

DID THE HUMANITARIAN RESPONSE TO THE NEPAL EARTHQUAKE ENSURE NO ONE WAS LEFT BEHIND?

A case study on the experience of marginalised groups
in humanitarian action



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Save the Children in Nepal

Save the Children is the world's leading independent children's right organisation with members in 30 countries and programs in more than 120 countries. Save the Children fights for children's rights and delivers lasting improvements to children's lives in Nepal and around the world. Save the Children has been working in Nepal since 1976 focusing on programs on child rights governance and protection, education, health and nutrition, livelihood and humanitarian preparedness and response in all 75 districts of the country through four regional offices in Biratnagar, Kathmandu, Butwal, and Nepalgunj.

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Front cover photo: Anjana, six months, with her grandmother Bimala Konda, at a tented settlement in Kamalbinayak, Bhaktapur, Nepal. Save the Children is providing displaced families essential items with infant kits, which include warm clothes, hats and blankets as well as essential hygiene kits.

Photo: Jonathan Hyams/Save the Children

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Children pose with the solar lamp they received from Save the Children.
Photo: David Wardell/
Save the Children

EXECUTIVE SUMMARY

In April and May 2015, two large-scale earthquakes struck Nepal, killing almost 9,000 people, damaging over half a million houses and displacing hundreds of thousands of people from their homes.

Natural hazards are indiscriminate: earthquakes have no regard for social hierarchy, gender, age, disability, religion, ethnicity, or caste. But the impacts of natural hazards – and the humanitarian response to them – can easily discriminate against the very people who are most in need. When a disaster hits, vulnerable and marginalised groups have fewer and more fragile livelihoods options, less access to social and economic resources, less ability to influence the relief effort, and face more barriers accessing assistance – often without the political voice that would enable them to advocate for those barriers to be addressed. Unless these challenges are purposefully addressed as part of the relief effort, humanitarian crises can exacerbate and entrench social disadvantage, with the risk that already marginalised people will be left even further behind. This report uses the response to the Nepal earthquake as a case study through which to examine this risk.

The earthquakes occurred in the context of deeply entrenched social hierarchy, and associated with that hierarchy, deeply entrenched social exclusion – with vulnerable and marginalised groups having suffered a history of discrimination due to caste, gender, ethnicity, religion, age, disability, language and/or geographical remoteness. This context of social exclusion had profound significance for the earthquake response, because the overwhelming majority of the affected population were from vulnerable and marginalised groups: 41 percent of houses damaged in the earthquake belonged to Dalits (lower caste) and indigenous communities, 26 percent to female-headed households and 23 percent to senior citizens.¹ Also significant for the earthquake response was the fact that these vulnerable and marginalised groups were not meaningfully engaged in local governance structures and decision-making bodies, nor proactively engaged in the earthquake response by international responders.

Informed by consultations with affected communities and government and non-government actors, and focusing on the first six months of the earthquake response, this report identifies two components of the response that were particularly significant in exacerbating the challenges faced by vulnerable and marginalised groups in accessing assistance:

- the identification and selection of beneficiaries ('targeting'), and specifically, the lack of a multi-sector needs assessment and agreed vulnerability-based targeting criteria, which together with the significant authority vested in local decision-making bodies, the lack of representation of vulnerable groups on these bodies and a lack of accountability to the affected population, served to undermine the inclusivity of the response; and
- the way in which distributions were conducted, specifically, the lack of information provided to vulnerable groups prior to distributions taking place, and the often prohibitive distance that vulnerable individuals were required to walk to distribution sites, which in many cases made it difficult for them to benefit from the distributions.

In 2015 the Government of Nepal approved a new Constitution committed to 'ending discriminations relating to class, caste, region, language, religion and gender'.² The 2015 Sustainable Development Goals commit world leaders to working together towards a 'just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met', and to ensure 'no one will be left behind'.³ The Report of the UN Secretary General for the World Humanitarian Summit says that 'honouring our commitment to leave no one behind requires reaching everyone in situation of conflict, disasters, vulnerability and risk', and describes the Summit as the 'first test of the international community's commitment to transforming the lives of those most at risk of being left behind'.⁴ The response to the 2015 earthquake, occurring in a context of such deeply entrenched vulnerability and hindered by such enormous geographic challenges, provides a timely case study of just how difficult it can be to honour these commitments, despite the best intentions of those engaged in the relief effort.



Kabita, 22, lives with her extended family and 19-month old baby girl, Sandsya. When the earthquake struck, they were all outside working, except for Sandsya who was sleeping inside the house. Kabita ran inside and grabbed her daughter just as the house tumbled around her. Remarkably, no one was hurt.
Photo: Kyle Degraw/ Save the Children

The lessons learned from the earthquake response come at a time of significant opportunity. At the national level, the reconstruction process has just begun, the international humanitarian community is continuing its roll out of the ERP Package, and new disaster management legislation is in process. At the international level, humanitarian actors are thinking through how best to use the World Humanitarian Summit to improve humanitarian action for vulnerable and marginalised groups.

This report seeks to leverage the lessons learned from the earthquake and make recommendations aimed at ensuring an equitable and inclusive reconstruction process, that preparedness work undertaken in Nepal now enables a more inclusive and equitable disaster response in the future, and that new developments in the international humanitarian system enable more effective and targeted humanitarian action for the world's most vulnerable and marginalised people.

RECOMMENDATIONS TO THE GOVERNMENT OF NEPAL AND ITS INTERNATIONAL PARTNERS

- I. Ensure that throughout the reconstruction phase, targeted efforts are made to enable vulnerable and marginalised groups to meaningfully participate in and benefit from the reconstruction effort. Specifically:
 - I.1 Support the National Reconstruction Authority to develop a process for seeking and acting upon input from women, children and vulnerable groups.
 - I.2 Ensure that housing programs are structured so as not only to benefit property owners and those with the resources and capacity to reconstruct their homes, but all those whose homes were damaged in the earthquake, whether or not they possessed title to those homes and whether or not they are themselves able to engage in reconstruction.
 - I.3 Ensure that the challenges faced by women and marginalised groups in accessing cash assistance, related to the requirement to produce appropriate identity documents, do not prevent them from benefiting from the reconstruction effort.
 - I.4 Support specific initiatives aimed at empowering women and vulnerable groups, including by promoting women's employment in the reconstruction effort, utilising livelihoods programs to prioritise industries providing employment to women and vulnerable groups, and promoting women's property ownership through housing programs.
 - I.5 Heed the lessons from the earthquake response regarding the importance of communication with communities, including through the continuation of initiatives such as the Common Feedback Project that were well received during the response phase.

2. Strengthen the capacity of local bodies to ensure that the particular needs of vulnerable groups are identified and understood, and that these groups are able to participate in and benefit from disaster preparedness and response. Specifically:
 - 2.1 Support initiatives aimed at enhancing the representation and participation of vulnerable groups in local bodies.
 - 2.2 Support district-level authorities to develop gender-sensitive and socially inclusive disaster preparedness plans.
 - 2.3 Provide training for sub-national authorities and community leaders on gender sensitivity and social inclusion in humanitarian action.
 - 2.4 Support and make mandatory the participation of vulnerable and marginalised groups in post-crisis needs assessments and post-distribution monitoring.
3. Through inter-agency emergency preparedness efforts, agree an approach to pre-crisis situation analysis, assessments and targeting to be used in future disaster responses. Contingency plans should spell out the assessment tools and methodologies to be followed in an emergency response, and guarantee that responses will be based on an impartial needs assessment and an understanding of the vulnerabilities of different groups. Contingency planning should also include the collection and collation of disaggregated data to create a baseline situation analysis; and should mandate and provide tools for the collection and reporting of disaggregated data at the earliest possible stage post-crisis.
4. Build on existing efforts to respond to lessons learned from the 2015 earthquake regarding community engagement. Inter-agency contingency plans should stipulate the community engagement initiatives that will be used in the event of a disaster, possibly including a mechanism for agencies to report back on community consultation efforts and on how programs have been designed and/or adapted in response to community feedback.
5. Seize the opportunity of the drafting of the new disaster management legislation to develop an exemplary Disaster Management Act that would see Nepal setting a new international standard for gender sensitive and socially inclusive disaster management legislation.
6. Through the clusters: develop a strategy for better assessing and capitalising on the expertise and capacity of civil society organisations representing vulnerable and marginalised groups in disaster preparedness and response.

RECOMMENDATIONS TO HUMANITARIAN AID ORGANISATIONS AND DONOR GOVERNMENTS

7. Seize the opportunity of the World Humanitarian Summit to make commitments towards more inclusive humanitarian action targeting the most vulnerable and marginalised groups, including children. In particular:
 - 7.1 Recommit to ensuring that every humanitarian response is based on an assessment and analysis of the needs and vulnerabilities of different groups, and is targeted to meet the needs and strengthen the capacities of the most vulnerable.
 - 7.2 Commit to concrete initiatives aimed at more effectively involving affected communities, including vulnerable and marginalised groups, in humanitarian action.
 - 7.3 Commit to institutionalising the inclusion of national and local organisations in international humanitarian coordination structures.



People whose houses were damaged or destroyed in the 25 April 2015 earthquake take shelter in tents in Bhaktapur, Nepal.
Photo: Tom Van Cakenberghe/
Save the Children

I INTRODUCTION

In April and May 2015, two large-scale earthquakes struck Nepal, killing almost 9,000 people, damaging over half a million houses and displacing hundreds of thousands of people from their homes. The Government promptly assumed leadership of both the search and rescue operation and the relief effort – recognising the scale of the need, activating the National Emergency Operations Centre and appealing for international assistance. The national response was supported by a fast and largely effective response by the international humanitarian community and neighbouring countries.

Despite a strong start, however, feedback from communities over the following months indicated a high degree of dissatisfaction. A community perceptions survey in July 2015 found that 74 percent of people thought their main problems were not being addressed, 65 percent were dissatisfied with what the government was doing, and 59 percent were dissatisfied with what NGOs were doing. Sixty-six percent of people said they didn't have the information they needed to get relief, and 61 percent thought that aid was not being provided fairly.⁵ These findings echo those of a Children's Consultation conducted by Save the Children and other child-focused agencies in May–June 2015. Over half of all children consulted thought that relief had been distributed unfairly, and many said that they or others from more marginalised or remote communities had difficulty in accessing relief and in some cases hadn't received any assistance at all.⁶

Partly underlying these sobering findings is the fact that the earthquake occurred in the context of a deeply entrenched social hierarchy, and associated with that hierarchy, deeply entrenched vulnerabilities – with different groups suffering various and often multiple vulnerabilities related to caste, gender, ethnicity, religion, age, disability, language or geographical remoteness. Globally, vulnerable groups are disproportionately affected by disasters. They have fewer and more fragile livelihood options, less access to social and economic resources, less ability to influence the relief effort, are more exposed to protection risks and face more barriers accessing assistance – often without the political voice that would enable them to advocate for those barriers to be addressed. Unless during the response to disaster these groups are specifically targeted based on an understanding of the context of social exclusion, there is a real risk that vulnerabilities will be exacerbated and social disadvantage further entrenched, resulting in these groups being left even further behind.

