF SUBMERGED LANDS AND REMOVAL OF SAND LOGGING IN THEIR FERTILE AGRICULTURAL LAND
2. CREATION OF EMPLOYMENT FACILITIES IN THE LOCAL AREA TO PREVENT DISTRESS MIGRATION TO OTHER AREAS IN NEPAL AND INDIA- MAINLY TO LUCKNOW AND DELHI
3. LIVELIHOOD SKILL UPGRADATION AND ACCESS TO ENTITLEMENTS
4. CONSTRUCTION OF EMBANKMENT IN RAPTI RIVER FOR 28 KILOMETRES STRETCH BOTH SIDES WHICH CAN PREVENT FLOODS.

4. DISCUSSION WITH Matehiya Village Communities

Testimony from Nityanand Mishra

There were two sub-group discussions held in this village with more than 50 village people. Ms Suman had a group of women and girls in the sub-group discussion and other had men folk and boys in the sub-group.

They also said that Kalkalwa bund is very close to their village and less than 50 meters and hence this village was badly affected in 2014 flooding. The entire village was surrounded by more than 7 to 8 feet of water and houses were submerged and they fled away from the village. There was no food supply and they live in fear. 2 persons died in this village due to flash flood washed away them.

5. DISCUSSION WITH Bhagwanpur Village Communities

Testimony of Mubarak Ali- District VDC member Contact Number Mobile +977 09867735433

The entire village of Bhagwanpur with 1000 families and more than 6000 populaces had been displaced due to their houses and land were submerged in the floods, as this village located the other Western side of the Rapti river. The entire village had been displaced and they were offered forest lands, which is located 3 kilometres away from this village in Northern foot hill side of Himalaya in Terai region.

The budget is being allocated sum of 15-20 lacs per VDC and it was not sufficient to manage a huge jurisdiction.

Testimony of Middle Aged Woman from the forest inhabitation:

Education of children: *There were 500 to 600 children were studying earlier in the school but after alternate site was given in a far distance place in the forest region, it has been now reduced to mere 200 children and rest of them dropped out from the school. As school is located 3 kilometres away, for children, commuting to school has become a problem.*

Migration of Young persons:

More than 1000 young persons have migrated from this displaced village and many of them migrated to Malaysia, Qatar, Arab Countries and also to Delhi crossing the country. Adult males and young persons most migrated from the village and even they have mortgaged their land and other properties and procured loan from middle men and migrated to lucrative jobs in the Arab countries and those who have less money, they have migrated to Delhi, crossing the border and boarding the buses.

Disaster relief and mitigation

Red Cross and DDRC have offered their helping hands to tide over the crisis of disaster and BEE Group and US AID has given disaster preparedness training to the local communities' pre-monsoon. US Aid has also provided life-jackets to the communities. Pre- warning before the flood struck was also given by the District Authority. FAO-World Food Organization has provided dry food to the village communities.

Bhagwanpur has three wards and one BDC. There are 800 children below 5-6 years old and who are in need of nutritional support care along with health care and pre-primary educational care or ICDS support like in India. This village community still are living in the joint families and some families have 18 persons in a single joint family and thus family size is large and has many persons. Birth registration is being done properly and village census has been updated by the local Grama Vikas Samithi. They had midday meal programme 20 years ago but it has been abandoned now. When some 70 years old are not getting old age pension, even some 50 years old are getting and thus some discrimination and discrepancy in scheme implementation is there. An older person who is 75 years old attending in this village meeting, has not received an old age pension.

The village people lost lands and forced to live in the forest area, far away from the village. In the forest area also, they have been threatened by wild animals and elephants. For temporarily compelled to live in school building also, thus education of children also affected. The have lost grains, small property and livestock in the flooding. However, local governance- Grama Vikas Samithi had extended some support even though it was not adequate but Nepal government had not extended any immediate relief.

Villagers felt the main problem was the embankment and barrage constructed by India which is totally environmentally not viable and suitable. Many political parties were committed to do some relief and rehab measures but they are not stick to their promises.

Testimony of Youth

The attack of wild animals such as elephants and bears is a major menace in the forest habitation. Food provision for 4 months need to be ensured. In 2014 flood suddenly surrounded in a day time fortunately not in the night time whereas without electricity it would have been a major disaster in 2014 hence solar lights shall be provided to the entire village. Police protection also should be provided to safeguard their small and marginal properties during the flooding and safe evacuation.

