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CHAPTER 8

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# Post-Earthquake Conflict Resolution

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That disasters caused by exogenous natural phenomena are not entirely an environmental event, has already been established. Such disasters have resounding social, political, economic and demographic impacts. The destruction wreaked by the disasters and the resulting chaos in the social and economic order in their aftermath lead to different struggles. More than the damages caused by the disaster, it is the scarcity of resources in its aftermath and the power struggle to gain an upper hand in relief and rebuilding creates new conflicts or exacerbate existing ones.<sup>1</sup> Moreover, badly planned state aid interventions, that feed the perception that certain sections are being more favoured than others, fan conflicts.<sup>2</sup> Thus, given the scale of Nepal's 2015 earthquake, the mammoth task of reconstruction and the complex socio-economic characteristics of Nepali society, it is necessary to understand the different issues of conflict that arose during the course of reconstruction. It is equally important to explore the measures taken, or should be taken, to resolve those issues. Only then, will social cohesion be created that is able to expedite the rebuilding process and, ultimately, the formation of a resilient community.

Disasters destroy lives and livelihoods of people and create scarcity of resources—such as food, shelter, drinking water, title to land and others. As the communities compete with each other for their access, the rise of conflicts or disputes is natural. Moreover, a society marked with historical discrimination within and between communities, based on ethnicity and caste, conflicts are always simmering underneath the surface, if not out in the open.<sup>3</sup> Further, in places where state mechanism is not fully capable to come to the rescue and recovery of those affected, judicious distribution of reconstruction aid is doubtful due to various reasons. Hence, conflicts during post-disaster reconstruction are almost inevitable. The 2015 Gorkha Earthquake that affected eight million people across 31 districts of Nepal, and the ensuing recovery, have also given rise to conflicts. They were observed not just in access to housing aid but even in the use of land, water and forest resources, among others.

This chapter explores different kinds of conflicts that have surfaced in the aftermath of the earthquake in Nepal in 2015, by examining the course of reconstruction. In doing so, this article proposes recommendations that expedite rebuilding process contributing to the formation of a resilient community and thus mitigating conflicts. For the purpose of this article, 'conflict' has been used interchangeably with dispute, which refers to disagreement or discord between individuals or communities.

## **Disaster-conflict interface**

In their immediate aftermath, disasters are supposed to bring people together and create an environment of mutual support. It is widely believed that disasters "bring people together, reinforce interconnections and reveal surprising traits of heroism."<sup>4</sup> Such cohesions are experienced prominently during the emergency phase, when existing norms and practices are in disarray due to destruction. Moreover, survivors tend to experience a heightened sense of common humanity and fragility of human existence. This also helps in creating a bond among them.<sup>5</sup> After the April earthquake and the numerous aftershocks, heart-warming stories of neighbours and neighbourhoods helping those in need by offering shelter, food and psychological support had emerged. Even in areas where class and caste-based discriminations are prevalent, people were momentarily coming together forgetting their disparities. Everybody was experiencing similar risks and vulnerabilities—fear for their own lives and of their loved ones—against the larger external force.

Further, the large-scale rapid-onset disasters, such as earthquakes and floods, are considered to provide potential opportunities to reduce existing conflicts.<sup>6</sup> The cooperative spirit to deal with a disaster often breaks-down existing prejudices within communities and, at times, between countries. For example, the hostile relationship between Turkey and Greece thawed after the 1999 earthquake that hit both the neighbours. The rapprochement was dubbed 'disaster diplomacy'.

However, it would be fallacious to attribute the peace on disaster alone. There were multiple factors at play in bringing the two countries together.<sup>7</sup> Disaster experts such as Ilan Kelman have argued that disasters provide opportunities to facilitate better relations amongst states. However, "the principal caution is that disaster diplomacy does not provide the complete answer to a conflict. The reason is that a humanitarian imperative rarely dominates diplomatic decisions and actions."<sup>8</sup>

The sense of camaraderie and harmony may only be short-lived. As communities move towards the relief and recovery stage, the new-found sense of commonality may be replaced by communality as the survivors fight for limited available resources. According to Dawn Brancati (2007), "although many scholars, policy makers and relief organizations suggest that natural disasters bring groups together and dampen conflicts, earthquakes can actually stimulate intrastate conflict by producing scarcities in basic resources, particularly in developing countries where the competition for scarce resources is most intense."<sup>9</sup> Moreover, loss of livelihoods and assets can increase competition for existing resources leading to disputes between communities. Such conflicts become more prominent if the disaster forces people to migrate or it changes the demography of the affected areas.

