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**Critical Analysis of the Policy on Permanently Destroyed
Private Housing Recovery after the April 2015 Earthquake
in Nepal**

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ACRONYMS

ADDRRS	Agency-Driven Reconstruction in Relocated Sites
ADRIS	Agency-Driven Reconstruction in Situ
CA	Cash Approach
CDR	Community-Driven Reconstruction
GFI	Global Fairness Initiative
MoUD	Ministry of Urban Development
NBC	National Building Code
NRA	National Reconstruction Authority
ODA	Owner Driven Approach
ODR	Owner-Driven Reconstruction
PDNA	Post Disaster Need Assessment
VDCs	Village Development Committees

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ABSTRACT

2015 April earthquake that hit Nepal has left housing sector as the most affected sector which has caused greatest human misery and casualty. To avoid further long term vulnerabilities to the victim of the earthquake, housing recovery policy has to address certain housing recovery policy goals such as social justice, efficient and effective government institutions, flexibility, coordination, transparency and accountability. ‘Building Back Better’ after the earthquake has been the main motto of the reconstruction in the PDNA with the owner driven reconstruction in a participatory manner along with this on October 09, 2015; the Nepalese parliament passed the Earthquake-Induced Fully Damaged Settlement Rebuilding Grant Delivery Procedure. This paper critically assesses the housing recovery procedural guidelines based on the identification of the beneficiaries, financial and technical assistance; and challenges relating to them through literary discourse and reflection from field visits.

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1. Introduction

1.1. Background

Nepal's unpreparedness to natural disasters was indicated by the scale of destruction caused by the earthquake that struck Nepal on April 25, 2015 at 11:56 Nepal Standard Time with a magnitude of 7.8 followed by the larger aftershock of May 12, 2015.¹ The lack of careful planning, poor supervision, non-compliance to the housing code and unmanaged housing construction caused irreparable damage to public infrastructures and private housing. The catastrophic natural disaster also resulted in large numbers of human casualties who were trapped in under the rubble of collapsed houses which were built without any safety measures necessary to minimize potential damage caused by natural disasters like earthquakes. Hence, houses that once used to be a place of safety turned out to be a deathbed for thousands of victims.

After the devastating and tragic earthquake that caused great loss to human life and property, the National Planning Commission carried out the rigorous work of conducting the Post Disaster Need Assessment (PDNA) in order to plan for a more resilient strategy that would safeguard the country from any future disasters and reduce the vulnerability of infrastructures. According to the immediate estimation published in the PDNA report, the most affected area has been housing and settlements. Nearly 500,000 privately owned houses² were destroyed and more than 250,000 houses were partially damaged due to earthquake.³

According to the Home Ministry, the earthquake destroyed 510,762 private homes and damaged 291,707 homes partially. The rebuilding of the damaged houses and the total cost of resettlement is expected to be Rs327.76 billion. Overall, 609,938 privately owned housing units will need to be constructed and 256,697 houses will require repair and retrofitting in the course of the reconstruction program as per the estimation of the PDNA report. This figure is likely to increase when a more detailed assessment is done later by the government.

While a natural disaster is unpredictable, the assessment of the true figures of the loss is crucial for the future reconstruction purpose. One of the most important goals of the post-disaster reconstruction program is to reduce long-term vulnerabilities of the affected communities through the construction of housing resilient to multiple hazards.⁴

While there is no uniform solution that can be applied to reconstruction efforts in response to different types of disasters, various reconstruction agencies and experts of post-disaster

¹United States Geological Survey 2015

²Shrestha 2015

³ PDNA Report 2015

⁴Powell 2011

reconstruction have outlined five kinds of reconstruction approaches for housing and settlements⁵ based on the degree of control a household may have over the reconstruction process.

The Agency-Driven Reconstruction in Relocated Sites (ADDRRS) approach is led by a construction company hired for building homes by government and non-government agencies in a new site. The home owner's involvement in this type of approach is minimal. It tends to follow the 'one type fits all' design without much consideration given to the livelihood and space requirements of different families.

The Agency-Driven Reconstruction in Situ (ADRS) approach replaces damaged houses in their pre-disaster location where a governmental and a non-governmental agency hires a construction company with designs, materials, and expertise imported from outside of the community. This kind of approach was pursued by many NGOs in Tamil Nadu after the 2004 tsunami.

Under the Community-Driven Reconstruction (CDR) approach, financial and material assistance is channeled through a community organization which is involved in the decision-making and reconstruction efforts and actively participates in the housing design and procurement of building materials. This approach was adopted by the municipal government of the city of *Ocotol* in Nicaragua after the hurricane *Mitch*.

Under the Cash Approach (CA), unconditional financial assistance is offered but without any technical support. This approach is more appropriate for reconstruction efforts after disasters that have a relatively limited impact and where housing damages are not caused by shortcomings in the local construction practices. In this type of reconstruction approach, the affected people are given the choice to use the assistance offered according to their own priorities. The CA approach was adopted by the government of Argentina in the city of *Santa Fe* to assist families affected by the floods of 2004.