Testimony of Rakee Tiwari, an old woman of the village

There is no grievance redressal system in place in the region and immediate need is to put up such a system. After 2014 floods, village communities particularly women gathered from this Bhagwanpur, they had collected their own contributions for the expense of transportation, hired trucks, they have handed over a memorandum to District Authorities for seeking flood relief and rehabilitation. They have submitted their petition in a revealing way with weeping and poignant appeal. But on contrary to their emotional appeal, nothing rationally done by the district authority with due considerations.

Their traditional mud-pot storage of grains with 3 feet tall and 2 feet width (see photograph) was severely affected in the floods and thus this old woman was very particular about making a provision of safe custody of grains during the floods. Their entire storage of grains was affected and thus their yearlong food security and saving of essential commodities was dismantled in a flash flood which was surrounded them with 7 feet high.

Immediate Needs which can be fulfilled within 48 to 72 hours

1. Temporary and safety shelter for the village communities.
2. Food arrangements for the entire village for a week with dry food and culturally relevant food.
3. Medical facilities and access to medicines for the affected people.
4. Provision of ambulance services for attending pregnant women and ill.
5. Transportation for those need health care to reach Nepalgunj.

Short term Needs which can be fulfilled within 8 weeks

1. Grievance redress system to make complaints about the need and seek supportive measures from the Government.
2. Complaints address systems and action taken system to bring an accountability.
3. As grains affected, there should be a system to retrieve their grains and dry those grains to reuse.
4. Provision of temporary school structure in their locality with mobile school set up.
5. **RELIEF WATCH** - Since there is no proper monitoring of relief and rehabilitation, institute a system of monitoring.

Long term Needs

- 1) CONSTRUCTION OF PERMANENT EMBANKMENT IN RAPTI RIVER FOR 28 KILOMETRES STRETCH BOTH SIDES WHICH CAN PREVENT FLOODS.
- 2) No employment facilities for the local people and hence consider provision of employment for 3 months to coping up with the disaster.
- 3) Disaster preparation programme for school children- for 8th standard to 10th standard students, interaction programmes shall be organized to prepare them for impending disaster.
- 4) Joint discussion with CSOs in both India and Nepal side with Government side and this is being planned in June 8th to 10th alongside with the local festival.

5. DISCUSSION WITH Kakkardari Village Communities of India side and Hulas Pura of Nepal side



Key persons participated from the village:

- 1) Ram Kumar, Village Pradhan, Kakkar Dari village, India side
- 2) Ram Charan Kaka- Nepal village Hulas Pura
- 3) Muralidhar, India village of Kakkardari
- 4) Ahamed Ali, India village of Kakkardari
- 5) **And around 60 village communities from both Nepal and India side.**

They have shared that the major problem the villagers are facing is river erosion and it has impacted both sides negatively and lead to loss of lands. In India side they lost 10000 bigha of lands sue to barrage and it has been submerged. Land gone under the water and it is not retrievable also due to sand logging and even they retrieved a piece of lands, it could not become viable to practice agriculture. In Nepal side, they lost 1000 bigha of lands to the water submersion and lead to loss of livelihood. Nepal side the village Hulas Pura has come under the jurisdiction of Matehiya VDC, Nepal Banke District and in Indian side, the village Kakkardari has come under Mallapur Block under Sharavasti district.

There are two schools functioning in the Kakkardari village and they provide midday meal. Even Nepal village children are attending and getting midday meal in India side.

These two villages are located in an unique way and there is hardly even 8 meters in between these two countries as no man's land whereas ETO stipulates that there shall be a 8 kilometer as no man's land. There is a tree lies in the border and it is interesting to note that one branch is stretching in India side and another branch is stretching in Nepal side. Thus many villages, have one room in India side and one room in Nepal side and thus borderless and boundary-less villages lie in this belt.

There is no ICDS or Midday meal served in the Nepal side schools. However, Children of Nepal are getting admission in Kakkardari India side primary and upper primary schools, ICDS centres but villages opined that these children could not get quality education. The village Kakkardari is being located near barrage and no officials have visited even during the time of floods. Even though houses are not affected by the floods as these two villages located a kilometre away from Rapti river, their agricultural lands have been severely affected. Since it is just a kilo meter away, floods can affect easily as it has not boundaries or jurisdiction.

