

NEPAL

Obstacles to protection and recovery

SPOT LIGHT

Two major earthquakes in April and May 2015 and thousands of associated aftershocks took a devastating toll on the already fragile nation of Nepal. They affected almost a third of the country's population of 28.2 million, killed 8,700 people, damaged or destroyed more than 712,000 houses and displaced more than 2.6 million people.³⁰ They hit both urban and rural areas hard, and triggered landslides and avalanches in high mountain areas, razing entire villages and leaving hundreds of thousands of people with acute shelter, livelihood, protection, food, water and education needs.

Most of those displaced stayed at least initially in makeshift or temporary shelters near their damaged or destroyed homes.³¹ Those who took shelter in open spaces or public buildings began to return to their homes within a week of the first earthquake. Displacement patterns changed, however, after the second earthquake. Many people who feared their homes were structurally unsound went back to open areas such as fields. Many others fled the worst-affected rural areas toward displacement sites in the densely populated urban areas of the Kathmandu valley.³²

Among the IDPs who sought shelter in collective urban sites were many poor people, including Dalits and female-headed households, whose homes had been badly damaged or destroyed, and whose access to jobs and basic services had also been disrupted. The vast majority did not own the property they lived in, and the earthquakes severely reduced the amount of rental accommodation available and inflated rents.

Around June, IDPs in just under half the sites assessed by the International Organization for Migration (IOM) said they had not received adequate assistance, and women and children in around half the sites felt unsafe.³³ Sixty-eight per cent of the IDPs surveyed said damage to their homes was the main obstacle to their return. Other issues included personal security, family separation, damage to infrastructure such as roads and a lack of food.³⁴

In the absence of medium-term plans to settle IDPs, some lived in fear of eviction from their shelters, particularly in Kathmandu.³⁵ The monsoon and winter seasons that followed brought further

hardship. Around 200,000 households were still living in temporary shelters as of November at an altitude of over 1,500 metres.³⁶

Since Nepal's last major earthquake in 1934, only the last decade has seen significant investment in disaster preparedness and coordination. Much of the focus, however, has been on preparing communities in the Kathmandu valley, to the neglect of less populated but highly vulnerable towns and villages in higher mountain areas.³⁷

Over the last four years the UK government, one of Nepal's major bilateral donors, has invested more than \$30 million in earthquake resilience programming.³⁸ Despite such initiatives, the 2015 earthquakes caused large-scale destruction. The delivery of humanitarian assistance was slow and vulnerable groups were not well protected.

The country's national disaster response framework, which the Ministry of Home Affairs adopted in 2013, established coordination mechanisms that were implemented in the aftermath of the earthquakes.³⁹

Their impact was largely determined by the poor quality of buildings unable to withstand the seismic activity, and their exposed location on steep mountain slopes.⁴⁰ The government approved a national building code in 2003, but when the earthquakes struck only 26 of 191 municipalities had begun implementing it.⁴¹ Poverty, rapid urbanisation and weak institutional oversight have led to hasty and low-cost construction.⁴² Enforcement has also been undermined by corruption, judicial delays and a lack of building inspectors.⁴³

Political instability and weak institutions have also hampered the humanitarian response.⁴⁴ National and local government capacity had been significantly weakened by civil war and more than 12 years without local elections.⁴⁵ After the end of the war in 2006, Nepal struggled to adopt a federal constitution and key legislation on disaster risk management was overdue.⁴⁶ After the earthquake, the stalled process of finalising the constitution was expedited and it was adopted on 20 September 2015.⁴⁷



Earthquake survivor sifts through the rubble of her home in Baluwa, Gorkha district. Photo: IOM, May 2015

Its content, however, sparked protests and a trade blockade on the border with India that lasted from September 2015 until February 2016.⁴⁸ The blockade prevented fuel and other essential supplies from entering Nepal, raised commodity prices and created a rampant black market.⁴⁹ Fuel shortages complicated the delivery of much-needed shelter, food and medical supplies.⁵⁰ Delivery was further impeded by lengthy administrative procedures and new customs duties introduced just five weeks after the earthquake.⁵¹

Feedback from affected communities on the fairness of aid distribution and reporting by international agencies pointed to discrimination associated with a failure to recognise people's specific needs and protection concerns according to social caste, ethnicity, gender, disability and age.⁵²

Human rights advocates also raised concerns about nepotism and political favouritism, and the exclusion of certain people or groups from needs assessments.⁵³ The failure to respect the humanitarian principle of needs-based assistance made the risk of impoverishment for vulnerable groups worse.⁵⁴

Resolving IDPs' ongoing needs in Nepal will require long-term financial and technical engagement by both federal and local governments and the international community. In December 2015, a new authority responsible for leading the reconstruction of more than 500,000 homes,

public buildings and infrastructure began its work with \$4.1 billion in aid donations.⁵⁵

The government's reconstruction policy promises financial compensation to every homeowner whose house was damaged beyond repair. Vulnerable IDPs, however, including squatters, undocumented citizens and owners without formal title deeds risk exclusion from the policy, along with people whose homes were partially damaged and those who lived in rented accommodation. Despite progress in Nepal's social legislation in recent years, women, undocumented residents and refugees are also still denied equal inheritance and property rights.⁵⁶

Rebuilding the country according to building and safety standards is of vital importance if the risk of future disasters and displacement is to be reduced. The value of retrofitting existing buildings to make them resilient to earthquakes is well proven.⁵⁷ Reconstruction following such a major disaster can be expected to take many years, and is likely to be delayed because of a shortage of technical and skilled labour, complex land issues and continuing political instability.⁵⁸

Careful land use planning, strengthened tenure and protection for vulnerable groups, along with support for broader strategies to reduce poverty and increase community resilience will also be vital if progress is to be made and sustainable solutions for IDPs achieved.