This report uses the response to the Nepal earthquake as a case study through which to examine this risk. It describes the lack of meaningful representation of vulnerable groups in local governance structures and decision-making bodies, and the implications of this for the impartiality and inclusivity of the response. It then identifies two components of the early part (first six months) of the response which were particularly significant in exacerbating the challenges faced by vulnerable groups in accessing assistance: the selection of beneficiaries ('targeting'); and the conduct of distributions. It concludes with recommendations aimed at ensuring that in the reconstruction effort as well as in future humanitarian action in Nepal, specific efforts are made to ensure that assistance reaches those who need it most.

Save the Children strives to ensure that in humanitarian preparedness and response around the world, vulnerable and marginalised groups, and in particular the most marginalised children, are not left behind. While this report focuses on the Nepal earthquake, it is hoped that the analysis and recommendations will be useful to humanitarian actors anywhere working to make humanitarian action more targeted to the particular needs of vulnerable groups, including children, and to ensure that it addresses rather than exacerbates pre-existing patterns of gender inequality and social exclusion. To this end, and ahead of the World Humanitarian Summit, the report also includes recommendations aimed at ensuring that lessons from Nepal inspire global commitments towards more effective, targeted humanitarian action for the world's most vulnerable people.

Methodology

Research for this report was conducted over a two week period in November 2015, covering the districts of Ramechhap, Gorkha, Dolakha, Rasuwa and Bhaktapur. Sixteen focus group discussions were conducted with affected communities, with participants selected so as to ensure representation of advantaged and disadvantaged groups, different caste/ethnic groups, men and women, Save the Children operational areas and non-operational areas, and communities from remote areas as well as those close to district headquarters. The breakdown of focus group discussion participants by caste/ethnic group is shown in the table below.

FOCUS GROUP DISCUSSION PARTICIPANTS SHOWN BY CASTE/ETHNIC GROUP

BROAD ETHNIC/ CASTE CATEGORY	CASTE/ETHNIC GROUP	NUMBER OF PARTICIPANTS
Upper caste	Khatri-Chhetri	1
	Bogati	1
	Brahmin	2
	Kshetri	2
Janajati	Kapali (disadvantaged Newar)	7
	Kayasta	5
	Shrestha	4
	Sahi	1
	Khadke (disadvantaged Newar)	1
	Thapa Magar	4
	Bhadel	2
	Magar	2
	Jirel	15
	Thami	20
	Baram	12
	Gurung	1
	Hayu	19
	Majhi	18
Dalit	Sunar	1
	Mijar	2
	Mangrati	3
	Bayalkoti	1
	Sarki	19
	Khati	2
TOTAL		145

Focus group discussions were supplemented by 50 key informant interviews with village/community representatives, national and sub-national government authorities, UN and NGO staff at national and district level, and representatives of civil society organisations. Altogether over 200 people were consulted during the course of the research.

2 THE RESPONSE CONTEXT: VULNERABILITY AND SOCIAL EXCLUSION

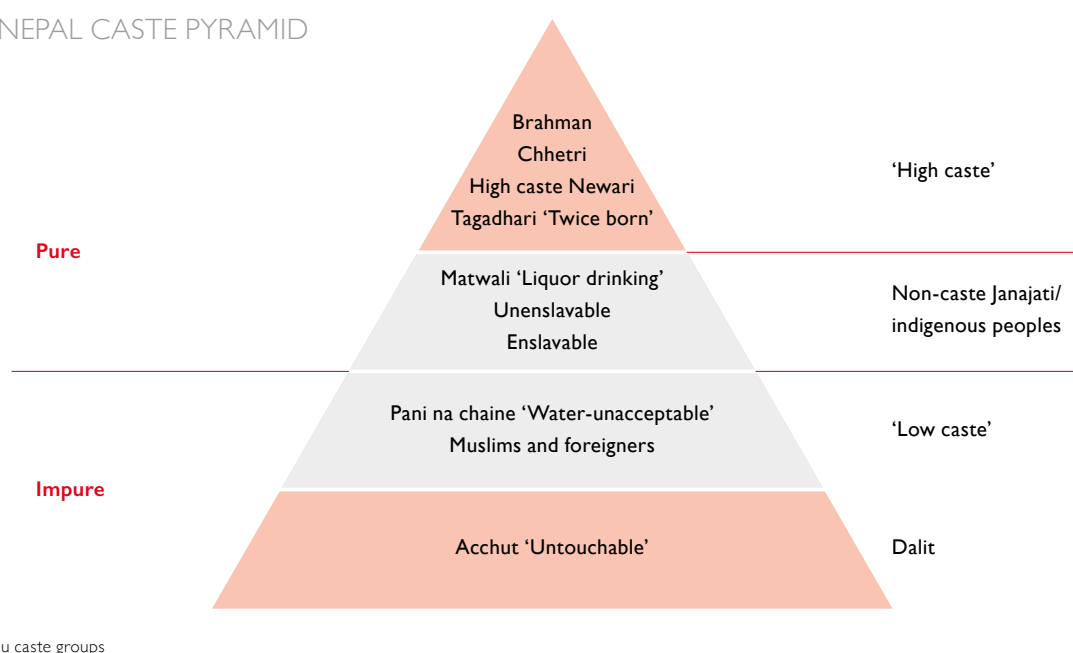
2.1 VULNERABILITY AND SOCIAL EXCLUSION IN NEPAL

In Nepal's social hierarchy, an individuals' access to resources, opportunities and social services, as well as political voice, is overwhelmingly dependent on caste and ethnic affiliation. The social exclusion that results is compounded by the subordinate position of women and girls, and additional vulnerabilities faced by particular groups due to age and disability.

The Hindu-based caste system has determined social hierarchy in Nepal for hundreds of years, and was enshrined in legislation in the nineteenth century.⁷ It is founded on a traditional distinction between 'pure' castes at the top of the hierarchy, including the Brahmins and the Chhetri, and 'impure' castes at the bottom. Those at the bottom were the 'untouchables', now known as Dalit. Between these two caste groups are a number of other groups that are not traditionally part of the Hindu caste system but nonetheless form part of Nepal's social hierarchy: the Adivasi/Janajati groups, including the Newar; and Muslims, migrants and a number of other cultural groups of relatively low socio-economic status. Within each of these groups are multiple subgroups: the 2011 Census identified a total of 125 ethnic/caste groups.⁸

Nepal's caste system was abolished in 1963, and the 2015 Constitution guarantees all citizens equality before the law.⁹ But lower castes and marginalised ethnic groups continue to lag far behind others on almost all social and economic indicators. The 2011 Census found that hill Brahmins, for example, had a literacy rate of 82 percent, compared to 43 percent for Raute (a hill Janajati group).¹⁰ Some 86 percent of Thakuri (an upper-caste group)

THE NEPAL CASTE PYRAMID



Note: The areas showing the different groups do not represent population size.

Source: UK Department of International Development and the World Bank, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal, Summary*, 2006.



Save the Children distributes shelter kits at Shikharpur village, Sindhupalchowk district, Nepal, where 80% of homes were totally destroyed.
Photo: Jonathan Hyams/Save the Children

children and youth aged 5–25 attended school in 2011, compared to just 60 percent of Badi Dalits.¹¹ Over 90 percent of Brahmin and Chhetri households owned a house, compared to just a third of hill Dalits.¹² Ninety-nine percent of hill Brahmins had access to basic services, compared to 70 percent of the Raute group.¹³

Across most caste/ethnic groups, women and girls are disadvantaged by patriarchal family and community structures. Women have low levels of participation in decision-making within both their families and communities, have less control over resources, are poorly educated and less literate, and often have restrictions placed on their physical movement.¹⁴ As of 2011, 58 percent of women were literate compared to 76 percent of men, and 68 percent of girls were in school compared to 80 percent of boys.¹⁵ For every 100 men with higher education degrees, there were just 45 women.¹⁶ Just 20 percent of women owned land, and most of these said they didn't have the authority to make decisions about selling their land.¹⁷ Less than one in four married women had jobs that paid them in cash,¹⁸ and just one in 100 had a government job.¹⁹

DIMENSIONS OF EXCLUSION IN NEPAL

SOCIAL CATEGORY STATUS	GENDER	CASTE	ETHNICITY/ RACE	LANGUAGE	RELIGION	GEO-POLITICAL
Dominant	Men/boys	Tagadhari: Brahman, Chhetri	Caucasoid	Nepali	Hindu	Parbatiya (hill dweller)
Subordinate	Women/girls	Dalit	Janajati/ Mongoloid	Other	Non-Hindu	Madhesi (plains dweller)

Source: UK Department of International Development and the World Bank, *Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal, Summary*, 2006.

“Where we lacked was that while everyone knew that vulnerable groups had specific constraints, sensitivity to those constraints and their specific requirements was missing in decision-making about how to make relief accessible for these groups.”

Former member, National Planning Commission, Government of Nepal.

This context of vulnerability and social exclusion had profound significance for the earthquake response, because the overwhelming majority of the affected population were from vulnerable and marginalised groups. The Post-Disaster Needs Assessment (PDNA) found that 41 percent of damaged houses belonged to Dalits and indigenous communities, 26 percent to female-headed households and 23 percent to senior citizens.²⁰ All of these groups could be expected to face barriers, and require targeted support, accessing assistance. While there were certainly some commendable efforts made by both government and non-government actors to target these groups, the challenges they faced, discussed below, suggest that for the most part these barriers were not adequately addressed in the humanitarian response. As described by one former member of the National Planning Commission, “where we lacked was that while everyone knew that vulnerable groups had specific constraints, sensitivity to those constraints and their specific requirements was missing in decision-making about how to make relief accessible for these groups.”²¹

2.2 NATIONAL COMMITMENTS TOWARDS GENDER EQUALITY AND SOCIAL INCLUSION

Recognising the context of vulnerability and exclusion, recent years have seen a spate of national-level laws, policies and commitments towards gender equality and social inclusion. The concept of social inclusion was integral to the 2006 Comprehensive Peace Agreement, which ended Nepal's decade-long political conflict and committed the parties to 'restructur[ing] the state on the basis of inclusiveness, democracy and progression.'²² The 2015 Constitution commits to 'ending discriminations relating to class, caste, region, language, religion and gender',²³ mandates the representation of women, Dalits and minority groups in the federal parliament and local governance structures,²⁴ and provides for positive discrimination in favour of women, Dalits and the poor in the areas of education, health, housing, employment and social security.²⁵ These protections are supplemented by the *Protection and Welfare of the Disabled Persons Act 2039* (1982), which provides for special protections and assistance for disabled persons, and the *Children's Act* (1992), which establishes dedicated institutional structures to promote the rights and interests of children.²⁶ The Ministry of Federal Affairs and Local Development's (MoFALD) *Gender Equality and Social Inclusion Policy* aims to 'reduce gender and social discrimination by mobilising the community organisations for community awareness and empowerment', and to 'institutionalise inclusive development process in local government through the capacity enhancement of excluded communities/groups.'²⁷

The rhetorical commitment to gender equality is matched by recent appointments of women to senior government posts. October 2015 saw the election of Nepal's first female president and the election of a woman as Speaker of the House of Representatives, and it is expected that in April 2016 Nepal will appoint a female Chief Justice.