## **Disaster-induced conflicts**

Generally, rapid-onset disasters such as earthquake and floods are considered less likely to contribute to widespread conflict in comparison to slow-onset disasters, such as drought and desertification. As the impact of slow-onset disasters are gradual and take time to unfold, the scarcity and worsening vulnerabilities and escalating battle for resources such as food, housing, medicines and so on push the wedge between communities further. Whether disasters are rapid-onset or slow-onset, existing unequal power dynamics and simmering divisions within communities manifest into local-level conflicts, particularly when they occur in highly vulnerable and resource-scarce contexts. More so, if the disasters

occur in places where people face high levels of poverty and competition over limited natural resources. Generally, two kinds of conflict surface after the disaster: one, resource-based conflict and two, conflict based upon uneven distribution of relief.

(i) **Resource-based Conflict:** Conflict is likely to surface where people face high levels of poverty and competition over limited natural resources. Moreover, massive disasters that displace communities forcing them to find safe refuge in other regions of the country, could lead to friction between the displaced and the host communities. The shortages of resources already being experienced by the host communities get aggravated. For example: A study, 'Detailed Livelihood Assessment', conducted by the The Asia Foundation, has suggested that the use of agricultural land had dramatically decreased in four districts: Rasuwa, Dhading, Sindhupalchok and Okhaldhunga in post-earthquake context. "Of the total sampled households in all four districts who own and farm on agricultural land, the area of land use decreases by 36 per cent. Agricultural households in Rasuwa shouldered the steepest decline in land use (59 per cent), followed by Sindhupalchok (43 per cent) and Dhading (38 per cent). The use of agricultural land in Okhaldhunga only declined slightly compared to other districts (12 per cent)." This led to the resource crunch as well as increased the number of internally displaced people. Although there were no reports of direct conflict because of land disputes, communities awaiting rehabilitation, particularly in the Sindhupalchok had put forth their concern on how they would be rehabilitated and compensated for the land and values they lost during the earthquake.

(ii) **Relief distribution based Conflict:** Disasters may be of large scale, but their impacts are always localized. It is always the households that bear the brunt—be it hurricanes or earthquakes. It is the surviving members who have to pick up the pieces and re-start. Hence, in the aftermath of disasters, if certain households get more aid than others or if there is a chance of households displaced from landslide encroaching public land, it is natural for conflicts to arise. The power relationships between individuals, groups and the

organizations that serve them also change and exacerbate conflicts. The once powerful may become powerless or those already in the lower rungs of community hierarchy may further slide, thus, fueling resentments. For example, uneven distribution of relief benefits, particularly among those who are politically well connected, but not a victim while those who are real victims are denied of relief has contributed to conflict in Nepal. A study, 'Rapid Assessment of Earthquake Affected Districts in Nepal' prepared by The Asia Foundation has suggested that conflict erupted between social mobilizer with affiliation to Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and the 'victim groups' in Katunje village in Okhaldhunga as the 'victim groups' claimed that only those who were close to CPN-UML were given 'victim cards'. As the conflict escalated, the cadres of CPN-UML were put behind the prison.<sup>10</sup> Even the perception of unequal treatments lead to conflicts in these situations.

Moreover, massive disasters displace communities forcing them to find a safe refuge in other regions of the country. This could lead to frictions between the displaced and the host communities. The shortage of resources already being experienced by the host communities thus get aggravated. Further, in an ethnically diverse country like Nepal, the religious and ethnic dimensions of conflict can become even more evident after the disaster, especially in the sharing of available natural resources with other communities.

## **During reconstruction**

In their immediate aftermath, disasters may bring people together, but during reconstruction, competition over limited resources, expectations from government, poor resettlement plans, real and perceived discrimination during aid distribution are some of the issues that create conflict. The conflict could be between beneficiaries and the government and between communities, including within communities. It could manifest into prolonged deprivation of aid to the victims and damage the society by reinforcing existing divides.