Meeting with the displaced communities and understand the intensity of displacement and data on that is imperative to find a sustainable solution to this issue.

In Kakkardari village, 400 families with 2500 population is living and out of which 75 families are Dalits or SCs and in this village, 40-50 families are migrating to Delhi and Lucknow for their subsistence.

There was no compensation for land submerged given or crop loss in 2014. Pradhan of Kakkardari lost 5 bighas, Ahmed Ali lost 4 bighas, Muralidhar-2 acres and as many as 116 families got around 300 bighas of land leased out from Panchayat. There is a Madarasa school also located in the village. 2 ICDS centres are there but not functional due to absence of teachers and Anganwadi staff as they do come only for vaccination and on that day, they used to provide nutritional support to children. There is no proper PDS system in India side and updated ration card distributed under the new Food Security Act 2013 and the NFSA has not been extended by the UP Government. However, they used to get 5 Kg grains, actually only 4.5 kg grains they used to get thus old PDS Scheme under the schematic approach and it was still in practice without change.

Missing Villages, missing villagers due to distress migration/trafficking of children and women for labour purpose and Missing houses/ Empty houses

- Submerged villages and thousands of households- Bhagwanpur, Kakkardari, Hulas Pura thousands of bighas of land submerged
- Loss of villages- Diluvia, Gangawar
- Displaced the entire villagers of Bhagwanpur

- Pradhan of Kakkardari lost 5 bighas, Ahmed Ali lost 4 bighas, Muralidhar-2 acres and many 116 families
- Lease of Panchayat lands-300 bighas

Demands of Communities

- Construction of Permanent embankment in Nepal side and India side
- Alternate housing sites to construct houses for human safety
- Allow to construct houses in the forest land and not to demolish houses and displace
- Food supply for a week during flooding
- Transportation, temporary shelter, toilet, and medical facilities for pregnant women and ill
- Quality education for all children
- Protect their land and livelihood
- Disaster Preparatory meeting in pre-monsoon period in May
- Formation of Grievance Redressal Committee to hear the complains and address such complaints
- Starting of ICDS centres in the affected villages for a year as an experimental basis to prevent severed malnutrition
- Retrieval of submerged lands and using it for agriculture
- Kitchen garden near the Kalkalwa bank
- People Participatory Planning Process- May inviting both Nepal and Indian Authorities and media-” Mapping of Problems and Prospects “
- Photo exhibition of displaced communities to the road side from villages-
- Restitution of resources and materials
- Create local basic services and its accessibility-schools
- Immediate relief and a long term rehabilitation to rebuild their lost lives and livelihood
- Tinkering or redraft new policies-forest Act to allow local people to live inside the forest- in-situ habitations and conservation and water to protect the inalienable rights of communities
- Legal recourse and available legal resources- approach Green Tribunal to deal with this environmental disaster

Then the team visited Laxmanpur Barrage and observed the following:

The Rapti River is a medium sized river that originates in the Mahabharat hills of mid-western Nepal. It descends onto the Terai plains in Banke district in Western Tarai and enters India at Laxmanpur to meet the Ghagra (Karnali) River. Major intervention on the Rapti River was first contemplated in the 1980s by constructing a level-crossing barrage at Laxmanpur.

In 1981, India unilaterally started constructing the Laxmanpur barrage on the Rapti River, downstream of Nepal's Banke district, in UP's Bahraich district and completed it in 1985.

The 284 m long barrage consists of 14 bays, each of 18 m clear span, separated by piers of 2.5 m width each. The pond level of the barrage is 127.7 m above msl and the designed high flood level is 130.4 m above msl .

In fact, Laxmanpur barrage is a part of the Sarada Sahayak Pariyojana (project) in Bahraich district of India. This project has a diversion barrage at Girijapur on the Karnali River (Ghaghra in India) with two large main canals on either side of the river.

Then the team travelled towards Nepalgunj along with the Kalkalwa Embankments and observed that many displaced communities are living in the western side of the embankment after the high way and their housing conditions are very poor.