In short, the challenges related to gender equality and social inclusion in the earthquake response did not stem from a lack of laws, policies or commitments at the national level. Rather, the challenge for the Government of Nepal and its international partners is translating these national-level policies and commitments into meaningful participation of vulnerable and marginalised groups in decision-making bodies at the national level and below, and ensuring that targeted efforts are made at the ground level to address their particular vulnerabilities and needs.

3 PARTICIPATION OF VULNERABLE GROUPS IN THE EARTHQUAKE RESPONSE

Underlying the challenge of ensuring an equitable and inclusive response to the earthquake was the composition of, and prominent role played by, local governance structures and disaster relief committees ('local bodies'). These bodies were mandated by the *National Calamity Relief Act* (1982), the *Local Self Governance Act* (1999) and the *National Disaster Response Framework* (2013) to make decisions about the distribution of aid at the sub-national level.²⁸ Vulnerable and marginalised groups were poorly represented in these bodies, and thus from the outset, at significant risk of being either directly or indirectly discriminated against in the allocation and distribution of aid. Had the relief effort been targeted based on the assessed needs and vulnerabilities of different groups, and representatives of vulnerable and marginalised groups proactively brought into the response, this risk could have been avoided. But these groups were not adequately engaged, either by national or international responders, resulting in a situation in which there was a high likelihood of them not being able to access relief on the same footing as more advantaged groups.

3.1 THE ROLE AND COMPOSITION OF LOCAL BODIES IN THE EARTHQUAKE RESPONSE

At the national level, responsibility for disaster management sits with the Ministry of Home Affairs (MoHA), and within the Ministry, the Central Natural Disaster Relief Committee (CNDRC). The CNDRC is replicated at the regional and district levels by the Regional and District Disaster Relief Committees (RDRCs and DDRCs),²⁹ and in the aftermath of the earthquake these Committees assumed responsibility for coordinating and overseeing the distribution of relief. This assumption of responsibility – at the district level in particular – was reinforced by a direction from the MoHA in early May that all humanitarian responders should follow the 'one door policy', reporting first to the district authorities, and taking direction from them regarding where to work and whom to assist.³⁰ In practice, for the DDRCs this meant assigning NGOs, UN agencies and other actors to village development areas and directing them to work with the relevant local authorities; and in some cases also apportioning relief between village development areas. As such, local bodies at district and sub-district level played a pivotal role in the coordination of the earthquake response.

The specific institutional arrangements for disaster management operate in conjunction with Nepal's local governance structures. In 1999, Nepal's *Local Self Governance Act* established three levels of local government: district, village/municipal, and ward. District Councils, Village Councils and Municipal Councils were established as the governing bodies at their respective levels, and District Development Committees (DDCs), Village Development Committees (VDCs) and Municipalities were established as the executive arms of those Councils.³¹ Wards were established as the lowest level of government, to be governed by Ward Committees.³²

The *Local Self Governance Act* prescribes the membership of all of these bodies. Councils are made up of members of their executive committee (the DDC, VDC or Municipality), certain members of the executive committees at the next level down, parliamentarians in the case of the District Council, and in the case of all Councils, 'six persons including one woman ... from amongst those social workers, socially and economically backward tribes and ethnic communities, down-trodden and indigenous people' who are not otherwise represented in the Council.³³ The executive committees were to be comprised of elected representatives, parliamentarians in the case of the DDC, and at least one woman.³⁴ Ward Committees were also to be elected, and were also to include at least one woman.³⁵

Women carrying shelter kits distributed by Save the Children in Shikharpur village, Sindhupalchowk district, where 80% of homes were totally destroyed.
Photo: Jonathan Hyams/ Save the Children



Three years after the enactment of the Local Self Governance Act, the terms of office of the then-locally elected bodies expired. It was the height of the Maoist insurgency, and the Government suspended elections and authorised its civil servants to assume all functions of the local bodies. No local elections have been held since, and the DDCs and VDCs have been run by centrally appointed civil servants assigned by MoFALD.

In practice, the structures on the ground vary considerably at village and ward level, with varying degrees of resemblance to what was envisaged by the Local Self Governance Act. What is standard across all village areas is the leadership function of the VDC Secretary – although in some cases VDC Secretaries cover more than one, and sometimes up to four or five, village development areas.³⁶ In some cases the VDC Secretary presides over a functioning VDC; in other cases, this committee exists on paper, while in practice the VDC Secretary may simply pull together a smaller group of people to support him when required. In some cases following the earthquake, VDC Secretaries formed Village Disaster Relief Committees to take relevant decisions regarding the management of relief. In other cases, usually in the absence of a functioning VDC, ‘distribution committees’ were formed at village level to manage the distribution of aid.

At ward level, there is always a ward representative, and in most cases a Ward Citizen Forum (WCF) – established over the past six years by MoFALD’s multi-donor funded Local Governance Community Development Program.³⁷ Whether this forum exists as an active, functioning group varies across wards. In some wards, particularly where the WCF was not functioning at the time of the earthquake, ad hoc committees were established to coordinate the distribution of relief.

Another thing common across most of these structures is the prominent role played by local political party representatives. These representatives are not locally elected, but centrally appointed by their parties. Their membership in District Councils is prescribed by the *Local Self Governance Act*, but in practice they play a prominent role in local bodies at all levels. Their role in decisions about the allocation and distribution of aid was a frequently-cited cause of dissatisfaction in discussions undertaken for this research. One VDC Secretary in Rasuwa, commenting on the role played by politicians in the selection of beneficiaries, said: “it can’t be 100 percent fair ... if political party’s people are excluded from the list, they can create conflict”.³⁸ A community member in Ramechhap explained similarly that “political leaders made the decision most of the time,”³⁹ while a WCF representative in Bhaktapur said “there is a tendency to make political power influence the distribution process, and this trend needs to be avoided to make fair and equal distribution.”⁴⁰ In the Children’s Consultation referred to above, over half of all children said that those with political connections were able to access relief more quickly and easily than those without.⁴¹

‘Over half of all children said that those with political connections were able to access relief more quickly and easily than those without.’

Plan International, UNICEF, Save the Children and World Vision,
Nepal Earthquake Children’s Recovery Consultation, 2015.

Finally, another thing common across these structures is that they are predominantly male and upper-caste. As noted above, the Local Self Governance Act requires that the Village, Municipal and District Councils include representatives from ‘socially and economically backward tribes and ethnic communities, down-trodden and indigenous people’, and MoFALD’s Local Self Governance Program mandates the representation of women, children and vulnerable groups in WCFs and VDCs.⁴² These requirements are well-known and often referred to by local representatives; but in practice, women and vulnerable groups are poorly represented at all levels, and where they are represented, usually hold little power. As described by a representative of the Feminist Dalit Organisation, ‘inclusion is in the policy and the talk but not in the reality.’⁴³

Representation of vulnerable groups in decision-making processes in humanitarian response is fundamental to ensuring that decisions are informed by an understanding of the particular needs of these groups, and the barriers they face accessing assistance. In Nepal, the exclusion of these groups from local decision-making bodies – together with the fact that these bodies were not elected through formal democratic processes and were thus relatively unaccountable to the affected population, yet were vested with almost complete responsibility for the allocation and distribution of relief – had significant implications for the impartiality and inclusivity of the earthquake response.

3.2 ENGAGEMENT WITH NATIONAL NGOS AND CIVIL SOCIETY ORGANISATIONS REPRESENTING VULNERABLE GROUPS

The lack of representation of vulnerable groups in local governance and decision-making bodies was compounded by the international humanitarian community’s lack of proactive engagement with national and local organisations representing vulnerable groups. Throughout the earthquake affected areas, vulnerable groups were represented by an array of civil society organisations (CSOs) who understood their needs and how to advocate for them. For example, the Dalit NGO Federation has a presence in 62 districts and 80 years of experience representing Dalit needs; the Feminist Dalit Organisation similarly has local networks throughout the affected areas; and the National Federation of the Disabled has 100 district-level focal points across 17 districts. These organisations were a potentially valuable resource, but they were not effectively brought into the response. They were poorly represented in the humanitarian clusters at both national and district level – affirming a common theme in humanitarian evaluations regarding the poor participation of CSOs and national NGOs in the humanitarian cluster system.⁴⁴ It was a missed opportunity that contributed to vulnerable groups being largely invisible in the humanitarian response.

3.3 INTERNATIONAL STANDARDS REGARDING THE REPRESENTATION OF VULNERABLE GROUPS

The importance of including vulnerable groups in participatory processes is well established in humanitarian standards. The Sphere Standards state that ‘special efforts should be made to include people who are not well represented, are marginalised or otherwise ‘invisible’;⁴⁵ the Protection Minimum Standards require representatives of diverse groups to be included in participatory processes;⁴⁶ and the Core Humanitarian Standard (CHS) requires representation to be inclusive, involving the participation and engagement of communities and people affected by crisis.’⁴⁷ At a minimum, these standards surely oblige humanitarian agencies to promote the representation and engagement of national and local organisations representing vulnerable groups in humanitarian coordination structures, including the cluster system. Moreover, while these standards are directed at humanitarian agencies rather than local bodies, where humanitarian agencies work through local bodies for the delivery of humanitarian aid – as is often appropriate, and as they do in Nepal – those agencies should nevertheless hold themselves accountable to the same humanitarian standards. Where vulnerable groups are not meaningfully represented on local bodies responsible for decisions about the allocation and distribution of relief, this may mean a requirement to proactively engage with these local bodies – through capacity building or other support – to encourage and facilitate the participation of vulnerable groups.

4 SOCIAL EXCLUSION IN KEY COMPONENTS OF THE EARTHQUAKE RESPONSE

The preceding sections describe key contextual factors which together resulted in a high likelihood of vulnerable and marginalised groups being directly or indirectly discriminated against in the earthquake response: pre-existing vulnerabilities and a history of social exclusion; and a lack of participation of these in local bodies as well as in the relief effort itself. The following section – based on discussions with affected communities – describes two particular components of the earthquake response which exacerbated the difficulties faced by vulnerable and marginalised groups in accessing assistance: assessments and the selection of beneficiaries ('targeting'); and the actual conduct of distributions. Many other issues relevant to social inclusion were raised during discussions that are not covered here: the extent to which relief items catered to the needs of infants and young children as well as pregnant and lactating women; the extent to which facilities in temporary settlements were accessible to those with disabilities and safe for women and girls; and protection risks faced by vulnerable groups, to name just a few. This section focuses on the selected two issues because of the consistency with which they were raised by affected communities, and because they appear to have underlain much of the dissatisfaction expressed by vulnerable groups in the early part of the response.