The Owner-Driven Reconstruction (ODR) approach is driven by a government or non-governmental organization which provides conditional financial and/or material assistance, accompanied by regulations and technical support aimed to ensure that houses are built in compliance with building codes. Similarly, the World Bank Handbook for Reconstruction after Disaster recognizes the ODR approach as the most empowering and dignified approach for homeowners.⁶

Of the five approaches described above, the Nepali government has adopted the Owner Driven Approach (ODA) for reconstruction and rebuilding whereby financial, technical and other types of assistance is provided by the government⁷, to ensure the participation of the owners in the post-disaster recovery process in both urban and rural areas. It is widely accepted that a participatory

⁵ Barenstein 2012

⁶ World Bank, Jakarta, 2009

⁷ PDNA 2015

approach with the focus lying on the victims affected by the disaster, will contribute to an increased sense of ownership and self-reliance among the people in the process of housing recovery.

Owner driven reconstruction has special importance in the way that housing reconstruction after the earthquake is a process to build back and is not merely a product that is a reason that people whose house has been destroyed by the disaster has to be at the center of the housing reconstruction which has been much stressed and explained by Graham Saunders.⁸

In Nepal, the National Building Code (NBC) was first drafted in 1994 following the 1988 earthquake of 6.8 magnitudes which killed more than 700 people. The NBC was approved by the government in 2003 and is a legally binding document for municipalities but does not apply to towns and villages that fall under the Village Development Committees (VDCs).⁹ The building code outlines the necessary framework for design and construction standards that need to be adapted to make buildings more disaster resistant and better prepared for natural calamities. However, despite the legislation which makes the building code mandatory, municipalities have lacked the appropriate mechanism and capacities to implement it.¹⁰ This fact was very clearly demonstrated by a survey¹¹ which showed that only two engineers, on average, are available in a municipality in which an average of 400 new building permits are issued each year. As a result, many buildings were built without adhering to the building code, ignoring the minimum standards and suitable designs prescribed, making the houses more vulnerable to earthquakes and natural calamities.

Following the huge losses to housing and settlement in the aftermath of the April earthquake, the government with the help of the Ministry of Federal Affairs and Local Development introduced the building by-laws on August 16, 2015 as an amendment to include the new constructions under the remit of the new legislation as well as including VDCs that did not fall within the purview of the building code before. This move was to ensure that a scientific approach to construction would be widely applied in order to make housing more resilient to future calamities and reduce the number of casualties.

After the earthquake, a team of structural engineers from the U.S. with expertise in disaster assessment, retrofitting, and historic preservation were brought to Nepal by the Global Fairness Initiative (GFI). The team worked in partnership with the government of Nepal, Nepal Engineering Association, Brick Clean Group Nepal, the Building Back Right campaign and volunteers to assess the damages. The team concluded that the key reason behind the destruction of buildings during the recent earthquake was because of the rampant violation of the existing building code, specifically related to height violations of the prescriptive rules. Similarly, they also attributed poor construction to the lack of formal training and expertise among builders. As a result, the

⁸ International Federation of Red Cross and Red Crescent Societies 2010

⁹Earthquake Engineering Research Institute 2015

¹⁰ USAID, 2012

¹¹ Factsheet by USAID, 2012

PDNA report also notes that along with the revision and upgrading of the current building codes, there should also be an emphasis on steps to improve the enforcement of the building code and improve the quality of construction.¹²

The main challenge faced by the government is to ensure that the Owner-Driven reconstruction approach is applied while enforcing the building code. As suggested by engineers from the Nepal Engineering Association, most of the houses or buildings damaged or destroyed had been constructed without adhering to the building code.¹³

In the same way, the Ministry of Urban Development has come up with the basic guidelines for the rebuilding of completely destroyed houses and has introduced procedures to be followed by homeowners in order to access grants and concessional loans from the government on October 09, 2015. This was intended to support people in the recovery and reconstruction process and help them return back to their normal lives and livelihoods through a sound and sustainable recovery procedure.

1.2. The Significance of the Study

The Nepalese constitution recognizes the right to adequate housing as a fundamental right of a citizen. Housing and settlement is the basic human requirement for a life with dignity. However, the April earthquake has left many people homeless and has presented the Nepalese government with a formidable challenge to come up with a policy and a plan of action for the recovery of the private housing and infrastructure.

Housing recovery after a natural disaster is aimed at protecting the survivors from extreme climatic condition, maintaining their privacy and dignity¹⁴, ensuring safety and security thereby consolidating victim's rights at the center of the rebuilding process. However, as stated by Charles W. Gould¹⁵, even though a number of international human rights laws recognize the right to housing as a fundamental right, the victims who lose their houses due to natural disasters are largely invisible within the housing rights framework and often the human rights of the victims are ignored in the rush to rebuild. The process is often discriminatory, favoring those who have access to benefits while leaving a vast majority of the victims vulnerable.

