Uncertain aftermath

Political impacts of the 2015 earthquakes in Nepal

Austin Lord and Sneha Moktan

As the month of April 2015 was drawing to a close, Nepal remained stuck in a prolonged period of uncertain political transition, defined by the failure to draft a constitution, a vacuum in local governance, and a recurrent pattern of political brinksmanship and power-brokering that kept Nepal perpetually on the edge of a political precipice. The government in Kathmandu was preoccupied with its own political theatre and was thoroughly unprepared for any kind of disaster, despite the inevitability of a major and seemingly overdue earthquake in the Central Himalaya.

The process of writing the constitution remained stalled due to fundamental disagreements over key contentious issues. A familiar sense of political stagnation had settled across Nepal as the second Constituent Assembly (CA II) repeated the pattern of its predecessor, having missed its own 22 January deadline to promulgate a new statute. In rural Nepal, life ground on as usual. Then, in the late morning of 25 April 2015 the earth heaved, rolled and rumbled for nearly a whole minute. The long anticipated 'Big One' had arrived.

Earthquake: uneven effects and response

The epicentre of the 7.8-magnitude earthquake was located in the district of Gorkha, west of Kathmandu. The initial rupture was followed by a series of aftershocks, including a major 7.3 magnitude tremor on 12 May with an epicentre in Dolakha district. According to the national Nepal Disaster Risk Reduction Portal, the earthquakes killed nearly 9,000 people in Nepal, leaving almost 22,000 people injured and an estimated 3.5 million homeless. The government officially declared that 35 of Nepal's 75 districts were 'earthquake-affected', of which 14 were classified 'most-affected', primarily in the Central Development Region surrounding Kathmandu.

Despite their common representation as a 'national tragedy', the earthquakes themselves and the subsequent earthquake politics have in fact been unevenly distributed across Nepal and across socioeconomic and ethnic groups. Historical patterns of structural inequality left some groups far more vulnerable than others. The areas of greatest need were predominantly in the districts, not in Kathmandu. Most casualties occurred within the boundaries of what has sometimes been proposed as the state of Tamsaling or Tambasaling, where the Tamang ethnic group represents the demographic majority. The earthquakes had relatively limited effects in the southern plains of the Tarai or the Mid-Western and Far-Western Development Regions.

In the immediate aftermath of the earthquake it soon became clear that the ability of victims to secure either state and non-state aid was shaped by factors that were not solely humanitarian, but also followed differential patterns of political and geographic access and longstanding socio-spatial exclusion. Different government institutions responded in different ways. Some disaster response mechanisms were activated and some were not. Accounts of the first few days following the earthquake demonstrate both a lack of official capacity and an atmosphere of confusion among the political class. Not known for its efficiency on the best of days, Nepal's government was unable to mount a quick, efficient and centralised rescue, relief and recovery operation.

These general failures were punctuated by sporadic but admirable efforts made by a handful of individual leaders, as well as an outpouring of volunteer initiatives.

As expected, within the first 48 hours a slew of international institutions and humanitarian organisations arrived in Nepal to provide support of all kinds and qualities. In an attempt to ensure uniform coverage, the government sought to coordinate relief distribution through a 'one door' policy via the District Disaster Relief Committee (DDRC). This approach was in part a reaction to excessive relief, overcrowding, and double or even triple coverage in highly visible and more accessible areas.

But these well-intentioned efforts to seize the reins of the relief effort drew flak as concerns over political bias began to surface. Problems were especially apparent at the local level where, in the absence of elected officials, the spectre of the 'All-Party Mechanism' (APM) was revived in many areas as a conduit to distribute relief. APMs had previously been scrapped as structures to administer local governance having been widely discredited as partisan [*see article on local governance, p.91*]. But as they now began to re-exert their influence at both the DDRC and in the villages, coordination of post-earthquake relief became a major political issue, and certain political leaders were found to be channelling materials toward their political bases, often along party lines.