In the reconstruction phase, survivors have high expectations from the state about its ability to aid them to get back on their feet. The greater the deprivation experienced by survivors, the higher will be their expectation. Unmet expectations could easily turn into grievances against the government which result in conflict between the affected people and the government. During the Nepal earthquake, those who lost their houses expected the government to fund their rebuilding. When the government initially announced a NPR 200,000 grant, people were naturally dissatisfied with the fraction of the amount for the construction of their house. Then the aid was increased to NPR 300,000, but it was still far less than their expectation. The small aid amount came with numerous eligibility criteria and cumbersome procedures to become a recipient further heightening their grievances.

Considering the social structure of Nepal, with communities composed of different ethnicities and castes and the existence of social inequality, disasters can easily invigorate those divisions. The poor groups that are disenfranchised by the system may further be marginalized during reconstruction. If the policies—aid policy itself and/or distribution policy—are inefficient and discriminatory, then a section or class may appropriate the bigger slice of aid at the expense of others. In Nepal's case, many stories emerged that certain communities were channelling the aid to their communities only. Mostly, it does not matter whether such discrimination was actually performed or not. The mere perception that such discrimination is taking place is enough to create disputes.

**Housing disputes:** Given the scale of damage and destruction, the housing sector was the most affected by the disaster. The Post Disaster Needs Assessment Report (PDNA) estimated that about 500,000 private houses were completely destroyed while 250,000 suffered partial damage. Later, the Post Disaster Recovery Framework (PDRF) revised the number of fully damaged houses in rural districts to 625,000 with 180,000 as partially damaged. According to the final tally, 767,705 houses became eligible for the government grant across the 14 severely affected districts and 17 other less affected districts.<sup>11</sup>

Since housing is an essential part of helping build a safe shelter, it is a humanitarian imperative. Realizing this need, the state ventured towards supporting the survivors to build structurally sound houses that could withstand future earthquakes. Since the government could not get this message communicated properly, survivors misunderstood that the government was financing the entire construction. In fact, the survivors were to undertake their own reconstruction using their own funds, labour and materials salvaged from their collapsed structures. The government grant was only a partial support. This misunderstanding, not to mention the low amount of grant, delayed start of the distribution process and other procedural hassles to receive the grant have made post-disaster housing reconstruction a fertile ground for conflict.

**Grant distribution:** The revision of the NPR 200,000 grant, later, to NPR 300,000 created false expectation of possible further increments. Delays in setting up National Reconstruction Authority (NRA) and the preparation grant distribution procedures created confusion and fear among the survivors of being left out. The numerous safeguards put in place to avoid misappropriation of cash grants have inadvertently led to further delays and confusion. In the meantime, free from most of the procedural red tapes, international and domestic non-government organizations were able to push forward their own shelter construction plans.

Another source of confusion was the multiple rounds of beneficiary assessment. Identification of the damaged houses was undertaken first by local bodies<sup>12</sup> when they were providing immediate relief for shelter with an amount of NPR 15,000. This was followed by another round of identification done by the district chapters of Natural Disaster Rescue Committee.<sup>13</sup> The latter also distributed victim identification cards, popularly known as ID cards. During this period, the damaged houses were classified into: habitable, partially damaged and completely damaged. Finally, after NRA became functional, a comprehensive survey was conducted through Central Bureau of Statistics (CBS) to ensure that only the eligible could access the cash grant. The multiple rounds of assessment reduced the number of beneficiaries in some dis-

tricts and increased it in some. This led to the perception that the influential and those with ties to political parties got included in the grant recipient list at the expense of the actual victims.

It appears that conflicts started to emerge right from the beginning, when the initial cash grant of NPR 15,000 for temporary shelters were distributed. The Asia Foundation's report "Aid and Recovery in Post-Earthquake Nepal: Qualitative Field Monitoring June 2015" found the grant distribution procedures and amount to be different across districts.<sup>14</sup> For example, the government asked several INGOs and NGOs to distribute the government cash grants in Gorkha, making many believe that those were in addition to the government pledged amount.<sup>15</sup> They were expecting more to be coming from the government. Meanwhile, regarding the initial NPR 15,000 grant, insufficient funds in Syanga, one of the low-impact districts, led the local body to distribute only NPR 5,000. In some villages of Dolakha the amount was as low as NPR 2,000.

