



Flickr / UNDP

Conflict Resolution in Post-Earthquake Nepal

Disasters caused by exogenous natural phenomena have resounding social, political, economic and demographic impacts. The scarcity of resources in its aftermath and the power struggle to gain an upper hand in relief and rebuilding create new conflicts or exacerbate existing ones. Moreover, badly planned state aid interventions, that feed the perception that certain sections are being more favoured than others, fan conflicts.

Disasters destroy lives and livelihoods of people and create scarcity of resources—such as food, shelter, drinking water, title to land, access to livelihood opportunities, among others. As the communities compete with each other for their access, the rise of conflicts or disputes is natural. Moreover, in 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. Further, in places such as Nepal, where state mechanism is not fully capable to come to the rescue and recovery of those affected, judicious distribution of reconstruction

aid is doubtful. Hence, conflicts during post-disaster reconstruction are almost inevitable.

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.

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 and medicines, push the wedge between communities further. 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. 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 tend to get aggravated.

(II) Relief distribution based Conflict: Disasters may be of large scale, but their impacts are always felt at the household levels. Hence, in the aftermath of disasters, if certain households get more aid than others, 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, fuelling resentments.

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/or 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 support them to get back on their feet. The greater the deprivation experienced by survivors, the higher will be their expectations. Unmet expectations could easily turn into grievances against the government resulting 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. But, insufficient grant amount of NPR 300,000 which came with numerous eligibility criteria and cumbersome procedures to receive the grant further heightened the 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 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. 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 Gorkha Earthquake. After multiple rounds of countings, 767,705 houses were considered eligible for the government grant across the 14 severely affected districts and 17 other less affected districts.

The state aid for housing reconstruction was to support the survivors to build structurally sound houses that could withstand future earthquakes. But, lack of effective communication meant 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.

Multiple rounds of beneficiary assessment created further confusion. Identification of the damaged houses was undertaken first by local bodies when they were providing immediate relief for shelter with an

As communities compete with each other for the access to limited resources, rise of conflicts or disputes are natural in the aftermath of disasters.

amount of NPR 15,000. This was followed by another round of identification done by the district chapters of Natural Disaster Rescue Committee. Finally, after National Reconstruction Authority (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 districts and increased 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.

The damage assessment was the most contentious issue during the relief distribution. None of the three attempts at damage assessment were free from controversy due to 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.

Grant distribution: Delays in setting up NRA and the preparation of grant distribution procedures created confusion and fear among the survivors of being left out. Additionally, numerous safeguards put in place to avoid misappropriation of cash grants inadvertently led to further delays and confusion. In the meantime, free from most of the procedural red tapes, international and domestic non-governmental organizations were able to push forward their own shelter construction plans. There were other additional conditions to be met to receive each of all the three instalments. Additionally, there were multiple levels of inspection.

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. 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* (trust) land and forest land were, by default, going to be excluded as they did not own such papers.

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* land, forest land or on land with additional tenancy rights and other

Box 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 led 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 the ability to bounce back could be stronger among previously privileged groups than ones who have been historically marginalized. 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.

The earthquake also saw several instances of tussle brought about by religion. Amidst the growing fear of proselytism—be it perceived or real—Christian charity organizations were also suspected of promoting conversion through aid distribution and were accused of serving only Christian communities.

forms of customary land systems to be also eligible to receive the cash grant.

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 unable beneficiaries to collect money on their behalf came to a naught. 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-governmental 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. NRA did introduce a grievance mechanism to ensure transparency and accountability. The Grievance Redressal Guideline, published in June 2016, encourages 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. 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.

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. Such conflicts 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

Community mediation holds greater currency in countries like Nepal, where judicial resolution may not be accessible or effective.

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

Avoidable conflicts

The 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 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, centralized 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. ■