It has become a necessity to include victims of natural disasters in the housing rights framework as recovery of the housing has been associated with the recovery of the community. Therefore, in order to promote justice, the vulnerable must be at the forefront of any recovery process.

This study looks at whether the policy of the government focusing on the housing sector in the aftermath of the earthquake addresses the fundamental question of whether the housing recovery

¹²Kathmandu Post 2015

¹³ Maharjan, 2015

¹⁴International Federation of the Red Cross and Red Crescent Societies 2015

¹⁵Gould 2009

approach is victim-focused and the procedures and policies introduced address the needs and the demands of the victims.

1.3. Policy Guidelines for Housing Reconstruction after the Earthquake

The government of Nepal introduced several legislative measures through the parliament to address the immediate housing needs of the victims and more long-term solutions for reconstruction. On June 5 2015, through the cabinet's decision¹⁶, the council of ministers decided to dispatch immediate relief in the form of Rs. 15,000 to the victims for building temporary shelters along with distributing victim identity card through the help of local government employees. The parliament introduced the Reconstruction of Earthquake Affected Infrastructures Act 2015, and established the National Reconstruction Authority (NRA), a national body with extraordinary jurisdiction to formulate regulations as and when needed for the reconstruction process. The NRA has been given five years to complete the work of reconstruction and an additional one year if deemed necessary.¹⁷

On October 09, 2015, the Nepalese parliament passed the Earthquake-Induced Fully Damaged Settlement Rebuilding Grant Delivery Procedure in order to provide assistance to the victims of the earthquake whose houses were permanently destroyed by the earthquake. The type of support extended by the government through this initiative can be categorized under financial assistance, technical guidance, social mobilization and skills upgrade, and identification of the beneficiaries.

1.4. Methodology

This study is a critical review of the guidelines prepared by the MoUD for the rebuilding of housing and settlement of fully destroyed houses in order to identify potential challenges in its implementation and a critical assessment of how victim-centric it is in addressing the vulnerabilities of people who are in a disadvantaged position due to the impact of the earthquake.

The guideline is analyzed on the basis of key procedural benchmarks outlined below:

- Identification of the beneficiaries
- Provision of financial assistance
- Technical assistance including design, skilled human resources, and availability of local building materials.

The procedural guideline has been selected to assess the challenges that may affect its implementation, considering the scale of the damage. The analysis will be based on the evidence gathered from field visits and literature review.

The key methodological framework applied for this analysis is based on the following steps:

¹⁶Nepal Disaster Risk Reduction Portal 2015

¹⁷National Reconstruction Authority 2016

- a) Review of national daily newspapers, namely Kantipur, Republica, the Kathmandu Post, and TV programs to understand the social and political context, and the policy responses related to the rebuilding of permanently damaged houses after the earthquake.
- b) Interviews with individuals and families whose houses have been completely damaged by the earthquake and are waiting for government assistance to rebuild.
- c) Interviews with political party and civil society members who will be instrumental in making decisions that will facilitate the implementation of the guideline.

Steps (b) and (c) have been carried out through -

- Field visits to the *Mahalaxmi* Municipality, *Lamatar*, and *Dhungeni*
- Field visit to *Goldhunga* Municipality

2. Conceptual Framework

2.1. Housing Recovery Policy Goals

Housing recovery calls for plans and policies and their subsequent implementation to ensure survivor security.¹⁸ The security framework is a concept that is inclusive of issues relating to disaster risk prevention and recovery, rehabilitation of lives while being accountable to the needs of the survivors throughout the recovery process. The recovery policy and any subsequent programs should therefore support all members of the community, but special and additional consideration has to be given to people belonging to the marginalized sections of the population, such as people with disability and the elderly.

Housing recovery requires a certain degree of flexibility to allow victims choose a rebuilding option that is suitable to their individual and household needs based on their income and nature of livelihood. People-centered housing recovery is responsive to their physical, cultural, social, and economic needs. As Elizabeth Maly¹⁹ points out, there have been positive examples of people-centered housing recovery such as in Kobe where survivors were mobilized through a housing recovery policy which allowed them to take more control over the recovery phase instead of turning them into passive receivers.

In the aftermath of a natural disaster, some communities are better positioned to rebuild while others struggle to recover due to the disparities in access to public assistance or capacity as pointed out in a study by *Anuradha Mukherji*.²⁰ In the same light, this research found that in the process of housing recovery the role of the state remains critical. Apart from the wealthy homeowners,

¹⁸Maly 2014

¹⁹ Ibid

²⁰Mukherji 2008

most of the communities with low income require public assistance that is appropriate to their needs and capacities which can subsequently strengthen their ability to recover.

In the aftermath of a natural disaster, rebuilding and reconstruction is a challenge especially in the case of Nepal, where the country is going through a political transition. In the absence of a stable political environment, it is a huge task to initiate and successfully execute a recovery plan in the housing and settlement sector which has been hit the hardest and requires a lot financial and technical assistance to help and guide the victims of the devastating earthquake.