The damage assessment was found to be the most contentious issue during the relief distribution. The first round of assessment done by the local bodies was found to have been generous in assessing damages. The assessment teams had taken arbitrary decisions. For example, in Dolakha, technical teams declared all mud-stone structures as fully damaged. In Okhaldhunga, 'partially damaged' houses were to be reclassified as 'fully damaged' if the owners demolished them and submitted the proof of doing so by including photos to the district authorities. Such arbitrariness gave rise to conflicts between communities and local bodies and members of Ward Citizens Forum and technical staff involved in the assessment. In places, such as Gorkha, dissatisfied victims formally submitted a letter to their District Administration Office demanding a fairer classification.<sup>16</sup>

As a result, when NRA was formally mandated to start the reconstruction, it decided to undertake another round of assessment through CBS because of the controversy surrounding the earlier damage assessments. This attempt was also met with protests from the affected people for multiple reasons, the principle being inconsistent and ad-hoc assessment procedures and lack of clear policies

for classification. The differences among the multiple assessments were suspected by many to be due to manipulation and interference by political parties and influential people.

Further, as the process finally moved towards grant distribution, for what was called 'owner-driven reconstruction', more issues of exclusion came to light. The eligibility criteria for grant recipients were: a) recipients should have been identified by the CBS, b) they should have copies of their citizenship and land ownership papers, and c) they should not own another house elsewhere.<sup>17</sup> The requirement particularly regarding land title certificates created problems. Given the complicated land tenure system of Nepal, not all the pieces of land are under private ownership. Victims residing on public land, guthi land and forest land were, by default, going to be excluded as they did not own such papers. According to a report by Amnesty International, 1,313 households from Bhedpu VDC could not receive grant because one of the requirements was a land certificate. Bhedpu sits on land owned by Dolakha Bhimeshwor Temple Guthi. Seventy households in Singati were on land owned by a family-based guthi, which is now in the midst of a law suit.<sup>18</sup>

Eventually, NRA had to revise its grant distribution guidelines. The new procedure made land registration optional and cash grants would be available if two people attested that the damaged house belonged to the claimant. Similarly, the amendment also allowed victims residing on public land, guthi (trust) land, government land, forest land or on land with additional tenancy rights and other forms of customary land systems to also be eligible to receive the cash grant.

These requirements needed to be fulfilled to be eligible for cash grants. There were other additional conditions to be met to receive each of all the three instalments. Additionally, there were multiple levels of inspection. There are at least four guidelines that need to be followed, including, Procedure for the Reconstruction for Grant Distribution for the Private House Damage by the Earthquake 2016, Reconstruction of Structure Damaged by Earthquake Rule 2016, Procedure Relating to Grievances Management with Regard

to Reconstruction and Restitution 2016, Technical Supervision of the Reconstruction of private houses 2016.

To ensure transparency, fund transfer to the beneficiaries took place through their bank accounts. Although such direct transfer helped in preventing misappropriation of grants, it created documentation problems, like different spellings for the same name and other such small details, preventing many from accessing their own bank accounts. Moreover, the provision that allowed nominees of absent beneficiaries to collect money on their behalf came to a naught. This red tape defeated the very purpose of the provision it was devised to overcome. The grant disbursement procedures allow a person in the beneficiaries' list, who "is at home and is also the owner of the land but cannot be present" and anyone "whose name is in the beneficiaries' list but lives abroad currently and his/her spouse has come for the agreement" to nominate family members to receive the grants.<sup>19</sup> Again, banking regulations do not allow anybody other than the account holder to make withdrawals, thus, making this provision almost ineffective.

It is important to note that, in many places, these conflicts died down after the mediation of political parties, local bodies or non-government organizations that helped the victims navigate through the complex red tape network.