It is to be noted that the western main canal augments flow into the Lower Sharda main canal, while the eastern main canal aims to provide irrigation up to the areas of Deuriya district, crossing the Rapti River at Laxmanpur. The headworks of the western main canal was completed in 1975, but the eastern main canal is still not operational. In addition, in 1999, India started to construct an embankment bund at Laxmanpur barrage. **This bund connects the upstream right guide bund of the barrage with the villages of Kalkalwa and Holiya, which is 13.6 km long and parallel to the Nepal-India border.**

Then the team returned to Nepalgunj around 8 pm enroute to forests where BSB-Border Security Force of India is posted in many places- in Kakkardari village border, in Kalkalwa Embankment, and near Laxmanpur Barrage.

DAY II 09 May Monday MORNING-

MULTISTAKEHOLDER'S MEETING

Presentation made by Krish, Consultant, IS

[Source of conflict & a havoc of concurrent floods](#)

Rapti river causing heavy floods in India and Nepal-50 villages are affected regularly.

In year 1982 the irrigation department of UP government started construction of Lakshmanpur Barrage and Kalkalwa embankments to protect the Jamunha block of district Shravasti.

[Spill over impacts](#)

- Food and Nutritional Security situation- going from bad to worse
- Changes in traditional food intake- forgotten traditional food
- Access to markets, seeds, credits- inaccessibility to local market and exclusion from localized credits
- Recurrent loss of yield and constant decrease in yields
- Dwindling income

visible negative impacts

- Contamination of food and also rotten of food stock.
- Deterioration of health of children
- Drop out and thin attendance in schools
- Loss of housing, Land-submerge of lands, loss of productivity of submerged lands even though farmers retrieve and finally livelihood
- Made poor to pauper due to deprivation of already available resources and impinge on available resources-services-entitlements

Loss of Villages and displaced villagers

- Submerged villages and thousands of households- Bhagwanpur, Kakkardari, Hulaspur thousands of bighas of land submerged
- Loss of villages- Diluvis, Gangawar
- Displaced the entire villagers of Bhagwanpur
- Pradhan of Kakkardari lost 5 bighas, Ahmed Ali lost 4 bighas, Muralidhar- 2 acres and many 116 families
- Lease of Panchayat lands-300 bighas

Demands of Communities

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- Food supply for a week during flooding
- Transportation, temporary shelter, toilet, and medical facilities for pregnant women and ill

Demands

- Quality education for all children
- Protect their land and livelihood
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Demands of affected communities

- Restitution of resources and materials
- Create local basic services and its accessibility-schools
- Immediate relief and a long term rehabilitation to rebuild their lost lives and livelihood
- Tinkering or redraft new policies-mining and water to protect the inalienable rights of communities
- Legal recourse and available legal resources- approach Green Tribunal to deal with this environmental disaster

International principles

The general principles of international water law have emerged from customary international law and various water-related agreements.

While international law can serve as a guideline for water negotiations, enforcement and implementation of international treaties or conventions requires the commitment of the signatories to such agreements, as no international enforcement body exists.

Basic principles

1. The principle of limited territorial sovereignty stipulates that a State may use a watercourse in any way it chooses, as long as such use does not cause significant harm to reasonable utilization by other States sharing the watercourse. This is the foundation upon which the following principles rest

and has been recognized by expert publications and judicial decisions around the world.

2. The principle of equity requires that international law should not operate in favour of any particular State or group of States.

Basic principles

3. The principle that gives a State the right to use shared waters is limited by the rights of the co-basin States to use the resources of the same watercourse without being harmed significantly.

4. The principle of equitable apportionment entitles every basin State to an equitable and reasonable share of the international watercourse.

5. The principle of reciprocity stipulates that when a State acts within its rights and in accordance with the obligations set by international law, it should expect the same conduct from other States.

6. The obligation to settle disputes peacefully requires the harmonious application of national laws in the case of conflict between these principles and international law.

General remedies

The general principles of international water law should be adhered to by all countries. These principles can create a common framework for discussions to take place and basin-specific arrangements to be made.

The United Nations Watercourses Convention and the Law on Transboundary Aquifers should be reviewed by States and ratified. Together, they represent the apex of international consensus on the use of transboundary water.