Settlement and housing policy targeted towards victims has to be oriented towards achieving equity, efficiency, security, and liberty. These goals are often invoked as the justification of a policy, a government action, or even the inaction of a government.²¹ They are also the criteria for evaluating any public programs and functions as standards against which the programs are assessed. The recovery policy must ensure that it does not exclude any section of the population and addresses the heterogeneity of the society, its social needs, and aspirations. In order to do so the housing recovery policy must cater to the following ideals:

a. Social Justice

As a democratic country that considers the right to housing a fundamental right in its constitution, the housing recovery guideline should take into consideration the principle of equity in the distribution of the government funds and services during the recovery stage.

Ensuring justice in housing recovery in the post-earthquake scenario means ensuring the right to earthquake-resistant housing for all the victims without any implied or expressed discriminatory provisions and practices. It must take into consideration the worst-affected people who have been historically marginalized and further sidelined because of the earthquake. Delivering social justice through a policy level intervention to individuals and families experiencing multiple disadvantages due to the earthquake, requires strong leadership from the national and local level along with coordination and partnership between private, public, and charitable organizations so that the needs of the people are fulfilled equitably and the people from disadvantaged sections of the community truly benefit from it.²²

b. Efficient and Effective Government Institutions

The local-level government mechanisms have been criticized extensively for failing to effectively monitor and deliver services in the aftermath of the earthquake. The evidence from the field suggests that the shortcomings in service delivery can be attributed to lack of manpower and lack of skilled human resources. It is necessary that the government reflects on the shortcomings during the relief and rescue phase to avoid them in the future. The government must build the structural capacity of its institutions both on national and local level to deliver services effectively and efficiently so that the government funds do not go to

²¹ Stone 2012

²² UK government 2012

waste and the victims truly benefit from the policy interventions designed to help those who have sustained permanent damage to their homes.

c. Flexibility

The policy must ensure that the basic human need for housing and settlement is met for the individuals and their families and they are offered the liberty and the flexibility to choose housing designs that is responsive to their identity, culture and way of life, without any additional monetary burden.

The concept of the human security in rebuilding after a natural disaster is a recent development. Even though the term was coined by UNDP in 1994 which identified 'environmental security' as core to human security, it was largely used in the context of human-induced disasters only. But this concept developed over time to include natural disasters after large scale devastation caused in countries like Haiti and Japan by natural calamities.²³

This approach prioritizes the needs of the vulnerable sections of the population and their protection during the rebuilding. In the context of Nepal, the recovery and reconstruction process of housing and settlement must ensure people's fundamental human right to live with dignity, safety, and security during and after the time of the disaster.

The recovery policy is not just about reconstruction of houses but also about ensuring access to basic living facilities such as road, healthcare, safe drinking water, and sanitation. The goal of the housing reconstruction and recovery policy must ensure the participation of the beneficiaries to empower the community and households to take charge of the reconstruction process.

d. Coordination

In order to ensure that there are no procedural difficulties or complexities for beneficiaries seeking housing relief and other services, it is essential that all relevant government and non-government institutions coordinate their efforts. According to a news report published in the Kathmandu Post on November 3 2015, there has already been instances of lack of coordination between the Ministry of Urban Development and the Ministry of Federal Affairs and Urban Development. Such incidents are bound to have a negative impact on the reconstruction and recovery efforts and take the focus away from the victims who are supposed to be at the center of the policy.

²³ Futamura, Hobson and Turner 2011

e. Transparency and Accountability

As the World Bank points out, responsibility and accountability is important to avoid unnecessary delays during the delicate process of recovery and reconstruction.²⁴ Therefore, governments have to create plans and policies that are transparent and avoid any misallocation, corruption or wasteful spending which could erode the public's trust towards the recovery program and could challenge its legitimacy.

3. Housing Recovery Procedural Guidelines

The implementation of the housing recovery policy of the Nepalese government is broadly dependent on three areas; financial assistance, identification of victims for the purpose of resettlement, and provision of technical services such as building materials, skilled human resources, and design.

Before discussing the challenges associated with the implementation of the recovery policy of permanently destroyed housing, it would be important to get a clear idea of each of the areas mentioned above:

3.1. Identification of the Beneficiary

The policy document provides details related to the identification of beneficiaries. The beneficiaries are identified as those whose houses have been completely destroyed and are unfit for habitation even after maintenance and retrofitting. In order to be eligible for support, the victims are required to produce a land ownership certificate and a proof of habitation in the form of an electricity bill or a copy of any other housing bill.