4.1 ASSESSMENTS AND THE SELECTION OF BENEFICIARIES ('TARGETING')

Shortly following the earthquake there was a decision by the Humanitarian Country Team (HCT), following discussion with the Government, that needs assessments should not be conducted as standalone exercises, but rather that agencies should collect information while simultaneously engaging in response. As such there was not, and still has not been, a coordinated multi-sector needs assessment. It was felt that the extent of devastation and the scale of needs were such that everyone needed assistance, and that assessments should be conducted where necessary to supplement already available information, but that otherwise distributions should proceed without delay.⁴⁸ This direction by the HCT coincided with a general push from district authorities that agencies engaged in distributions should follow a 'blanket approach'. As explained by one Chief District Officer, "the government has to respond quickly during every disaster so we did quick response and at this time it is difficult to be GESI [gender equality and social inclusion] specific. Usually support is done ... with an understanding that everyone is affected. They may be upper caste or lower caste, poor or rich and usually people [call it] a blanket approach. For government everyone is victim."⁴⁹

"The government has to respond quickly during every disaster so we did quick response and at this time it is difficult to be GESI [gender equality and social inclusion] specific. Usually support is done ... with an understanding that everyone is affected. They may be upper caste or lower caste, poor or rich and usually people [call it] a blanket approach. For government everyone is victim."

Chief District Officer in one of Nepal's earthquake affected districts.

Assistance provided during the relief phase can be considered in two categories: a contribution of NPR 15,000 (around USD 150) provided by the central government to all households whose houses had been damaged by the earthquake; and distributions of food, non-food items and various cash grants provided by both government and non-government actors. The following discussion describes challenges faced by vulnerable and marginalised groups in accessing both types of assistance, and in doing so highlights the way in which the blanket approach – unless replaced with vulnerability-based targeting criteria as soon as feasible – can exacerbate existing vulnerabilities and entrench social disadvantage.

The selection of beneficiaries for cash distributions

On 5 May the Government of Nepal announced that it would give NPR 15,000 to every family whose house had been damaged in the earthquake.⁵⁰ Technical assessment teams were dispatched by the district administration offices to assess damage, and based on that assessment, the heads of households were assessed as either eligible or ineligible for an 'earthquake victim family identity card' – otherwise known as a 'red card'. This would be issued to them upon presentation of relevant identification, which they could then present at distribution points established by the village authorities to collect the cash.

For vulnerable households, there were numerous issues with this system. First, the assessment teams did not always go house to house, but in some cases collected information from ward representatives.⁵¹ As described by one man in Rasuwa district, "when people came to do assessments, they didn't go to the remote scattered areas, they just go to the central location to ask questions. And then everything depends on the information they're given at the central location."⁵² In other cases, teams did not consider it feasible to visit each affected ward, and so collected information from the representatives of neighbouring wards.⁵³ Needless to say, the likelihood of already marginalised and less visible households being missed through this process is high.

The second and more significant problem was that the cash was payable to the owner of the damaged house. This excluded a significant number of people living in a diverse range of situations. To cite just a few examples:

- female-headed households living in a house registered in the name of an absent male. Given that 26 percent of households in the affected areas were female-headed, yet nationally, less than 20 percent of households have a house and/or land registered in the name of a female,⁵⁴ it can be assumed that there were many households in this category;
- households living in rental accommodation damaged by the earthquake;
- multiple families living under a single roof because they could not afford to live alone, in which case only the owner of the house would be eligible for assistance;
- and multiple wives and families of one man, whether living under the same roof or in separate houses, in which case only one head of household (the man) would be eligible.

Almost invariably, it was households with pre-existing vulnerabilities who were most likely to be excluded: Tamang women and children, who are more likely to be living in extra-marital or polygamous situations; poor households who are more likely to be sharing a house with others; Dalits who migrate more frequently and are less likely than higher castes to own land;⁵⁵ and all female-headed households. There is no consolidated data on the number of households that missed out, but discussions with communities suggest that the numbers are not insignificant: a WCF representative in Bhaktapur said that 162 houses were eligible for compensation and that "not even half of them have received any such aid or compensation";⁵⁶ and a ward representative in Gorkha said that 15 households had been excluded out of a total of 335 eligible households.⁵⁷

The third problem for vulnerable households was the requirement that even if they made it onto the list, in order to receive the 'red card' they had to produce either a citizenship certificate from the village in which they were claiming assistance, or a citizenship certificate from another area together with a migration certificate. Obtaining citizenship in Nepal can be a difficult process. Children are not eligible for citizenship certificates until they turn 16,⁵⁸ by which time many girls (and the majority, in some lower caste groups⁵⁹) are married. Once married, while legally there is no restriction on a woman applying for a citizenship certificate based on the citizenship of her parents,⁶⁰ in practice a woman applying for citizenship is required to submit marriage papers plus the citizenship documents of her spouse.⁶¹ This will be extremely difficult for a woman with a husband who is either absent or refuses to cooperate in her application. Similarly, it will be almost impossible for a woman who was married as

People queue for water at Thundhikdhel in Kathmandu. This area is usually used as a parade and festival ground, but was used by local people for refuge after the earthquakes. Many people stayed here in tents for months as their houses were damaged or destroyed, or because they were too afraid to return to them because of aftershocks. Photo: Tom Van Cakenberghe/ Save the Children



child, because she will be unable to produce a legal marriage certificate. In 2014, an estimated 20 percent of Nepalese people aged 16 and above lacked citizenship certificates.⁶² As for those who prior to the earthquake had migrated between districts, obtaining a certificate of migration is not generally possible unless they can show they own property in their new district.

If someone's name was on the list but they lacked the necessary documentation, they could apply to the VDC secretary for a letter confirming their residency in the district. As many VDC Secretaries were based in the district headquarters with very little knowledge of their village development areas, this was not an easy process. The VDC Secretary for Haku, for example, said that he had issued only 10 such letters, and mostly for cases in which eligibility was clear but documentation was lacking – for example families who had migrated from another district, already had a citizenship card and owned property in the new district, but had failed to obtain a migration certificate. In many other cases, as explained by one district Women and Child Development Officer, there was “no solution, they just don't come into the criteria”.⁶³

A final problem with the blanket cash distribution was that not only was the cash meant to be accessible to everyone, it was also the same for everyone, regardless of actual need. In any disaster, families with pre-existing vulnerabilities generally require more support to meet immediate needs than those without such vulnerabilities. For example, for households headed by persons with disabilities, or single women with children, the NPR 15,000 cash assistance covered the cost of basic shelter materials, but not the additional cost of hiring porters to transport the materials, and labourers to rebuild. Some wealthier families, on the other hand, had no immediate need for the cash, and used it to pay off debt.⁶⁴ A social inclusion assessment conducted by Save the Children in July 2015 found that ‘a huge number of single women are in need of shelter rather than other support because they don't have the human resource to build their own shelter.’⁶⁵ One woman in VDC, Ramechhap, said “the NPR 15,000 ... were taken by all, including the one who didn't have any necessity of it. My house is half destroyed and I don't know how to demolish.”⁶⁶

The selection of beneficiaries for food, non-food-items and other assistance

The general preference for a blanket approach applied also to distributions carried out by non-government actors, who as stated above, were instructed to follow the ‘one door policy’ – taking direction from the district authorities regarding where to work and whom to assist.⁶⁷ The blanket approach was based on an assumption that there was enough to cover everyone, but the challenge for non-government actors and the local bodies with whom they worked was that in fact there was not enough to go around, and decisions had to be made about who was the most desperately in need. A VDC Secretary in Gorkha explained that “no organisation had enough for everyone, so we had to make decisions about who to give relief to”.⁶⁸ A VDC Secretary in Ramechhap said, similarly, that “aid was not enough so we had to struggle to manage that limited aid properly”.⁶⁹ A VDC Secretary in Rasuwa said: “there weren't enough resources to reach everyone, so [the ward committees] had to develop a targeted approach. They decided who was vulnerable, who needed assistance, and based on that came up with a beneficiary list. There wasn't a formal criteria.”⁷⁰

And while village and ward committee representatives said they developed targeting processes, many community members felt that people missed out simply by arriving at the distribution site too late. One community health volunteer in Bhaktapur said “people gather in a queue but those relief materials are not sufficient for half of the people ... they wait all day without any food and when they don't receive anything, they go back with huge disappointment.”⁷¹ One woman in Ramechhap said she “went and came back with nothing three times”.⁷² One girl consulted during the Children's Consultation said “we have to travel a long way to get relief and by the time we get there there's usually nothing left.”⁷³

In short, while at national and district level it was felt that relief should be distributed to everyone, in fact targeting policies were developed by local bodies, following ad hoc, often politicised processes and largely unfettered by national or district level oversight. The following examples provide an illustration of some of the ways this played out in different districts – sometimes resulting in a reasonable degree of attention to vulnerable groups, but in many cases clearly preferencing those who could make their voices heard.

- In one village development area in Rasuwa district, initial distributions were carried out based on estimates collected from ward representatives and provided to the VDC Secretary regarding the number of affected households in their wards. Some 700 households were identified. The survey team subsequently dispatched by the government found 750 eligible households. Asked about the 50 households who missed out initially but were later assessed as eligible, the VDC secretary responded that perhaps the ward representatives just got it wrong, or perhaps there were households that weren't counted because the male head of household was absent.⁷⁴
- In another village development area in Rasuwa, meetings were held in each ward, comprising local politicians, members of the WCF, women's/mothers' groups, and 'other active citizens'. These committees “decided who needed assistance, and based on that came up with a beneficiary list.”⁷⁵ Each group then held a meeting with the VDC Secretary, who approved the lists and authorised the distributions. Regarding the process for verifying the inclusion of vulnerable households, the VDC Secretary said “they [the political representatives] just decided; it wasn't possible to verify.”⁷⁶
- In Gorkha district, relief items were allocated by the DDRCs to VDCs, and then in turn to each ward, based on population.⁷⁷ It was then up to the ward representatives to allocate the relief within their wards.⁷⁸ When asked about oversight of the process, one VDC Secretary responded: “we have to trust them [the ward representatives].”⁷⁹
- In Aarupokhari village development area, Gorkha, one of the ward representatives said that following the earthquake he visited every household and assessed who was the most vulnerable, paying special attention to Dalits, female-headed households, and the poor. He then developed a list for discussion with the ward committee, and together they agreed the list – mindful that there was not enough to cover everyone.⁸⁰ Others also attested to the fact that vulnerable groups were prioritised.⁸¹ Local politicians were “very active”, but “didn't play a negative role”.⁸²
- A different process was followed in Gorkha for the distribution of cash grants (additional to the NPR 15,000 described above). As various NGOs had proposed cash grants, the DDRC directed that all NGOs wishing to do so should provide a standard amount of NPR 7,500, and that this should be provided to individuals who as a result of the earthquake had lost a family member or been injured and were unable to ‘work and/or support self-recovery,’ as well as households in hard-to-reach areas and households already assessed as eligible for the Government's social protection program.⁸³ While not all NGOs supported the approach (in some cases because it did not match their own targeting criteria), it does seem to have resulted in a greater degree of attention to vulnerable groups than was seen in some other areas.

“People gather in a queue but those relief materials are not sufficient for half of the people ... they wait all day without any food and when they don't receive anything, they go back with huge disappointment.”

source: [community health volunteer in Bhaktapur]

“We have to travel a long way to get relief and by the time we get there there’s usually nothing left.”