## **Grievance handling**

Much of the conflict that marred the reconstruction period was related to distribution of housing grants. The multiple rounds of assessment to determine the extent of damage and beneficiaries led to exclusion of the deserving and inclusion of those with minimal damage, or those owning houses elsewhere in the beneficiary list. NRA did introduce a grievance mechanism, as recommended by the Post-Disaster Recovery Framework, to ensure transparency and accountability. The Grievance Redressal Guideline, published in June 2016, includes "a specific protocol for handling grievances including the minimum timeframe within which different types of grievances should be addressed."<sup>20</sup> The guidelines encourage

settlement of grievances at the local and district level committees. Those not solved at the local level are passed on to the higher next level. The highest level in this case is NRA. According to NRA, 237,085 complaints had been registered by the end of March 2018 and 87 per cent of them had been redressed.<sup>21</sup> However, local level grievance redress bodies, headed by the Village Council secretaries, were found to have referred most of the complaints to the district level, thus defeating the very purpose of letting the community come out with the solution.<sup>22</sup>

**Community Mediation:** Nepal needs to be extra careful in managing the simmering conflicts, given the recent history of a decade-long armed conflict with roots in the socio-political fabric. Conflict management may not be straightforward when their causes are much more nuanced than what appears to the public. If the conflict arises due to confusion created by NRA's ambiguity in victim identification and cash distribution procedures, then it could be solved through redress procedures. Or, such conflict could have been prevented by simply having a proper information and communication strategy in place.

But, if the root of the conflict is everyday internalized discrimination against certain groups based on certain attributes, for example, their caste, it may require a much more complex treatment. If a community is banned from using community water sources because of caste, then conflict resolution might not be achieved by setting up just another supply pipeline. Future conflicts in such cases cannot be ruled out. Here, community mediation for conflict resolution could be opted. The mediation programmes could help repair fractured relationships and resolve disputes.

Mediation involves a process in which a neutral third-party assists in resolving a dispute between two or more other parties. Local level conflict resolution could facilitate dialogue between the disputing parties to negotiate and arrive at a mutually agreeable settlement. Community mediation holds greater currency in countries like Nepal, where judicial resolution may not be accessible or effective to root them out. Although it would be wrong to assume that community mediation erases all issues within and between

## Box 8.1

**Erosion of social ties**

Unequal access to relief and reconstruction provisions has created a chasm between different ethnic groups and castes. Resentment between groups has grown with bias in treatment meted out to them – be it in reality or in perception – by humanitarian agencies. This may lead to deterioration in existing social relations. On the other hand, after the disaster, previous divisions, between the privileged and the unprivileged, may have been blurred as well. The so-called upper caste *Brahmins* and *Chhetris* also lost their habitats and livelihoods as did the oppressed *Dalits*. It is a different matter that resilience – ability to bounce back – could be stronger among previously privileged groups than ones who have been historically marginalised. Thus, when more relief and efforts seemed to be directed towards *Dalits*, it is but natural for *Brahmins* and *Chhetris* to feel resentment when everyone was in equal distress. This did deepen the social divides and conflicts.

Among neighbours, too, the earthquake and the reconstruction created new divisions. Instances were common where a neighbour received a favourable assessment, despite minimal damage, due to their connection in the right places. The needier neighbour without connections, meanwhile, was left high and dry. Such discrimination could take a whole new dimension if the neighbours start attributing such exclusion to them belonging to certain ethnicity or caste. Since these conflicts did not flare into violent incidents, they did not gather much attention. However, they are manifestations of already existing divides simmering beneath the surface. The badly managed reconstruction activities only added fuel to these tensions. Even within families, sharing of the grant money have resulted in fights between brothers, not to mention abuse of the elderly. Domestic violence is also considered to be on the rise in the post-disaster aftermath.

Likewise, existing ownership title disputes within families, between brothers and other members, have resulted in confusion and conflict while claiming the reconstruction grants. Similarly, women separated from their husbands, but yet to go

through legal divorce, have also faced a lot of difficulties. Cases of sexual assault and harassment were widely reported in the temporary camps that offer scant privacy.

Moreover, the earthquake also saw several instances of tussle brought about by religion. It was reported that only Christian communities were being delivered aid sent by Christian organizations or churches from Kathmandu. Moreover, suspicions that Christian organizations were promoting conversion through aid distribution was also rampant.

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communities, but it is more sustainable than the resolution based on decrees from the authority.

## **Avoidable conflicts**

The Nepal earthquake and the reconstruction did cause conflicts, primarily related to housing grant distribution, because of procedural shortcomings and existing unequal power relations based on different socio-economic and political factors. At times, these conflicts were resolved through policy changes and redress meted out at the local level. A few required community mediation while some have been left unresolved. The uneven distribution of resources and information delivery created the conflicts and delayed the whole process, thus leaving many to remain homeless.