3.2. Financial Assistance

The policy document initially phased out the designated grant amount of Rs. 200,000 to be disbursed in four installments. 25% of the amount was to be given to the beneficiaries in the first installment intended for building the plinth and the base of the house. This would be followed by 30% of the amount for construction of the plinth and walls, 35% of the finance the roof and lastly 10% of the finance would be given for the finishing works. But after a ministerial level meeting it was decided that process was too lengthy and it was subsequently reduced to three phases. In order for the victims to receive the assistance, the policy requires for the victims to have a bank account or open one, if needed. However, those without a bank account could receive the first installment in cash.

The policy initially stipulated that households that receive a grant from other local and international organizations would not be entitled to the government's grant. However, it was later decided that those who had applied for the grant amount could also apply for the concessional loan of up to Rs. 300,000. According to a news report in Kantipur Daily on December 17, 2015, it was

²⁴World Bank 2014

decided that those who failed to put forward any collateral for the loan could form a group of beneficiaries and help each other through a group collateral to get the concessional loan. The phased out financial assistance, however, would be conditional to compliance with disaster-resistant construction guidelines as laid out by the Ministry of the Federal Affairs and Local Development on August 16, 2015.

According to the policy, the victims who own more than one house are only entitled to a single payment even if their second home is permanently destroyed. The policy also outlines the responsibility of the local government authorities directly dealing with the beneficiaries to maintain a transparent record of all financial transactions.

3.3. Technical Assistance

The section on technical assistance in the policy guideline can be further broken down as below: The policy document outlines the provision of skilled development training at the central, district, and local level. It states that the training will be held by local or international organizations in adherence to the guidelines set by the Ministry of Urban Development.

3.4. Design of the Houses

The policy guideline states that each Division Office under urban development and building construction or the District Project Implementation Unit will design a house which is earthquake-resistant, and is constructed by a trained mason while meeting the standards of the prescribed building materials? The house owner is also allowed to use a design made by an engineer and architect certified by the engineering council.

3.5. Assistance in the Supply of Essential Building Materials

According to the policy guideline, the Urban Development and Construction unit is responsible for supervising the quality and cost of the building materials sold in local markets through division offices and local district administration

Considering the policy directions in the areas of identification of beneficiaries, financial and technical assistance, the following section assesses the challenges associated with these implementation guidelines. As mentioned previously, in order to provide supporting evidence, field research was conducted in four municipalities severely affected by the earthquake along with interviews with key people in the identified sites which are namely Dhungeni, Lalitpur, Goldhunga, and Tarkeshwor.

4. Challenges in Implementation of Housing Recovery Procedural Guidelines

4.1. Challenges Related to Identification of the Beneficiaries

For a victim to benefit from the reconstruction policy, he or she must produce a home owner citizenship certificate, a landownership certificate, an electricity bill or other forms of a service bill in order to receive the grant or the concessional loan. But, there are various social and legal issues that complicate this process and need to be taken into consideration for the recovery process to be effective and fair.

The policy of housing recovery gives importance to the legal document in order to prove that the recipient of the housing grant or loans is the true beneficiary. But it fails to understand and address the various challenges faced by the victims in this process.

During an interview with a respondent about the distribution of the temporary grants for building temporary shelters, the respondent shared that there had been irregularities in the distribution of the relief and grant materials and one of the main causes behind the irregularities was the failure of the mechanism to truly identify the victims. A leading newspaper²⁵ reported that there have been widespread irregularities in the distribution of the initial grant offered in the earthquake-affected districts due to an unexpected increase in the number of the families, leading many to believe that some of the claims had been fraudulent.

As reported by Kantipur Daily, in Lalitpur, there was a dramatic increase in the number of claimants whose houses were permanently destroyed by the earthquake and who received the initial amount of the temporary relief provided by the government. It was reported that such fraudulent practices for claiming the government funds had been carried out with the help and assistance of all-party mechanism at the VDC as well as the VDC secretary.

On December 20 2015, Kantipur published a news story which presented data regarding the increase in the number of the households in comparison to the actual number of households reported before the earthquake by Central Bureau of Statistics and the number of applications received for compensation as shown below:

²⁵Kantipur News 2015

VDC	Actual Number of Households according to CBS	Applications Obtained for Compensation
Aruarbang (Gorkha)	998	1232
Harmi (Gorkha)	906	1100
Agra (Makwanpur)	1572	1888
Waman (Makwanpur)	1913	2413
Palung (Makwanpur)	1236	1794
Chilime (Rasuwa)	340	426
Haku (Rasuwa)	443	726
Lahare Pauwa (Rasuwa)	1053	1495
Bhim Khori (Kavre)	1066	1748
Chalal Ganeshthan (Kavre)	864	1466
Deupur (Kavre)	1203	2577
Jyamdi Mandan (Kavre)	1090	241
Mahadevsthan Mandan (Kavre)	1873	3402

Source: Ministry of Home and Department of Statistics

It has been reported that with the dramatic increase in the number of victims there are more chances of misuse of the government funds that are intended for the actual victims of the earthquake. This would be indicative of corrupt practices and would ultimately increase the total cost of reconstruction and recovery. Besides the increasing the number of the beneficiaries, the criteria of presenting the legal documents has posed multiple complexities for the true victims who deserve the support from the government as indicated below:

a. Joint Families

In Nepal, it is very common for joint families to live in a single house without formal or legal partitioning of the property. In one of the reputed TV show called *Sajha Sawal*, a woman named *Dil Maya Shrestha*²⁶ talked about how she was unable to get the initial grant of Rs. 15,000 meant for building a temporary shelter. On addressing this particular case, *Govinda Raj Pokharel*, the former Vice Chairman of the National Planning Commission attributed the issue to joint families living in a single house which was followed by a commitment made by the Department of Statistics to address the problem.