Girl aged 8–12, Dolakha, cited in Plan International, UNICEF, Save the Children and World Vision, *Nepal Earthquake Children’s Recovery Consultation*, 2015.

The preceding discussion describes the processes used by local bodies in making decisions about the distribution of aid. The way in which NGOs engaged in this process varied between organisations. Many NGOs have their own targeting guidelines, some were to some extent able to conduct their own assessments (albeit within limitations set by local authorities), and not all were willing to fully relinquish decision-making regarding the selection of beneficiaries. Save the Children, Plan International and CARE, for example, although in most districts initially conducting blanket distributions based on lists provided by VDC Secretaries, were in some areas able to subsequently negotiate using their own vulnerability criteria.⁸⁴ But these negotiations appear to have been the exception rather than the rule. It did not apply in the immediate relief phase; and it required a significant investment of resources that would not have been available to many smaller agencies (it took Save the Children in Nuwakot a week of negotiations with various stakeholders in each village development area to get approval to use its own vulnerability criteria).⁸⁵ It is worth noting also that in the community consultations undertaken for this research, comments focused almost exclusively on processes followed by local bodies, with almost no mention of a different process being followed by NGOs.

One notable exception to the district-by-district interpretation and application of the ‘blanket approach’ was UNICEF’s emergency top-up cash transfer program. The program was introduced in July 2015 in 19 districts, and provided a single cash transfer of NPR 3,000 (around USD 30) for the elderly, widows and single women, Dalit children, people with disabilities and marginalised ethnic groups. As for Gorkha, the program was designed with reference to the government’s social protection program – in this case using existing social protection payments as a base for the emergency top-up, and utilising the Government’s existing delivery mechanisms.⁸⁶ The program assisted more than 400,000 vulnerable individuals. For these individuals, the transfers were no doubt a much-needed supplement to the NPR 15,000 provided by the Government – and due to the myriad difficulties faced by vulnerable groups in accessing the NPR 15,000, for some it may well have been the only cash received as part of the relief effort.



Samra, together with her child Tuijan, 4 months old, in Bhaktapur, Nepal, had to live in a tent after the 25 April 2015 earthquake. Photo: Tom Van Cakenberghe/ Save the Children

“The stronger, more powerful people got assistance, those who could push and got ahead in the queue. We were shy, we couldn’t push, and when our turn came, they said there’s no more left, today it’s over, come tomorrow.”

Tamang woman, Rasuwa district

Implications of the blanket approach for vulnerable and marginalised groups

Blanket approaches are commonly – and appropriately – used in the immediate aftermath of rapid-onset emergencies, where the need for speed is paramount and where tensions are often so high that security concerns make it inadvisable to assist only the most vulnerable groups. What is less common is for this approach not to later be replaced by a targeted approach based on assessed needs and vulnerabilities. In Nepal, the lack of a multi-sector needs assessment and agreed vulnerability-based targeting criteria combined with a number of other factors to undermine the inclusivity of the response: the ‘one door policy’ which vested significant authority in local bodies; the composition of these bodies, in particular the lack of representation of vulnerable groups and the role played by local politicians; and the fact that these bodies are unelected and thus have little incentive to ensure that assistance reaches those who need it most. In short, while the blanket approach was entirely justifiable in the immediate aftermath of the emergency, the continuation of this approach through the first several months of the relief effort, and the way in which it was interpreted and applied by local bodies, significantly increased the risk of already vulnerable and marginalised groups being at least particularly excluded by the response.

Research carried out for this report suggests that many of the most vulnerable groups missed out. One Tamang woman in Rasuwa said “the stronger, more powerful people got assistance, those who could push and got ahead in the queue. We were shy, we couldn’t push, and when our turn came, they said there’s no more left, today it’s over, come tomorrow.”⁸⁷ A Hayu man in Bhaktapur said “we are uneducated people so we are backward, we cannot raise our voice; that also creates problems in getting aid.”⁸⁸ A WCF representative in Bhaktapur agreed: “there might be cases where people are left out to receive aid because people from marginalized communities don’t have self-confidence to speak out for their rights and talk about what they need.”⁸⁹ While consultations did elicit some comments from vulnerable groups saying they received the assistance they needed and that distributions were fair, these comments were the exceptional rather than the rule.

The above discussion focuses on the particular social and political context of Nepal, but it also highlights a fundamental problem with blanket approaches, applied anywhere: that without specific attention to identifying and targeting vulnerable groups, members of those groups are likely to miss out. This is recognised in existing humanitarian standards. The Sphere Standards state that following a disaster a rapid assessment should be carried out as soon as possible followed by subsequent in-depth assessments, and that special efforts are needed to assess people in hard-to-reach locations and ‘people less easily accessed but often at risk.’⁹⁰

The Minimum Inter-Agency Standards for Protection Mainstreaming call upon agencies to analyse context and disaggregate data at a minimum by age and sex, and to define targeting criteria with the disaster-affected population.⁹¹ The CHS states that programs should be designed and implemented based on an impartial assessment of needs and risks and an understanding of the vulnerabilities and capacities of different groups.⁹²

“There might be cases where people are left out to receive aid because people from marginalized communities don’t have self-confidence to speak out for their rights and talk about what they need.”

WCF representative, Bhaktapur district

The Inter-Agency Standing Committee (IASC)'s Guidance on Multi-Sector Initial Rapid Assessments suggests that an initial assessment take place in the first three days following a disaster, followed by primary data collection and analysis over the following two weeks, and 'detailed harmonised sectoral assessments' in the third and fourth week.⁹³ The IASC's Emergency Response Preparedness (ERP) Package includes, as a minimum preparedness action, 'harmonis[ing] assessment methodologies, reporting requirements, tools and templates including sex and age disaggregated data and gender-responsive information.'⁹⁴ These standards do not require that assistance be targeted based on in-depth vulnerability assessments immediately following a disaster; but they *do* require that programs be based on needs assessments and disaggregated data as early as possible.

Communities consulted during this research had numerous recommendations, almost all of them broadly reflective of humanitarian standards, regarding how relief could be better targeted to prioritise those most who need it most. One WCF representative in Bhaktapur said, "we have to prioritize which groups or individuals are more vulnerable, for instance, checking the condition of children in the community, single women, elderly people or disabled people."⁹⁵ A community health volunteer in Ramechhap suggested that "to ensure the distribution of aid is as fair as possible, relief committee should go to the ground to collect the actual data and should mobilize the local committee."⁹⁶ A community health volunteer in Dolakha suggested that "any organization which comes to help, they have to seriously visit and identify the community who are really ultra-poor, Dalit, Janajati, marginalized, disabled, or otherwise the aid goes to the hand of the rich people."⁹⁷ While blanket distributions are common practice in the immediate aftermath of a disaster, what these comments recognise is that if a transition is not made to a targeted approach as early as feasible, vulnerable groups will likely pay the price.

"Any organization which comes to help, they have to seriously visit and identify the community who are really ultra-poor, Dalit, Janajati, marginalized, disabled, or otherwise the aid goes to the hand of the rich people."

Community health volunteer, Dolakha

4.2 CONDUCT OF DISTRIBUTIONS

The second major aspect of the response which contributed to the access challenges faced by vulnerable groups was the conduct of distributions – including the government's initial cash relief, the various cash grants provided by NGOs, and food and non-food items provided by both government and non-government actors. While vulnerable individuals faced some challenges at the distribution sites themselves, by far the most significant issues raised during the course of this research were the level of information provided to communities prior to the distributions, and the distance they had to walk to distribution sites.

Information dissemination prior to distributions

In discussions undertaken for this research, vulnerable individuals from across the affected areas repeatedly said that one of the main things preventing them from accessing distributions was that they didn't know they were taking place. One Newar woman in Bhaktapur said "we live down here, more secluded from the bazar area and it's hard to know what things are distributed and who distributes and to whom."⁹⁸ One of the VDC Secretaries in Ramechhap agreed that "the people are living in a scattered way so many of the people didn't even get the information that the relief packages are being distributed."⁹⁹

While local authorities and community leaders generally said that information was disseminated through ward representatives, local politicians or even 'door to door', many community members said they received information only through 'rumour', through 'informal channels', or from others in their community who had travelled to the district or village centre and seen distributions taking place. A woman in Dolakha said "we just got [information] through hearsay".¹⁰⁰

A Tamang woman in Rasuwa said “there were so many distributions happening but we only came to know later. We only found out when someone came back to the community carrying relief items.”¹⁰¹

As with other aspects of the response, it was the most vulnerable who found it most difficult to access information. A woman in Syafru Besi explained that “people who lived close to the distribution points were the ones who received, only political parties were informed, and they don’t go door to door to inform.”¹⁰² A WCF representative in Bhaktapur acknowledged that “sharing information about aid distribution to everyone is not possible because we have limited aids and it won’t be possible to reach every corner.”¹⁰³

Lack of community access to information is a commonly-reported weakness in humanitarian response. In 2012, the Office for the Coordination of Humanitarian Affairs (OCHA) reported that ‘an analysis of information sharing in evaluations of major emergencies over the last five years demonstrates that poor levels of information sharing and data collection consistently produced ineffective response.’¹⁰⁴ Recognising the transformative power of information to close the gap between affected communities and those with the capacity to assist them, OCHA argued that access to information should be reconceptualised as a life-saving humanitarian need.

Experience in Nepal affirms this view; and communities consulted for this research were forthcoming with recommendations regarding *how* to communicate. When asked about the most effective communication strategies, almost all groups consulted said – among other things – mobile phone. One woman in Gorkha, said “mobile is the best way to [communicate with us], because we don’t have time to watch and listen to radio and TV but we all have mobiles, so it’s easy for us to get information that way.”¹⁰⁵ Others commented that information should be disseminated at the community level, rather than being shared only with village-level authorities. One woman in Bhaktapur explained: “if one or two people from our community get information, then he or she can convey it to all of us.”¹⁰⁶

While these comments focus on the importance of information dissemination to affected communities, access to information technology can also empower communities by providing them with the means to communicate their needs to humanitarian responders and government authorities. Telecommunications networks will often be unavailable in the immediate aftermath of a disaster; but the sooner these networks are restored and utilised, the less vulnerable the most remote and inaccessible communities will be. Given the geographical inaccessibility of some of the communities most severely affected by the earthquake, this was a missed opportunity in the response.

Distance to distribution sites

An equally prohibitive issue for vulnerable groups was the distance that many groups had to travel to distribution sites. While some agencies went to considerable effort, including using helicopters and/or porters to get items to the village level, still this took the relief only to central distribution points, not to ‘community’ and certainly not to household level. Many households in remote areas were required to walk three or four hours to distribution sites. In some cases, because the volume of items being distributed was greater than could be carried by a single person, agencies opted to split the distributions over two days – meaning that households would need to spare one person for two whole days to walk a total of up to 12–16 hours to and from the distribution site.¹⁰⁷ Needless to say, this was out of the question for people with disabilities, the elderly, single women with no one else to take care of the children, or even people struggling to recover from the trauma of the earthquake. A Tamang woman in Haku said, “people in [the most affected wards] could not even comprehend to walk to things, they had lost their family members, they were like half conscious, it was raining ... those who could walk, walked four hours to [the distribution site], and those who couldn’t were left behind.”¹⁰⁸

“There were so many distributions happening but we only came to know later. We only found out when someone came back to the community carrying relief items.”