Joint technical activities, such as monitoring or data collection, can serve to build trust between States on a technical level. Skills and knowledge can also be shared through joint activities.

A regional water databank should be created to compile data on water resources in the region. This databank could serve as a legitimate source of information on the state of water resources for the mutual benefit of negotiation partners.

Terra Nullius

Terra Nullius ▫ A Latin expression deriving from Roman law meaning “land belonging to no one” (or “no man’s land”) ▫ Used in international law to describe territory which has never been subject to the sovereignty of any state

DAY II 09 May Monday Afternoon

Joint Internal Strategy Meeting

FIAN Nepal, FIAN UP and FIAN India team members had discussed what can be done considering the field realities and specificities.

Mr Rajiv Jha shared that the plight of the people living on the river Bank in the Nepal and India side is deplorable, depressing and distressing one. The fear of death is omnipresent, gloomy, spills in the eyes of all village women and men and their entire life is shattered and traumatized and the status of 20 odd villages in both the side need to be looked at very critically with interim, short term and long term relief and rehabilitative plans. We need to do in a great hurry even though Governments are indifferent and need to work in tandem with multiple stakeholders such as elected Member of Parliaments, Executives, policy makers and movement leaders. Need to pursue the Parliamentarians of both the countries so as to raise voices in the National Parliament so that this issue would get an adequate attention. This issue has not leveraged adequately in the Parliament as only Executives can no do much without political will and political decisions of Parliament Members and Ministers in the Government who are wielding the real power.

Trafficking of women and migrants are the major issue that these villages are facing.

Mr Suresh Gautam of FIAN Nepal said that one joint meeting for every three months would be needed to not only stock take but also joint implementation of plans and revisit the strategic focus.

Mr Sanjay of FIAN UP shared that two days programme to talk about the progress of the case in a holistic way is needed and that need to be bringing multiple influential stakeholders on board as today’s meeting.

He said that focus should be given on the following aspects:

- Formalization and strengthening of Joint Strategic Committee of both countries is immediate task.
- Need to complete the State mandate which have been agreed by the respective Governments- need to track the budget allocation, implementation and also monitoring the gaps.

- Community demands are more genuine needs and that needs to be looked at very critically
- Legal framework of both the countries in specific forest acts need to be looked at.

Mr Raj Kumar Shukla shared that need to continuously work in these villages to strengthen the struggle committee.

Ms Suman FIAN India shared that need to fix up achievable and measurable indicators. She has also shared that the local Nepal MP when he was a Minister for Water Resources in the Nepal Government, both the Countries were supposed to finalize the agreement on building 28 kilometres embankment but due to the government was toppled, it was not undertaken. Hence considering this broken agreement which may be useful as a tool for advocacy, we can collect this and peruse that.

Delegation to the Ministries can be undertaken jointly in Delhi and Kathmandu.

Immediate Strategy

Disaster preparedness training for all villagers- with the government support. Need to prepare memorandum by FIAN Nepal and send it immediately

Short-Term Strategy

Demand for Ashram-centre- safe shelter or save shelter for interim sheltering the communities.

Compensation for elephant killing of villagers-

Mr Tomar said that need to survey of the people displaced in the villages.

Krish shared that there is a need to also look at the survey of migrant communities along with the displaced people and also trafficking. There is the need to engage with international players as India is going to have the UPR Review in 2017 May, CEDAW review in 2018 and CRC review in 2020. Need to focus on missing villages, missing villagers from the village and also empty houses due to the migration in the villages need to focused to gauge the impacts of the floods.

Mr Prakash Negi shared that as a follow up of Lucknow Joint meeting plan, need to prepare a leaflet with focus on international treaties and domestic commitments.

Joint Action in the international border of both countries in Nepalgunj can be organized in 2017 March.

The next joint meeting would be organized on 8-10 July in Delhi.

June 5th there will be a festival in Nepalgunj and FIAN Nepal is planning to organize an event and FIAN UP is also going to participate.

Media release and Memorandum would be prepared by FIAN Nepal based on the outcomes of the Multistakeholder's Meeting and would be submitted to the Nepal and Indian Government.

DAY II 09 May Monday Evening Field Visit

Field visit to Katerniaghat Village, which is located inside the Katerniaghat Wild Life Sanctuary to discuss about the negative impacts of crop loss and loss of human lives that inflicted by wild life animals- Elephant and Tiger and also issues of distress migration of Nepal village communities from Razapur located in Nepal side in Bhartia District inside the Bhartia National Park.