²⁶ Sajha Sawal 2015

The need to produce an ownership document poses a problem because even though, the house may be under the name of one family member, other families residing in the house also have a stake in the property and the destruction of the single house affects all families living in that house. However, the guideline only considers one family as the owner of the single house and other families are unable to access the grants as in the case of Dil Maya Shrestha. They would remain outside of the purview of being considered as a beneficiary of the reconstruction and the financial assistance provided by the government. And the grant received by the multiple families would not be enough to construct a house that can inhabit all members of the joint family in a single house.

b. Loss of Legal Documents

The importance given to legal documents for the identification of the beneficiaries during the housing recovery poses a difficulty for victims who may have lost their legal documents and their valuables during the earthquake. The guideline does not offer recourse to such victims which will inevitably affect the implementation process of the housing recovery plan and add to the work burden of government institutions who will have to help the victims find other forms of paperwork to identify themselves as homeowners. The local government institutions have not shown any indication of being prepared to take on the tedious work due to the lack of sufficient human resources²⁷ which has ultimately hampered the efficiency and effectiveness of the housing recovery process.

c. Female-Headed Households

The economy of the fourteen most earthquake-affected districts is more or less dependent on remittance²⁸ and the outmigration of the male members of the family means that most of the houses are headed by women. In the absence of the male members of the family, the responsibility of the reconstruction ultimately rests on the shoulder of the females. Many women have also lost their husbands or other male elders during the earthquake leaving them to deal with the burden of and responsibility of reconstruction in the aftermath of the earthquake.

A thirty-three year old woman with two children and an elderly father-in-law in *Dhungni*, revealed during an interview that her husband was working abroad and the ownership of the house was in his name. She shared that claiming the initial grant was very difficult as she was unable to prove the ownership of her home in the absence of her husband. Moreover, she was also concerned about taking on the responsibility of reconstruction as she was the primary care-giver to her children and her father-in-law and did not have the time or the support to take on the recovery and reconstruction work of her house.

²⁷ Interview with the VDC secretary of Tarkeshowr Municipality

²⁸ PDNA 2015

In Nepal, only 19.71% women are in possession of land ownership²⁹ documents, leaving more than 80% of women without land ownership certificates. This makes the current guideline of reconstruction problematic as any support extended by the government is intricately linked with proof of ownership which is predominantly in the name of the husband or the father. For women who have lost male members of their family to the earthquake or are heads of their household while their husbands or fathers are working abroad are more prone to being excluded from the benefits offered by the government in the reconstruction process due to the existing legal requirements around proof of ownership.

d. Multiple Disadvantages

The earthquake has left many minors who have lost their parents and other immediate family members in an extremely vulnerable position. The field visits have highlighted the disadvantageous situation of minors who need to be attended to during the reconstruction and recovery process. The housing recovery policy does not address the needs of orphaned children and how they can benefit from the reconstruction policy.

e. Issues of Displaced People

The earthquake of April 2015 in Nepal has left many parts of the affected districts uninhabitable and has displaced communities from their place of origin compelling them to take shelter in other places. During a visit to Rasuwa for a rapid assessment of cases of human trafficking, it was found that people of Haku and Langtang who had been displaced from their homes are residing in camps made in Kalikasthan, Betrawati, and Putali bazaar. Their place of origin has been completely destroyed by the earthquake and subsequent landslides. Those who have been displaced have lost most of their valuables including ownership documents of their property and are also in need for land for settlement purposes. This highlights the complexities related to resettlement for communities that needs to be tackled by the reconstruction policy.

f. Land Ownership

Land ownership plays a crucial role in the reconstruction phase of housing and settlement. However there are people who inhabit a small plot of land which is not sufficient to construct a house in compliance with the housing by-laws formulated by the Ministry of Federal Affairs and Local Development for rebuilding resilient community housing. The law states that a residential building should be constructed while allowing 30% of the land to be kept as open space for a plot size of 250 square meters and 40% for anything larger, along with at least 1.5 metre distance from the road. Moreover, residential buildings can only be connected to basic

²⁹ National Census 2011

facilities and utilities once they produce a completion certificate in compliance with the building code.