Tamang woman, Rasuwa district

“People in [the most affected wards] could not even comprehend to walk to things, they had lost their family members, they were like half conscious, it was raining ... those who could walk, walked four hours to [the distribution site], and those who couldn't were left behind.”

Tamang woman, Rasuwa district

Those who were unable to walk could send a friend or relative on their behalf, and the name of this person would be recorded on the list, together with the name of the person they were collecting for. But in such situations there was very little monitoring, by either government or NGOs, of whether the items ever made it to the intended beneficiary. One NGO staff acknowledged: “we weren't checking whether the items were actually reaching the households on the beneficiary lists”.¹⁰⁹ In any case, in the most affected areas it would likely have been difficult for the most vulnerable household to find friends or relatives not already busy collecting relief for their own families.

Taken together with a lack of information dissemination, it is not surprising that significant numbers of people assessed as eligible for relief did not show up to distribution sites. One of the VDC Secretaries in Rasuwa said that in the initial distributions of food and non-food items, of 700 eligible households, there were 50–100 that didn't show up. No contact was made with these households, and no information exists regarding their circumstances or their reasons for not presenting at the distribution site. The items were stored for a month, and then distributed elsewhere.¹¹⁰ In the case of the government's NPR 15,000 cash relief, the Chief District Officer in Rasuwa estimated that 20–30 percent of households assessed as eligible did not present to collect the cash. Asked why he thought this was, he replied that it was ‘human error’.¹¹¹ In the case of Save the Children's distributions in Gorkha, staff said “there was no distribution point to which 100 percent of people showed up.”¹¹²

There were some commendable efforts to overcome the challenges and ensure that assistance got to the most vulnerable households. In Aarupokhari village development area in Gorkha, for example, relief was initially distributed in the village centre, but when it became apparent that some people had not shown up, the VDC Secretary paid to transport items to the wards furthest from the centre, where people had not yet been able to access relief. In some cases NGOs also went house to house to follow up with households whose names had appeared on beneficiary lists but who did not show up at distribution points. But these efforts appear to have been the exception rather than the rule.

Furthermore, while the geographical challenges were enormous, most staff interviewed for this report acknowledged that more could have been done. Save the Children staff in Gorkha, for example, reflect that had they more thoroughly consulted with community members regarding the most appropriate locations for distribution sites, they could have driven and/or had porters walk to more accessible sites, saving community members several hours walk. It's also worth noting that the possibility of hiring porters to take items not just to central distribution points but to household level for the most vulnerable households does not appear to have been widely considered – and in any case would not have been possible without further information on who those vulnerable households were. While this would have been an expensive and logistically complicated operation, it is possible that some of the resources spent on providing relief to households that didn't really need it (and spent the cash on paying off debts) could have been redirected to ensuring that those most desperately in need were not missed.

5 DEVELOPMENTS AND OPPORTUNITIES

Following the earthquake, a number of positive steps have been taken to address the challenges discussed above. Perhaps most importantly, less than two months after the disaster the National Planning Commission released the PDNA, which clearly articulated the disproportionate impact of the disaster on vulnerable and marginalised groups. It called for a 'special orientation towards the poorest and most vulnerable' throughout the reconstruction process, and recognised that the 'institutional representation of discriminated social groups through DDRCs in the recovery program is essential to ensure that they benefit equally from it and, more importantly, are not marginalised further through lack of access to the program.'¹¹³ This explicit recognition of the importance of targeted measures to ensure that vulnerable and marginalised groups benefit from the reconstruction program was an extremely important step. The newly-appointed National Reconstruction Authority (NRA) must now assume responsibility for translating this rhetoric into action throughout the reconstruction process. Given the minimal representation of women and vulnerable groups on the NRA (there are just two women in the NRA's 95 member Consultation Council and no women on either the Steering Committee or the Executive Committee), this will require a robust consultation process backed by significant commitment by the NRA members.

Another advancement that has the potential to address some of the issues described above is the development, by the MoHA, of common assessment guidelines for use in future disaster responses. The Guidelines describe a four-stage assessment process: an initial rapid assessment; a multi-cluster/multi-sector initial rapid assessment; cluster-specific assessments; and the PDNA. Provided lessons learned from the 2015 earthquake are reflected in the guidelines and assessment tools, and that these are then incorporated into inter-agency contingency planning processes and actually used in the next disaster, this development has the potential to enable a much more targeted response that is appropriately sensitive to the needs, vulnerabilities and capacities of vulnerable and marginalised groups.

Another important development is the drafting of new disaster legislation to replace the 1982 *Natural Calamity Act*. A draft Bill was before parliament at the time the earthquake struck, and subsequently withdrawn so that lessons learned from the earthquake could be incorporated into a new draft. A related development in late 2015 was the finalisation by the International Federation of the Red Cross and Red Crescent Societies (IFRC) of its Checklist and accompanying Handbook on Law and Disaster Risk Reduction – aimed at assisting governments to follow best practice in developing disaster law, including ensuring that laws adequately address gender considerations and the special needs of vulnerable groups.¹¹⁴ The checklist calls for disaster laws to guarantee the engagement of women and vulnerable groups in decision-making processes,¹¹⁵ and to ensure an 'adequately disaggregated analysis to detect groups facing increased risk and require that certain measures be undertaken to increase their safety and resilience.'¹¹⁶ The re-drafting of Nepal's disaster legislation presents an important opportunity for the legislation to be reviewed against the IFRC checklist, and to ensure an enabling environment for a more equitable and inclusive response to future disasters.

Finally, it is important to note that prior to the April/May earthquakes, considerable effort had been invested at the national level in emergency preparedness. At the time the earthquake hit the HCT was in the process of rolling out the IASC's newly-developed ERP Package,¹¹⁷ and preparedness initiatives undertaken as part of this had included training for humanitarian staff and government officials, the development of standard operating

'Humanitarian action is failing if it does not include everyone and address the specific needs of the most vulnerable.'

*Restoring Humanity: Synthesis of the Consultation Process
for the World Humanitarian Summit, October 2015.*

The Checklist on Law and Disaster Risk Reduction

Do your country's laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

Consider whether:

- A proper analysis as to which categories of persons may be most vulnerable or exposed to disaster risks is required
- Specific responsibilities are assigned to institutions to take the needs of these groups into account
- Gender specific needs or considerations must be taken into account
- Specific needs of other groups with particular vulnerabilities must be considered

procedures for the first hours of a response, and the development of a hazard-specific contingency plan – for floods, but not yet for earthquakes. The HCT is now in the process of developing an earthquake-specific contingency plan. This provides an excellent opportunity to ensure that lessons learned from the earthquake are reviewed and incorporated, and in particular, that the new plan ensures a targeted response that, in line with international standards, is based on an impartial assessment of needs and risks and an understanding of the vulnerabilities and capacities of different groups.

2016 also presents opportunities at the international level. The consultations ahead of the World Humanitarian Summit, scheduled for May 2016, have recognised that many vulnerable groups do not find humanitarian assistance adequate or appropriate and that humanitarian action often does not reach the most vulnerable people,¹¹⁸ and the Global Consultation Synthesis Report stated that 'humanitarian action is failing if it does not include everyone and address the specific needs of the most vulnerable.'¹¹⁹ The Report of the UN Secretary General for the World Humanitarian Summit describes the Summit as the 'first test of the international community's commitment to transforming the lives of those most at risk of being left behind'.¹²⁰ More than 20,000 people have contributed their time to the consultation process thus far; the Summit must now deliver on expectations by setting a course for more appropriate and targeted humanitarian action that, far from exacerbating existing vulnerabilities, benefits the most marginalised and hardest to reach. Lessons from the Nepal earthquake regarding gender equality and social inclusion should form part of this discussion.



Ruji, 12, with her little sister at a Save the Children Child Friendly Space (CFS) in Bhaktapur, Nepal. Photo: Tom Van Cakenberghe/ Save the Children

6 CONCLUSION AND RECOMMENDATIONS

Nepal has made substantial progress towards gender equality and social inclusion, evidenced among other things by the 2015 Constitution and recent efforts to increase women's representation in parliament. But as highlighted by the earthquake response, the context remains one of deeply entrenched social hierarchy and extreme and often multi-faceted vulnerabilities – a context in which there was an inevitable risk that already vulnerable and marginalised groups would face difficulties accessing assistance. Against this background, the earthquake highlighted the importance of targeted approaches to address the particular needs of vulnerable groups. It also highlighted the implications of a non-targeted approach, and specifically, the extent to which existing vulnerabilities can be exacerbated if not well recognised and addressed throughout disaster preparedness and response, resulting in already marginalised groups being left further behind.

The lessons learned from the Nepal earthquake response come at a time of significant opportunity. The reconstruction process has just begun, the international humanitarian community is continuing its roll out of the ERP package and new disaster management legislation is in process; and internationally, humanitarian actors are thinking through how best to use the World Humanitarian Summit to effect real change for vulnerable and marginalised groups.



Children taking part in singing and dancing activities with facilitators in a Child Friendly Space (CFS) run by Focus, a local partner organisation, along with Save the Children Nepal earthquake response team, in Dhading district, Nepal.
Photo: Sandy Maroun/Save the Children

RECOMMENDATIONS

The following recommendations are aimed at capitalising on the learnings from the earthquake response to ensure an equitable and inclusive reconstruction process, to ensure that preparedness work undertaken in Nepal now enables a more inclusive and equitable disaster response in the future, and to ensure that new developments in the international humanitarian system enable a more effective and targeted response for the world's most vulnerable people.

To the Government of Nepal and its international partners

1. Ensure that throughout the reconstruction phase, targeted efforts are made to enable vulnerable and marginalised groups to fully and meaningfully participate in and benefit from the reconstruction effort.

Specifically:

- 1.1 Support the NRA to develop a process for seeking and acting upon input from women, children and vulnerable groups throughout the reconstruction process. The NRA should be required to monitor and report on the participation of these groups, and on actions taken based on their input.
- 1.2 Ensure that housing programs are structured so as not only to benefit property owners and those with the resources and capacity to reconstruct their homes, but all those whose homes were damaged in the earthquake, whether or not they possessed title to those homes and whether or not they are able to engage in reconstruction. As recommended in the PDNA, reconstruction programs should be based on the National Shelter Policy, which requires the State to provide land and housing to poor people as well as those residing in unsafe settlements.
- 1.3 Ensure that the challenges faced by women and some vulnerable groups in accessing cash assistance during the relief phase, related to the requirement to produce appropriate identity documents, do not prevent them from benefiting from the reconstruction effort. Reconstruction programs must cater to those who lack identity papers, and facilitate greater ownership of such papers by women and marginalised groups.
- 1.4 Support specific initiatives aimed at empowering women and vulnerable groups. For some women, in particular, the relief effort provided opportunities to participate for the first time in community or government structures or to work with humanitarian agencies, including in leadership positions. There is now an opportunity to build on this by promoting women's employment in the reconstruction effort. Similarly, livelihoods programs should prioritise industries providing employment to women and vulnerable groups; and housing programs should promote women's property ownership.
- 1.5 Heed the lessons from the earthquake response regarding the importance of communication with affected communities. We must not see a repeat of the July 2015 scenario whereby 66 percent of people surveyed said they lacked the information they needed to benefit from the earthquake response. Yet it is concerning that in almost all focus group discussions conducted for this research, people said they didn't know anything about the reconstruction process. This must be addressed, including through the continuation of initiatives such as the Common Feedback Project that were well received throughout the response phase.