In the cases of conflicts resulting from policy deficiencies or lack of proper communication between parties, mediation through grievance hearings and policy amendment worked. Much of the problems came about due to lack of effective communication on the part of the government and its agents. The issues related to eligibility criteria and building-design changes would not have emerged in the first place had there been a proper flow of information. Moreover, centralised handling of reconstruction through blanket policies, without considering local realities, added fuel to the fire. Effective communication strategies would have also helped tackle perceptions about certain communities or sections

being unnecessarily favoured at the expense of others. Perception is important not only in quashing existing conflicts but in preventing future ones as well. Therefore, conflict resolution and mediation need to be an integral part of reconstruction activities as they avoid unnecessary delays in service delivery. ■

## Notes

- <sup>1</sup> UNDP. 2011. *Disaster-Conflict Interface Comparative Experiences*. New York: United Nations Development Programme.
- <sup>2</sup> Twigg, John. "DRR, social crisis and conflict." In *Disaster Risk Reduction*. London: Humanitarian Policy Group, Overseas Development Institute.
- <sup>3</sup> *ibid.*
- <sup>4</sup> Brancati, Dawn. 2006. "Political Aftershocks: The Impact of Earthquakes on Intrastate Conflict." *Journal of Conflict Resolution* 51(5): 715-743.
- <sup>5</sup> Seppala, Emma. 2012. "How the stress of disaster brings people together." *Scientific America* November 06. <https://www.scientificamerican.com/article/how-the-stress-of-disaster-brings-people-together/>
- <sup>6</sup> *ibid.* Note 1.
- <sup>7</sup> Lindsay, J. K. 2007. "Greek-Turkish rapprochement: The impact of disaster diplomacy?" *Cambridge Review of International Affairs* Vol. 14 (1): 215-232.
- <sup>8</sup> Kelman, Ilan. 2006. "Acting on Disaster Diplomacy." *Journal of International Affairs* 59(2): 215- 40.
- <sup>9</sup> *ibid.* Note 4.
- <sup>10</sup> The Asia Foundation. 2015. *Independent Impacts and Recovery Monitoring Phase 1: Qualitative Field Monitoring*. [http://democracyresource.org/wp-content/uploads/2017/04/Aid-and-Recovery-in-Post-Earthquake-Nepal-QualitativeReport\\_Round-1\\_September2015.pdf](http://democracyresource.org/wp-content/uploads/2017/04/Aid-and-Recovery-in-Post-Earthquake-Nepal-QualitativeReport_Round-1_September2015.pdf)
- <sup>11</sup> NRA. 2018. *Rebuilding Nepal, Rising from the Rubble*. Kathmandu: National Reconstruction Authority.
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- <sup>13</sup> *ibid.*
- <sup>14</sup> The Asia Foundation, 2015. *Aid and recovery in post-earthquake Nepal*. Independent impacts and recovery monitoring phase 1, qualitative field monitoring: June 2015. <https://asiafoundation.org/publication/aid-and-recovery-in-post-earthquake-nepal-qualitative-field-monitoring-june-2015/>
- <sup>15</sup> *ibid.*
- <sup>16</sup> *ibid.*

## Initiating Dialogue on Post-Disaster Reconstruction

- <sup>17</sup> Guidelines related to land registration of earthquake affected persons 2072. available at [www.nra.gov.np/uploads/docs/2cb8PcxhZ1160607090216.pdf](http://www.nra.gov.np/uploads/docs/2cb8PcxhZ1160607090216.pdf) (in Nepali).
- <sup>18</sup> AI. 2016. *Building Inequality*. London: Amnesty International.
- <sup>19</sup> Grant disbursement procedures 2016 (2073).
- <sup>20</sup> AI. 2017. *Building Inequality*. London: Amnesty International. <http://www.amnesty.ie/wp-content/uploads/2017/04/ASA3160712017ENGLISH.pdf>
- <sup>21</sup> Obtained from National Reconstruction Authority website <http://nra.gov.np/> accessed on 10 March 2018.
- <sup>22</sup> *ibid.*