However, as highlighted during a field visit to *Dhungeni*, many of the people interviewed shared that they did not own a plot large enough to comply with the rebuilding regulations. So the main challenge in the future will be to address the shortcomings in the policy guideline that does not take into consideration cases of victims who are owners of small land plots. If they are unable to comply with the building code, the victims are likely to resort to building informal structures which will fail to be earthquake-resilient and will have no access to basic facilities due to non-compliance to the building code. This may also lead to an increase in homelessness.

4.2. Challenges Related to Financial Assistance

Financial assistance and how it is disbursed is an important aspect of the recovery strategy. The current policy developed by the government includes the provision of offering a grant of Rs. 200,000 per family or a concessional loan of the amount Rs. 25,00,000 in urban areas and Rs. 15,00,000 in rural areas. It was later decided that those who receive the initial grant amount can also receive a concessional loan of up to Rs. 3, 00,000 at a 2% interest rate. There is also a provision for group collateral for those who cannot come up with the required collateral for the loans. The excess of the expenses to be incurred during the process of the housing recovery has to be borne by the owner. The policy of related to financial assistance in housing recovery has the following shortcomings and the challenges:

a. Sufficiency

With the ever increasing price of building materials and labor, it is only fair to ask whether the level of financial assistance offered by the government is actually sufficient to cover the costs of rebuilding. A staff member at the Ministry of Urban Development shared during an interview that the estimated cost for a one storied earthquake-resistant house designed by MoUD exceeds the grant amount. Though the initial policy limited financial assistance to homeowners by only allowing them to choose between the grant or a concessional loan, after concerns were raised in the parliament about the limitations of such a policy decision, an amendment was made to the previous housing recovery guideline³⁰ with a view to simplify the previously lengthy process and better respond to the expected rise in cost.

b. Procedure

There are genuine concerns regarding the process of securing financial assistance with the risk of alienating victims who live in rural areas and have no easy access to banking facilities. It also alienates victims who are not familiar with dealing with financial institutions and the lengthy procedures involved. Those who are illiterate would struggle to understand and

³⁰Kantipur News 2015

complete the required paperwork necessary to present to the banks to receive the grants and the concessional loans. The procedure for receiving financial assistance is only friendly to those who are educated and live in urban areas with banking facilities while neglecting a vast majority of the population.

In order to benefit from the financial assistance, victims who are not familiar with banking procedures would need a lot of support from concerned authorities to help them complete the paperwork required. However, the lack of skilled human resources and the lack of training offered to local institutions to support the victims in claiming financial assistance have severely affected the implementation of this section of the policy.

4.3. Challenges Related to Technical Assistance

The technical service delivery part of the policy guideline covers the area of skilled human resources, materials for building construction, and the design proposed for the rebuilds. The technical assistance is aimed at increasing the resilience of the infrastructures and individuals to any future disasters however there are certain challenges that have to be considered.

a. Skilled Human Resource Training

Majority of the houses that were destroyed by the earthquake were poorly built and were not earthquake-resistant.³¹ The houses failed to comply with the building code and the government also failed to enforce the building code. The government's indifference towards a strict enforcement of the building code has also been attributed to corruption.³² However, the recent building code introduced by the Ministry of Federal Affairs and Local Development goes into a lot of detail especially regarding the type of skilled manpower the policy aims to deploy as part of the rebuilding process. For example, the policy outlines that a geo-technical engineer, a civil engineer and a structural engineer would be deployed to each metropolitan and sub-metropolitan city.

Similarly, the housing recovery guideline has a provision for offering skilled development training to masons at the central, district, and local level. The masons can also receive training on using locally available materials for building homes that are resistant to earthquakes and other natural disasters.

While the policy guideline is detailed in terms of the type of skilled manpower required for a more resilient rebuilding approach, it does not sufficiently deal with the need for capacity building in local authorities who are responsible for supporting the beneficiaries directly during the reconstruction phase. Moreover, the number of technical professionals in Nepal in the form of engineers, architects, and masons is not enough to meet the ambitions of the policy and the needs of the victims.

³¹ The Rising Nepal 2015

³²Buckley 2015

b. Design of the House

Any community has its own unique identity which is displayed in the style of their housing as well. In many instances, people's history and culture are closely linked with the design of their houses. While the housing designs proposed by the government may be resilient to disasters, it is uncertain whether the designs can sufficiently fulfill the need of joint families or represent the communities' culture and identity. If these matters are not taken into consideration it may lead to loss of heritage or breakdown of the family units. While, there is an option for the homeowner to opt for a private engineer or architect certified by the Engineering Council for housing design, this would be an additional economic burden to the homeowner and would only be possible for those who are economically better off.

c. Building Materials

The quality and availability of building materials is crucial to the housing recovery and rebuilding process. While the policy does delegate responsibility to the Chief District Office and the concerned ministry to ensure that the building materials are available and are of high quality, it does not speak of the pricing of materials. There is no provision to ensure that inflation or rising costs of building materials will be controlled or monitored.

The policy is also silent on the sustainable use of natural resources, specifically wood, in the process of rebuilding. It does not have any controlling mechanism that would check the exploitation of natural resources.