The frequent aftershocks drove everyone outside. As time passed, some returned to intact houses, while others had no choice but to live in the temporary shelters. Concerns about landslides during the monsoon brought more and more people into camps for internally displaced persons, which became sources of internal tension and discrimination. There were reports of Dalit ('low caste') families being marginalised from major camp areas as well as of harassment of women. As the weeks dragged on, the initial feelings of unity and impartiality that had characterised the immediate aftermath of the earthquake gave way to partisanship and political positioning, and the 'politics of recognition' intensified during a shift in competition for shelter – from plastic tarpaulin to corrugated galvanised iron.

Politics of local disaster management

In the absence of a coherent national body to manage a disaster of this scale, the National Planning Commission stepped in to coordinate all initial relief and recovery efforts. Implementation was conducted largely via 'the cluster system', organised thematically and comprising both government and humanitarian partners, as per common international humanitarian practice, and through the DDRC operating in each affected district. The pre-existing DDRC was activated to provide a forum for local decision-making, to coordinate with central government, and to communicate local needs to the central level. The DDRC was supposed to function as a clearinghouse to channel all relief materials through the 'one-door' policy, in order to ensure efficient use of resources and appropriate distribution throughout a particular district. At the local level, some DDRCs were more successful than others, but a lack of technical capacity and political infighting within these bodies also led to several cases where relief simply piled up at the district centre.

With no functional system for the systematic and equitable distribution of aid at the local level, the quantity and quality of relief materials were largely dependent on informal networks and on the level of access of the actors who shaped the relief distribution process. A lack of information about how distribution worked further exacerbated unevenness. As a result, relief was skewed along lines of caste, ethnicity, class and gender. More often than not, DDRCs were almost exclusively composed of men from historically privileged castes and ethnicities, and many were criticised for overlooking the interests of women and other excluded minorities. Single women with no adult males in the family found it especially difficult to access relief materials. Later, such women even struggled to be identified as earthquake-affected 'household heads', as the enumeration of earthquake victims by the Central Bureau of Statistics was plagued by longstanding discrimination in women's rights to citizenship and recognition as lawful beneficiaries.

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Relief distribution thus followed familiar patterns of social and spatial exclusion, which became increasingly evident and exaggerated over time, particularly with regard to community decision-making related to relief and recovery. For example, the 2016 report, 'Discrimination in Disaster', noted that Dalit households tended to be registered at the

bottom of the name lists, and that Dalits were often the last to receive relief materials.

The Village District Committee (VDC) Secretary became the point person for all relief and recovery-related activities at the local level. Almost always a man, the VDC Secretary was responsible for collecting data, overseeing the distribution of relief, and, later, assisting with all administrative requirements of disbursing government aid for reconstruction. Some secretaries were responsible for two or even three VDCs, while over 80 VDCs in the earthquake-affected districts were still without their own secretary even a year after the earthquake.

Post-earthquake drafting of the constitution

Within two months of the earthquake, the Post-Disaster Needs Assessment was ready in preparation for an international donor conference – standard international practice for soliciting humanitarian aid. The international conference on Nepal's reconstruction, on 25 June, 'Toward a Resilient Nepal', saw pledges of around USD 4.4 billion. International aid roughly reflected historical patterns, with India and China leading the way, flanked by Norway and the United States, and large amounts promised by the World Bank and the Asian Development Bank. The international community stressed priorities of transparency for the relief effort, but also took the opportunity to reiterate the need for 'political stability' – seemingly an implicit reference to rapid agreement on the much-delayed constitution as a precondition for the release of funds.

In anticipation of the donor conference but also to allay increasing public frustration, Nepal's senior political leaders sat down soon after the earthquake to reconsider the constitution. Remarkably, under the banner of post-disaster need and unity, the major political parties, the Nepali Congress (NC), the Communist Party of Nepal-Unified Marxist-Leninist (UML), the Unified Communist Party of Nepal-Maoist (UCPN-M), and the Madhesi Janaadhikar Forum-Democratic (MJF-D), reached a 16-Point Agreement on issues that had been heavily contested for many years – such as the number of federal provinces and the electoral system.