We had a meeting with 2 local youth on May 9th evening on reaching the Katerniaghat wild life sanctuary. They have shared that there are 50 families living in the sanctuary and they have to cross the river by paying Rs 10 to go to purchase of essentials and for children have to school as there is no school located inside. The issue of wild animal attack on people and their fields are regular happening and also recently one local person was attacked by elephant and killed. Then UP Forest Department was sanctioned Rs 20,000 for an interim compensation and they had promised also sum of Rs 5 lac to the bereaved family. But we are not sure of that compensation would be given, they said in an apprehensive feeling. Many Muslim families are migrating to Delhi from this village to eke out a livelihood. Many Muslim families in Razapur of Nepal village which is located inside the Bhartia Wild Life Sanctuary also migrating to either Lucknow or Delhi and it is very interesting to note that from the adjacent tiny village, just a kilo meter away and 100 yards from the border of the Katerniaghat Wildlife Sanctuary, and after crossing the railway line, a Bus Stand facility is there and 3 buses are plying daily to Delhi hence we can discern a pattern and intensity of distress migration in search of jobs and livelihood from these two Indian and Nepal villages.

During the night at 11 pm, there was a herd of 36 Elephants had surrounded the gate of Katerniaghat Crocodile hatch centre and there were three houses and one tea shop located in this place located strategically on the Banks of Gerra River. Then villagers were beating the drums to push elephants in to the forest areas and to also prevent any damages to the herds of milk animals located in one of the houses. These elephants also usually damage the houses, fields and crops and this kind of man-animal conflict is continuing in this place. Just two days ago, a leopard had attacked the villages and wounded 6 people. For wounds and sustaining injuries there was no compensation allowed by the Forest Department where as if killed, Rs 20000 as an interim compensation and Rs 5 lac as a rehabilitatory compensation was being contemplated by the department.

DAY III 10 May Tuesday

Discussion with Mr Saroj Singh and Mr Ram Kishan, both natives of Katerniaghat village across the river.

It should be noted that Kharniaghat Wildlife Sanctuary is spread over 409 Square Kilometres and Bhartia Wilf Life Sanctuary is spread over in 506 Square Kilo Meter and Gerra river is dividing these two wild life sanctuaries.

They said that there are 50 families are living in this tiny village across the river, habituated in the dense forests. Taru tribals, the only tribe in Uttar Pradesh, Yadav's and Muslims are cohabitating in this village. All of them are wage labourers in the village and there is no school also and they usually migrate to Delhi, Mumbai and Bahrain in search of livelihood. From this village, just 4 km away, Nepal border village Razapur is located and there is an active Grama Vikas in that village which is being located under Bhartia District. Because of this sanctuary and rivers, Lahimpur district is very fertile and home to sugarcane crops.

There is no Public Distribution System outlet for distributing food grains and there is a need to open it.

Then team visited to Sharda Barrage which is located in the confluence of Gerra River and Kharnia river. This barrage was constructed in 1920 under the first agreement under India and Nepal both were under British Empire. And also team visited Girijapuri Barrage which was constructed in Sharda Nagar in 1926 under the amendment of original agreement of 1920.

FEEDBACK FROM SABINE THAT NEED TO BE LOOKED AT IN THE REPORTING CONCLUSIONS- PLEASE GIVE YOUR VIEWS AND OBSERVATIONS FROM THE FIELD VISIT ON THE FOLLOWING QUESTIONS.

It would be helpful to indicate in which way these authorities are responsible for the implementation of our demands, and to the actions already initiated, so that respective follow up can take place.

In particular, the following questions would be important to be discussed:

- Commitments made by authorities on different occasions, to what extent implemented? How is a regular follow up ensured?
- Which demands have been addressed, which have not?
- Which programs/policies /laws are applicable? Have they been implemented? Where are the shortcomings?
- What kind of information needs to be still documented?
- What kind of interventions you are planning?

- What do you expect from it?
- What is the follow up planned?

And last but not least: It would be important to develop a strategy for the next six months, including FFM and People's SAARC, and expected outcomes of these activities.