The policy only talks about housing recovery material such as steel and cement but fails to acknowledge that there is going to be significant increase in the demand for materials needed to build toilets or drinking water facilities.

5. Conclusion

The 1994 Building Code which came into existence as a response to the 1988 earthquake failed to address the increased vulnerabilities of communities due to rapid urbanization. The 2015 April earthquake was a wake-up call and a trigger to change the existing building code substantially. Along with the changes in the building code it was clear that the Nepalese government would also need to focus on the enforcement of the building code.

As Author Jennifer Dwyne Barenstein maintains, the success of the ODR approach is dependent upon appropriate enabling mechanisms such as access to affordable building materials, building codes that reflect local building technologies, building skills of local masons, and home owners' capacity to supervise construction and to judge its quality.³³ The author also points out the case of Sri Lanka where there was a general consensus that the ODR approach led to higher levels of satisfaction, however the enabling mechanisms set in place by the government were not sufficient.

³³ Tafter Journal 2012

As a consequence, in less than two years the material and labor costs almost doubled leading to many incomplete houses in Sri Lanka, whereas in the case of *Gujarat*, the government took measures to prevent inflation and to ensure access to good quality building materials. This indicates that Nepal should also take into consideration enabling mechanisms so that the reconstruction work runs smoothly and is completed successfully. Taking into account all these complexities and challenges that Nepal currently faces, the policy on reconstruction of permanently destroyed houses and settlements introduced by the government is a much needed initiative, however the policy fails to focus on enabling mechanisms required to support the beneficiaries in the rebuilding stage after the earthquake.

The policy related to reconstruction and rebuilding has to take into consideration the victim's perspective and also has to realize that the degree of the vulnerabilities faced by the victims varies. Experiences from Gujarat, Sri Lanka and other parts of world show that a disaster tends to put the traditionally disadvantaged section of the population in a more vulnerable position.

There are noticeable disparities in the pace of reconstruction and recovery for people based on their economic and social status. People in disadvantageous positions due to education, gender, disability, etc., are already sidelined from participating in decision-making or having access to benefits and services. Therefore, any the reconstruction policy must prioritize their needs to ensure that the reconstruction and recovery process is fair and equitable.

The current rebuilding policy formulated for the reconstruction of the housing and settlement does not address the needs of the vulnerable sections of the population. The policy does not take into consideration the different demographics that the earthquake victims belong to and fails to take into account the current dynamic of society.

The prolonged delay in the formation of the National Reconstruction Authority and the appointment of the head of the authority because of political wrangling has already put the victims in a precarious situation. It has raised serious concerns over the level of accountability of the government towards its people who are hard hit by the earthquake. The lack of coordination between the Ministry of Urban Development which made the policy and the Ministry of Federal Affairs and Local Development which is responsible for the implementation of the given policy has caused further delays to the rebuilding efforts.

The basic procedural guidelines intended for housing recovery is not sufficient to address the issues of social justice and equity. The identification of beneficiaries is based on legal ownership documents, making it difficult for many to receive assistance. It has not developed a proper guideline to recognize the true victims of earthquake and stop fake victims from making fraudulent claims.

It has a provision about providing a grant amount which is not sufficient for the reconstruction of the houses as the price of the material and labor is ever increasing. It is questionable whether the intended support from the government is actually sufficient to help low-income families rebuild

their homes and their livelihoods. There is an absence of a strong mechanism to maintain accountability and transparency during the reconstruction stage so that public trust can be gained. If accountability and transparency cannot be maintained during the reconstruction process then the real beneficiaries are bound to be excluded and further marginalized.

6. Policy Recommendations

The recommendations below on the housing recovery policy are based on the policy goals which need to be fulfilled by the government and the necessary implementation strategies:

- i. Even though housing reconstruction strategy is owner-driven with technical and financial assistance from the government, the government needs to do more to raise awareness regarding the need and importance of resilient infrastructures and should do more to encourage the participation of the victims in the reconstruction process.
- ii. Widespread irregularities in the identification of the victims of the disaster pose a serious threat to the real victims receiving the assistance they need during reconstruction. This calls for a mechanism that can check and discourage fake claims.
- iii. Local government institutions must be trained to successfully implement the guidelines of the reconstruction policy and to assist the victims in the process. The procedural aspect should be fully transparent and accountable towards the victims.
- iv. Along with engineers and architects, other skilled personnel for carrying out administrative work must be available so that the reconstruction and recovery can run successfully.
- v. Special concessions on the price of building materials and technical professionals must be provided to homeowners who choose not to use the prescribed designs and instead want to design their own homes in order to retain their lifestyle, culture, and heritage. The National Reconstruction Authority must ensure that coordination exists between the ministries and other government institutions during the reconstruction process in order to gain the trust of the public and ensure that the recovery phase is efficient and effective. Heterogeneity of the society must be well studied and people in disadvantageous position must get priority in all aspects of the reconstruction and rebuilding process.

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