This detente was further facilitated by the respective agendas of the two major communist parties, the UML and the UCPN-M. The UML was eager to take its turn heading the government once the constitution had been promulgated. The Maoists were fast losing ground in the CA and sought to have the constitution passed with as much of their agenda still intact as possible, while also pursuing an enlarged role in the post-earthquake government. This coming together of two major parties brought the NC and the MJF-D to the table as well.

In July, the CA presented a draft of the constitution to the nation for a very brief consultation period of 15 days. The plan was to distribute copies of the draft in all 240 electoral constituencies, to get citizens to read the voluminous 100+ page document packed with legal terminology, and to gather feedback through telephone and public hearings – for which two days were assigned. Many saw such a truncated process as a facade for a genuine consultation. No single faction or party got everything they wanted in the constitution, but the terms of compromise were still unevenly distributed across the parties. In particular, the majority of the Madhes-based parties felt they had been sidelined by the traditional politics that perpetuated their persistent under-representation, providing fuel to the smouldering fire of Madhesi dissatisfaction.

Tarai protests

The release of the draft constitution and the ongoing debate over the 16-Point Agreement triggered political protests in the Tarai. These were reminiscent of the 2007 and 2008 uprisings over the Interim Constitution [*see article on social movements, p.97*], as Madhesis felt that the imposition of another constitution that did not address their longstanding demands was the final proof that the state did not recognise their interests. By August of 2015 the Tarai was in upheaval. The most serious violent incident took place in Kailali district in Far-Western Nepal, when protests seeking recognition for an autonomous Tharuhat province turned violent and seven policemen were killed.

Mass public demonstrations were quickly matched by mobilisation of state security forces across the Tarai. A coalition of Madhes-based political parties protested the delineation of the federal provinces, which they believed would unfairly dilute their political voice in favour of hill-origin communities. Protestors also demanded proportional and inclusive representation in all state bodies, and the determination of election constituencies based on population ratios. Fifty-eight people, both civilians and security personnel, were killed in the violence.

Despite the protests in the Tarai, the constitutional process was 'fast-tracked' and a new statute was passed on 20 September 2015. It was an incomplete document, with a number of critical and contentious issues deferred to be revised later. On the day of the promulgation, a major city in the Tarai, Birgunj, was under heavy curfew. Less than a month later, Prime Minister Sushil Koirala of the NC reluctantly stepped down and UML leader KP Oli, took over – the fulfilment of a widely known 'gentlemen's agreement' between the leaders, and yet another example of power-

A woman from Singla village extracts her belongings from the rubble, May 2015. © Asia Development Bank

brokering in Nepali politics. This outcome placed Oli at the head of a coalition government that included both the far-left Maoists and the far-right monarchists.

Oli and his new government faced another challenge before they could access the 'reconstruction windfall'. India indicated its unhappiness with the new constitution, initially by merely 'noting' (rather than welcoming) its arrival, but later through diplomatic efforts and strong public statements urging Nepal to listen to the agitating voices in the southern plains. When the government failed to respond as desired, an 'unofficial blockade' materialised at several major transit points along the southern, 'open' Nepal-India border. Protestors in the Tarai ratcheted up their activities. But despite weeks of queues in Kathmandu for petrol and cooking gas caused by the blockade, the political elite remained largely aloof while simultaneously condoning an increasingly robust black market. The Nepali economy suffered tremendous losses. Large-scale infrastructure projects ground to a halt, and post-earthquake recovery and reconstruction work was significantly delayed.

Prime Minister Oli vociferated about nationalism and energy sovereignty and talks began with China about providing an alternative source of fuel. Following a prolonged face-off, the constitution was amended in January 2016 in a move to allow India to save some face, and the 'unofficial blockade' was 'officially lifted' with the opening of the last and the major border point at Birgunj.

National Reconstruction Authority

The National Reconstruction Authority (NRA) was finally established eight months after the disaster. The NRA had been sketched out in the wake of the donor conference in June 2015, and officially constituted under a special ordinance on the 22nd of that month. But the government failed to get it approved by the Legislature-Parliament within the required timeframe of 60 days, and it was hence automatically dissolved. This was primarily because of political tussles over which party would control the NRA through its appointed chief executive officer (CEO). As the UML strategically filibustered, the Legislature-Parliament was in recess for the second half of August and Speaker Subash Chandra Nembang (of the UML) set a date for the re-adjournment of the House too late for ratifying the ordinance.