2. Strengthen the capacity of local bodies to ensure that the particular needs of vulnerable groups are identified and understood, and that these groups are able to participate in and benefit from disaster preparedness and response. Specifically:

- 2.1 Support initiatives aimed at enhancing the representation and participation of vulnerable groups in local bodies at all levels, including through specific initiatives to consult with marginalised and vulnerable children.
- 2.2 Support district-level authorities to develop gender-sensitive and socially inclusive disaster preparedness plans, with the engagement of the Women and Child Development Officers and representatives of vulnerable groups.
- 2.3 Provide training for sub-national authorities and community leaders on gender sensitivity and social inclusion in humanitarian action, including on humanitarian principles and standards, and on the collection, analysis and use of data disaggregated by sex, age and disability.
- 2.4 Support and make mandatory the participation of vulnerable and marginalised groups in post-crisis needs assessments and post-distribution monitoring.

3. **Through inter-agency emergency preparedness efforts, agree an approach to pre-crisis situation analysis, assessments and targeting that will be used in future disaster responses.** The hazard-specific contingency plans being developed as part of the ERP process must spell out the assessment tools and methodologies that will be followed in an emergency response, in line with the assessment guidelines developed by MoHA. In line with international standards, contingency plans must guarantee that responses will be based on an impartial needs assessment and an understanding of the vulnerabilities and capacities of different groups. Contingency planning should also include the collection and collation of data disaggregated by age, sex and disability so as to create a baseline situation analysis, including a gender and diversity analysis, to inform future emergency responses; and should mandate and provide tools for the collection and reporting of fully disaggregated data at the earliest possible stage post-crisis.
4. **Build on existing efforts to respond to lessons learned from the 2015 earthquake regarding community engagement** – specifically, the fact that a significant majority of the affected population felt that they were not being heard and that they lacked sufficient information to access assistance. This should include ensuring that community engagement initiatives, aimed at better information sharing with communities as well as the collection of feedback from communities regarding program performance, are incorporated into inter-agency contingency plans. Contingency planning could also include the development of a framework for implementing agencies to report back on community consultation efforts, and how programs have been designed and/or adapted in response to community feedback.
5. **Seize the opportunity of the drafting of the new disaster management legislation to develop an exemplary Disaster Management Act that would see Nepal setting a new international standard for gender sensitive and socially inclusive disaster management legislation.** The draft should be developed with input from civil society including representation from vulnerable groups, and should be reviewed against the IFRC's Checklist on Law and Disaster Risk Reduction. At a minimum, the law should ensure representation and meaningful participation of vulnerable groups in disaster management structures at national, provincial and village/municipality level, require that measures be taken ahead of disasters to build the resilience of vulnerable groups, and require that measures be taken to identify and respond to the particular needs of vulnerable groups in the event of disaster.
6. **Through the clusters: develop a strategy for better assessing and capitalising on the expertise and capacity of CSOs representing vulnerable and marginalised groups in disaster preparedness and response.** There are more than 40,000 registered civil society organisations in Nepal, including national federations representing NGOs working with vulnerable groups, and many of these federations have extensive representation at the district level and below. The fact that these groups were not well incorporated in the earthquake response was a missed opportunity. The humanitarian clusters should develop a strategy for assessing CSOs for their capacity to represent vulnerable and marginalised groups, and for incorporating those best able to represent these groups in a neutral and independent manner into humanitarian coordination structures at both the national and district level.

To humanitarian aid organisations and donor governments

7. **Seize the opportunity of the World Humanitarian Summit to make commitments towards more inclusive humanitarian action targeting the most vulnerable and marginalised groups, including children.** In particular:
 - 7.1 Recommit to ensuring that every humanitarian response is based on an assessment and analysis of the needs and vulnerabilities of different groups, and is targeted to meet the needs and strengthen the capacities of the most vulnerable. This is in line with the call in the Secretary General's Agenda for Humanity to 'collect, analyse, aggregate and share reliable and sex- and age-disaggregated data ... as a collective obligation to inform priorities', and to 'make data and analysis the basis and driver for determining a common understanding of context, needs and capacities.'¹²¹ As part of this, humanitarian organisations could commit to, and donors could commit to funding: the collective analysis of gender equality and social

ONE HUMANITY: SHARED RESPONSIBILITY

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Key actions include:

- Enable people to be the central drivers in building their resilience and be accountable to them, including through ensuring consistent community engagement, involvement in decision making, and women's participation at all levels
- Ensure financial incentives promote community engagement
- Support and enable national and local leadership and their preparedness and response capacities, and strengthen local capacity systematically over multi-year time frames
- Collect, analyse, aggregate and share reliable and sex- and age- disaggregated data with adequate security and privacy protection as a collective obligation to inform priorities
- Make data and analysis the basis and driver for determining a common understanding of context, needs and capacities between national and local authorities, humanitarian, development, human rights, peace and security sectors.

The Secretary General urges all actors to 'commit to taking forward this Agenda for Humanity and use it as a framework for action, change and mutual accountability.'

exclusion issues as part of inter-agency preparedness planning; systematic engagement with vulnerable groups in assessments, program design, monitoring and evaluation; the collection and use of data disaggregated by sex, age and disability; the specific targeting of vulnerable groups, even if this means a more costly response; monitoring and reporting on aid reaching vulnerable and marginalised groups; and to resourcing an expert on gender equality and social inclusion as a standard component of every humanitarian response.

- 7.2 Commit to concrete initiatives aimed at more effectively involving affected communities, including vulnerable and marginalised groups, in humanitarian action. This is in line with the Agenda for Humanity's call to 'enable people to be the central drivers in building their resilience and be accountable to them, including through ensuring consistent community engagement, involvement in decision-making, and women's participation', and to 'ensure financial incentives promote community engagement.'¹²² Initiatives could include: agreeing a set of common actions aimed at operationalising the CHS's commitment to basing humanitarian response on communication, participation and feedback; rolling out a 'common service' model aimed at collectively providing information to, and collecting feedback from, communities as a standard part of humanitarian response; supporting children's consultations as a standard component of humanitarian response; and developing new accountability mechanisms to assess and report on performance based on community feedback. Donors could commit to making their funds conditional upon community engagement, and to ensuring that funding is sufficiently flexible to respond to feedback received.
- 7.3 Commit to institutionalising the inclusion of national and local organisations in international humanitarian coordination structures. This is in line with the Agenda for Humanity's call to 'support and enable national and local leadership and their preparedness and response capacities.'¹²³ Evaluations of humanitarian responses have repeatedly affirmed that local and national organisations are under-represented in international humanitarian coordination structures, to the detriment of effective humanitarian response. The meaningful engagement of local/national NGOs in humanitarian clusters should be incorporated into international cluster guidance notes, as well as national-level terms of reference and work plans.

ENDNOTES

- 1 National Planning Commission, Government of Nepal, *Nepal Earthquake 2015: Post-Disaster Needs Assessment*, 2015, 62.
- 2 Government of Nepal, *Constitution of the Kingdom of Nepal* (2015) preamble.
- 3 *Draft Outcome Document of the United Nations Summit for the Adoption of the Post-2015 Development Agenda*, UN GAOR, UN Doc A/69/L.85 (2012).
- 4 *One Humanity: Shared Responsibility, Report of the Secretary General for the World Humanitarian Summit*, UN GAOR, UN Doc A/70/709 (2016) 20.
- 5 Inter-Agency Common Feedback Project, 'Inter-Agency Common Feedback Report' (September 2015) (reporting results from July – September).
- 6 Save the Children et al, 'After the Earthquake: Nepal's Children Speak Out: Nepal Children's Earthquake Recovery Consultation' (2015) 32.
- 7 In the *Muluki Ain*, or Country Code, 1854.
- 8 This is an abbreviated description of an extremely complex social system. It is drawn from: the Nepal Census (Central Bureau of Statistics, Government of Nepal, *Population Monograph of Nepal*, 2014, 3–8); a multi-year study on gender, caste and ethnic exclusion in Nepal funded by the UK Department of International Development and the World Bank (UK Department of International Development and the World Bank, 'Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal: Summary' (2006) 5–6); and the 2012 Social Inclusion Survey (Yogendra Gurung et al, 'Nepal Social Inclusion Survey 2012' (2014)).
- 9 Legally sanctioned hierarchy based on caste, ethnicity, religion and gender was abolished by the 1962 Constitution and the new National Code of 1963. For the new guarantee of equality before the law see Government of Nepal, *Constitution of the Kingdom of Nepal*, 2015, s 18(1).
- 10 Government of Nepal, *Population Monograph of Nepal*, 2014, 174.
- 11 Gurung et al, above n 8, 182.
- 12 Ibid 56.
- 13 Ibid 211.
- 14 Ibid 135.
- 15 Government of Nepal, *Population Monograph of Nepal*, 2014, 245 (literacy) and 246 (school attendance).
- 16 Ibid 249.
- 17 Ibid; Gurung et al, above n 8, 136.
- 18 Gurung et al, above n 8, 130.
- 19 Ibid.
- 20 Government of Nepal, *Post-Disaster Needs Assessment*, above n 1, 62.
- 21 Interview with Bimala Rai Paudyal, former member of the National Planning Commission, Kathmandu, November 2015.
- 22 *Comprehensive Peace Agreement between the Government of Nepal and Community Party of Nepal (Maoist)* (2006) s 3.5.
- 23 Government of Nepal, *Constitution of the Kingdom of Nepal*, 2015, preamble.
- 24 Ibid ss 84(2) (House of Representatives), 86(2)(a) (National Assembly), 176(6) and (9) (Provincial Assembly), 215(4) (Village Council), 220(3) (District Coordination Committee) and 223(3) (Municipal Assembly).
- 25 Ibid ss 38 (women), 40 (Dalits) and 42 (social justice).
- 26 Government of Nepal, *An Act to Provide for Safeguarding the Interests of Children* (20 May 1992).
- 27 Government of Nepal, MoFALD, 'Gender Equality and Social Inclusion Policy', 4.
- 28 The 2013 National Disaster Response Framework (2013) affirms that the *Natural Calamity (Relief) Act* 1982 and the *Local Self Governance Act* 1999 are 'the existing legal foundations for disaster response in Nepal' (s 3.1). It affirms that the central, regional, district and local disaster relief committees are mandated by the *Natural Calamity (Relief) Act* 1982 for the 'overall disaster response in Nepal' (s 3.6), and that 'as provisioned by the *Local Self Governance Act* 1999, local bodies (DDCs, Municipalities and VDCs) are responsible for disaster preparedness and response' (s 3.7): Government of Nepal, MoHA, 'National Disaster Response Framework' (July 2013).
- 29 Government of Nepal, *Natural Calamity (Relief) Act*, 2039 (1982) s 7, 9. The term used in the *Natural Calamity (Relief) Act* for the district committee is actually the 'District Natural Calamity Relief Committee', however in practice this committee is referred to as the District Disaster Relief Committee, or DDRC.
- 30 Government of Nepal, MoHA, 'Nepal Earthquake 2072: Situation Update as of 11th May' (May 2015), available at: <http://drrportal.gov.np/uploads/document/14.pdf>
- 31 While in the *Local Self Governance Act*, the acronym 'VDC' means the Village Development Committee (the executive arm of the Village Council), in practice in Nepal the term 'VDC' is used to describe a geographical area (what is referred to in the Act as the village development area) rather than the committee itself. Village Development Committees, where they exist, are most often referred to as 'VDC Committees'. In this paper the terms are used as described in the *Local Self Governance Act*.
- 32 Government of Nepal, *Local Self Governance Act* 20155 (1999).
- 33 Ibid ss 8 (Village Council), 76 (Municipal Council) and 172 (District Council).
- 34 Ibid ss 12 (VDC), 80 (Municipality) and 176 (DDC).
- 35 Ibid s 7.
- 36 In the district of Rasuwa, for example, there are 18 village development areas covered by 5-6 VDC Secretaries.
- 37 Government of Nepal, MoFALD, 'Social Mobilisation Guideline' (2009) 17–18.
- 38 Interview with VDC Secretary in Rasuwa district, November 2015.
- 39 Focus group discussion with men in Ramechhap district, November 2015.
- 40 Interview with a WCF representative, Bhaktapur district, November 2015.
- 41 Save the Children et al, above n 6, 32.
- 42 Government of Nepal, MoFALD, 'Gender Equality and Social Inclusion Policy', 5.
- 43 Interview with representative of the Feminist Dalit Organisation, Kathmandu, November 2015.
- 44 See Vanessa Humphries, 'Humanitarian Coordination: Common Challenges and Lessons Learned from the Cluster Approach' (*Journal of Humanitarian Assistance*) 30 April 2013.
- 45 The Sphere Project, 'The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response' (2011) 57.
- 46 World Vision Australia, 'Minimum Inter-Agency Standards for Protection Mainstreaming' (2012) 24.
- 47 Groupe URD et al, 'Core Humanitarian Standard on Quality and Accountability' (2014) 13.