It was only in September that the government presented a new bill on the NRA in parliament, and it took another three months for the bill to be passed. The UML government finally advanced its candidate as the NRA CEO. In the ensuing months this appointment proved challenging. Senior government officials openly refused to join the NRA despite directives, as they did not wish

to report to a CEO who in their eyes was a relatively junior official. As a result, the NRA has continued to suffer from a lack of capacity and bureaucratic and technocratic deficiencies. It has been as if the NRA has been trying to drive a vehicle at the same time as assembling it – drafting policies and directives while also implementing them.

Initially, the absence of a strong centralised directive meant that decisions at the district level were open to interpretation, and policies were modified in districts, such as altering definitions of who is 'affected' and so eligible for relief and reconstruction aid. Such ambiguities have led to discrepancies in the recording of the number of affected households – with the inclusion of several ineligible ones and the exclusion of others that are eligible, including some of the most affected such as marginalised groups, single women and disabled people. The UML-appointed CEO of the NRA remained unchanged for some time even after the change in government, providing a modest but uncertain continuity. In early January 2017, the CEO was finally sacked and the NC candidate who had headed the NRA under the afore-mentioned ordinance was brought back.

Overall, progress on reconstruction remains painstakingly slow, and the NRA continues to lack adequate human resources and to struggle with issues of coordination and communication. As of December 2016, many households eligible for the government reconstruction grant had only just received the first instalment of funds, and all were waiting for the second. This has left the majority of earthquake-affected households in Nepal with just the foundations of their new houses and without a roof over their heads, two winters after the earthquake.

Building back better?

Looking back, it is now clear that the earthquakes that struck Nepal on 25 April 2015 created a variety of political opportunities. The post-earthquake scenario over the past year has highlighted chronic failures of governance, but has also been used as a prop for political actors to slow down or speed up a variety of political processes according to preference. Nepal now has a constitution, but several key issues are far from finalised. Some political actors are even stating that central issues like secularism and federalism are still on the negotiating table. In the last decade following the dissolution of the monarchy, there has been a kind of tunnel vision on the constitutional process, which is seen as a panacea for all kinds of systemic political ills. However, the new constitution seems to have established little more than a revised holding pattern – as always, the political leadership seems to be 'comfortable in transition'.

Some progress has been made in terms of post-earthquake recovery, despite the dominant patterns of government failure, but thousands of people have now spent two monsoons and two winters in temporary shelters. The lack of locally elected bodies has exacerbated poor response and reconstruction efforts, a realisation that can and should be a catalyst for local elections as soon as possible. The government will have to hold fresh elections at all levels before the term of the current parliament is scheduled to expire in 2018, so as to avoid falling back into the vacuum of governance experienced between CAs I and II in 2012–13.

Hopes that a constitution would unlock political stability in Nepal have given way to the realisation of a series of new political challenges over the next five years, relating to reconstruction, transition to the federal system, local elections, redefining Nepal's problematic geopolitical positions, and resolving social issues in the Tarai … to say nothing of preparing for the next earthquake.

Austin Lord is a researcher currently enrolled in the doctoral programme in anthropology at Cornell University. In the wake of the 2015 earthquakes, he co-founded the volunteer initiative Rasuwa Relief to support post-disaster relief and recovery. In 2015 and 2016, he worked as a research consultant for the UNDP in Nepal and advised several other institutions, including the Langtang Management & Reconstruction Committee. He holds a Master of Environmental Science degree from Yale University.

Sneha Moktan is a development practitioner in the field of good governance and citizen participation in democratic processes. In 2013–16 she worked for the National Democratic Institute in Nepal, where she managed projects related to voter education leading up to the 2013 Constituent Assembly elections, nationwide electoral reform dialogues, and programmes focused on post-earthquake recovery and reconstruction. She also has a background in media and journalism, and holds an MA in International Relations from Yale University, where she was a Fulbright Scholar.