- 48 See Nepal HCT, Meeting Minutes, 30 April 2015; see also Nepal HCT, Meeting Minutes 2 May 2015, reporting on a meeting chaired by the MoHA and attended by government ministries and UN agencies, during which it was 'further agreed that assessments should no longer take place; however, clusters are to initiate plans which will be consolidated through the UNDAC assessment team, to ensure these assessments will go hand in hand with distribution and be integrated across clusters.'
- 49 Interview with Chief District Officer in one of the earthquake-affected districts covered by the research.
- 50 Decision by the Nepalese Cabinet on 5 May 2015, communicated to all District Administration Offices in a letter from the MoHA on 6 May 2015.
- 51 Interview with VDC Secretary in Rasuwa district, November, 2015.
- 52 Focus group discussion with men in Rasuwa district, November 2015.
- 53 Interview with VDC Secretary in Rasuwa district, November, 2015.
- 54 Government of Nepal, *Population Monograph of Nepal*, 2014, 62, 2.
- 55 As of 2012, just 30 percent of Musahar, Panjabi/Sikh and Dom Dalits owned a house, compared to over 90 percent of Brahmin and Chhetri households: Gurung et al, above n 8, 56.
- 56 Interview with WCF representative in Bhaktapur district, November 2015.
- 57 Interview with WCF representative in Gorkha district, November 2015.
- 58 Government of Nepal, *Nepal Citizenship Act 2016* (2006) s 8.
- 59 Nationally, the mean age at marriage for girls in Nepal is 17.5. It is lower among Madhesi and other caste groups. For ten Madhesi groups, the mean age for girls at marriage is lower than 16 years: Government of Nepal, *Population Monograph of Nepal*, 127–8.
- 60 Government of Nepal, *Nepal Citizenship Act 2016* (2006) s 3 (provides that a person shall be a citizen of Nepal by descent if at the time of the birth either their mother or father was a citizen of Nepal). Nepal's new Constitution also provides that a person will be deemed a citizen by descent if either their father or mother was a citizen of Nepal at the time of their birth: Government of Nepal, *Constitution of the Kingdom of Nepal* (2015) s 11(b).
- 61 See Nepal Civil Society Network of Citizenship Rights, Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion, 'Joint Submission to the Human Rights Council at the 23rd Session of the Universal Periodic Review' (2015). Moreover, studies show that Madhesi and Muslim women, due to cultural practices, cannot apply for citizenship on their own, but must rely on male members of their households to take them to apply: Forum for Women Law and Development, 'Acquisition of Citizenship Certificate in Nepal: Understanding Trends, Barriers and Impacts' (February 2014).
- 62 Forum for Women Law and Development, *ibid*.
- 63 Interview with Women and Child Development Officer in one of the affected districts covered by the research, November 2011.
- 64 David Sanderson et al, 'Nepal Earthquake Appeal Response Review' (September 2015) 11.
- 65 Save the Children, 'Assessment Report: Perceptions of Marginalised Communities and VDC Beneficiary Selection Committee Members on Relief Distribution to Earthquake Victims', July 2015, 6 (internal document).
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- 67 Government of Nepal, MoHA, 'Nepal Earthquake 2072: Situation Update as of 11th May' (May 2015), available at: <http://drrportal.gov.np/uploads/document/14.pdf>
- 68 Interview with VDC Secretary in Gorkha district, November 2015.
- 69 Interview with VDC Secretary in Ramechhap district, November 2015.
- 70 Interview with VDC Secretary in Rasuwa district, November 2015.
- 71 Interview with Female Community Health Volunteer, Bhaktapur district, November 2015.
- 72 Focus group discussion with women in Ramechhap district, November 2015.
- 73 Save the Children et al, above n 6, 33.
- 74 Interviews with VDC Secretary and focus group discussions in Rasuwa district, November 2015.
- 75 Interview with VDC Secretary in Rasuwa district, November 2015.
- 76 Interview with VDC Secretary, Rasuwa district, November 2015.
- 77 Interview with Chief District Officer and a VDC Secretary in Gorkha district, November 2015.
- 78 Interview with Chief District Officer, Gorkha district, November 2015.
- 79 Interview with VDC Secretary, Gorkha district, November 2015.
- 80 Interview with WCF representative, Gorkha, November 2015.
- 81 Interview with Female Community Health Volunteer, Gorkha, November 2015.
- 82 Interview with Female Community Health Volunteer, Gorkha, November 2015.
- 83 See Gorkha DDRC, 'Letter of Intent between NGOs and their Implementing Partners and the District Disaster Relief Committee'. The National Social Protection Program is described in the *Social Security Guideline* (2013) and the *Social Security Program Guideline* (1st Amendment) (2014).
- 84 Plan and CARE report that after initial distributions, they were able to negotiate with district authorities and obtain permission to distribute based on their own vulnerability: interviews with staff from Plan International and CARE, Kathmandu, November 2015. Save the Children was only able to do this in some locations.
- 85 Interview with Rajendra Tuladhar, Kathmandu Field Manager, Save the Children, November 2015; interviews with staff from Plan International and CARE, Kathmandu, November 2015.
- 86 For a detailed description of this program see A Rabi, G Koehler and G Fajth et al, 'The Road to Recovery: Cash Transfers as an Emergency Response to Nepal's Earthquake of 2015 and a Catalyst for Consolidating Nepal's Social Protection Floor' (UNICEF Nepal Working Paper Series) 2015.
- 87 Focus group discussion with women in Rasuwa district, November 2015.
- 88 Focus group discussion with men in Ramechhap district, November 2015.
- 89 Interview with WCF representative, Bhaktapur district, November 2015.
- 90 The Sphere Project, above n 45, 63.
- 91 World Vision Australia, above n 46, 23.
- 92 Groupe URD et al, above n 47, 10.
- 93 IASC, 'Multi-Sector Initial Rapid Assessment Guidance' (July 2015) 3.
- 94 IASC, 'Emergency Response Preparedness' (July 2015) 40.
- 95 Interview with WCF representative, Bhaktapur district, November 2015.
- 96 Interview with Female Community Health Volunteer, Ramechhap district, November 2015.
- 97 Interview with Community Health Volunteer, Dolakha district, November 2015.
- 98 Focus group discussion with women in Bhaktapur district, November 2015.
- 99 Interview with VDC Secretary, Ramechhap district, November 2015.
- 100 Focus group discussion with women in Dolakha district, November 2015.
- 101 Focus group discussion with women in Rasuwa district, November 2015.
- 102 Focus group discussion with women in Rasuwa district, November 2015.
- 103 Interview with WCF representative, Bhaktapur district, November 2015.
- 104 UN OCHA, 'Humanitarianism in the Network Age' (2012) 24.
- 105 Focus group discussion with women in Ramechhap district, November 2015.
- 106 Focus group discussion with women in Bhaktapur district, November 2015.
- 107 Interview with CARE staff, Kathmandu, November 2015.
- 108 Focus group discussion with women in Rasuwa district, November 2015.
- 109 Interview with NGO staff, Kathmandu, November 2015.
- 110 Interview with VDC Secretary, Rasuwa district, November 2015.

- I11 Interview with Chief District Officer, Rasuwa, November 2015.
- I12 Interview with Save the Children staff, Kathmandu, November 2015.
- I13 Government of Nepal, *Post-Disaster Needs Assessment*, above n 1, 63.
- I14 IFRC, 'The Checklist on Law and Disaster Risk Reduction' (October 2015) 3.
- I15 Ibid 16.
- I16 Ibid 17.
- I17 The ERP Package was developed in early 2015 to replace the IASC's 'Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance: see IASC, 'Emergency Response Preparedness' (July 2015).
- I18 World Humanitarian Summit Secretariat, 'Restoring Humanity: Synthesis of the Consultation Process for the World Humanitarian Summit' (October 2015) 006.
- I19 Ibid 44.
- I20 *Report of the Secretary General for the World Humanitarian Summit*, above n 4, 21.
- I21 Ibid, Annex, xi.
- I22 Ibid, Annex, x.
- I23 Ibid, Annex, x.

Back cover photo: Bishnu, with her twin daughters Jeny and Jenisha, five, at a tented settlement in Kamalbinayak, Bhaktapur, Nepal. The family received baby kits, which include warm clothes and essential supplies. Save the Children is providing displaced families with essential items: infant kits, which include warm clothes, hats and blankets as well as essential hygiene kits. Photo: Jonathan Hyams/Save the Children

