



Samarpan Academy  
Institute of Crisis  
Management Studies  
(ICMS)



Nepal Red Cross Society



International Federation  
of Red Cross and Red Crescent Societies



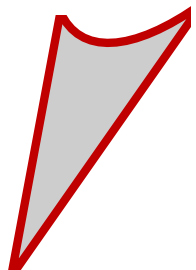
# ***WORKSHOP REPORT***

## **Strengthening Legal Preparedness for International Disaster Response in Nepal**

**28-29 January 2016**

**Hosted by**

**Institute of Crisis Management, Samarpan Academy,  
International Federation of Red Cross and Red Crescent Societies,  
Nepal Red Cross Society.**



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## **Acknowledgement**

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The Institute of Crisis Management Studies is grateful to all organizations and individuals who supported the event and contributed directly or indirectly to make this very timely, pertinent and important workshop on ‘Strengthening Legal Preparedness for International Disaster Response in Nepal’ successful. The ICMS extends deepest gratitude to IFRC and NRCS for the financial and technical support. The ICMS also would take this opportunity to thank all participating and collaborating actors who attended the workshop and provided insightful inputs including National Planning Commission, Ministry of Agriculture and Development, Ministry of Foreign Affairs, World Food Programme, United Nations Population Fund, Nepal Army, Nepal Police, Armed-Police Nepal, Institute of Foreign Affairs, Kathmandu School of Law, Médecins du Monde, Swiss Red Cross, Habitat for Humanity Nepal to name a few among many others. We believe that this multi stakeholder consultation is an important milestone toward the development of a more inclusive and effective disaster risk management framework for Nepal.

Last but not least, the ICMS would also like to extend its heartfelt gratitude to the research team members who were involved in drafting, reviewing and finalizing this report. Special thanks goes to Dr. Chandra Lal Pandey, Academic and Research Director of ICMS who played an instrumental role in drafting the report and Ms. Gabrielle Emery, Coordinator for Asia Pacific Disaster Programme, who reviewed and provided insightful suggestions for amendments to bring the report in this form. The ICMS would also like to thank Ms. Darine Boongullaya, Ms. Swosthani Gurung and Ms. Nabina Nakano who provided support at various stages of preparing and finalizing this report. We believe this report, which provides a detailed description on the two-day workshop held at ICMS Campus in Dhumbarahi, Kathmandu from the 28 -29 January 2016 will serve as a key reference document for different stakeholders especially with regards to strengthening legal preparedness for international disaster response in Nepal.

## Abbreviations/Acronyms

AIN	Association of International NGOs in Nepal
BO	Base of Operations
CCCM	Camp Coordination and Camp Management
CNDRC	Central Natural Disaster Relief Committee
DFID	Department for International Development
EOC	Emergency Operations Centres
FSFN	Federal Socialist Forum Nepal
FAO	Food and Agriculture Organization of the United Nations
GoN	Government of Nepal
HFHI-N	Habitat for Humanity-Nepal
IFA	Institute of Foreign Affairs
IDRL	International disaster response laws, rules and principles
IMC	International Medical Corps.
INGO	International Non-governmental Organization
IOM	International Organization for Migration
INSARAG	International Search & Rescue Advisory Group
MDM	Médecins du Monde
MoAD	Ministry of Agricultural Development
MoE	Ministry of Education
MOFALD	Ministry of Federal Affairs and Local Development
MOFA	Ministry of Foreign Affairs
MFAT	Ministry of Foreign Affairs and Trade
MoHA	Ministry of Home Affairs
MoIC	Ministry of Information and Communications
MoPR	Ministry of Panchayati Raj
MoPH	Ministry of Public Health
MoUD	Ministry of Urban Development
MoWCSW	Ministry of Women, Children and Social Welfare
MAF	Mission Aviation Fellowship
NDRF	National Disaster Response Framework
NHRC	National Human Rights Commission
NID	National Investigation Department
NSDRM	National Strategy for Disaster Risk Management
APF	Nepal Armed Police Force
NA	Nepal Army
NP	Nepal Police
NRCS	Nepal Red Cross Society
NC	Nepali Congress
NSC	Nepal's National Seismological Centre
NGO	Non-governmental Organization
OSOCC	On-Site Operations Coordination Centre
RPPN	Rastriya Prajatantra Party Nepal

SC	Save the Children
SAR	Search and Rescue
SAARC	South Asian Association for Regional Cooperation
TMSPN	Tarai Madhesh Sadbhawana Party Nepal
Tdh	Terre des hommes
CIAA	The Commission for the Investigation of Abuse of Authority
ICMS	The Institute of Crisis Management
	The International Federation of Red Cross and Red Crescent Societies
IFRC	
MNMCC	The Multi-National Military Coordination Centre
NEOC	The National Emergency Operation Centre
UNICEF	The United Nations Children's Emergency Fund
UNFPA	The United Nations Population Fund
TIA	Tribhuvan International Airport
UN	United Nations
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
	United Nations Office for the Coordination of Humanitarian Affairs
UNOCHA	
VDC	Village Development Committee
VSO	Volunteer abroad with Voluntary Service Overseas
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme
WHO	World Health Organization

## Chapter 1

### Introduction

Vulnerability of natural and anthropogenic disasters is increasingly understood to be more than just physical or structural. Social, political, economic, cultural and environmental aspects play critical roles in minimizing and addressing disasters. Indeed, disaster risk management has evolved to become more multi-sectoral, multi-dimensional and multi-disciplinary approach. Many disasters can be prevented if natural hazard risks and the knowledge of community representatives had been considered at the planning and decision making stage. More integrated, holistic risk governance arrangements in place can reduce the impacts of disasters on society. The modern paradigm of disaster risk management is the latest step to address emerging natural and anthropogenic disasters and risks. This includes the need for strong, well-understood and implemented governance and regulatory systems to not only strengthen preparedness and risk reduction initiatives, but also to better regulate response. It is well accepted that a fast, effective and well-coordinated disaster response, including the coordination of international disaster assistance, minimizes loss of life and facilitates early recovery.

The Government of Nepal has the primary responsibility to address the humanitarian needs caused by a disaster within its borders. However, if domestic capacity is overwhelmed, the rapid facilitation and entry of outside assistance can ensure that disaster affected persons receive the assistance they need in a timely manner. In order to effectively manage international disaster assistance so that is complimentary to domestic efforts, is fit for purpose and does not duplicate existing efforts, Nepal needs to design and implement appropriate laws, policies and mechanisms to better manage and coordinate with the international system

Currently, Nepal lacks appropriate mechanisms and laws for the management of international disaster assistance. Thus, the key objective of the two-day workshop on ‘Strengthening Legal Preparedness for Disasters in Nepal’ held in January 2016, was to reflect on the lessons learned from the 2015 Earthquake Response and is to facilitate thinking on key elements that could be included in Nepal’s legal and policy framework to better guide international disaster response, in future situations.

The workshop brought key government, non-governmental and academic stakeholders together to discuss the procedures for the entry, coordination and expedition of international disaster relief into Nepal for the response and initial recovery, drawing on experiences and lessons learned in the earthquake response of April 2015. The workshop also developed draft guidelines to strengthen legal preparedness for future international response operations in Nepal, which will be submitted it to the Government of Nepal. It is hoped that these could be potentially be included in any revised National Disaster Management Act and associated framework for Nepal.

Three highly dedicated and committed organizations working in the fields of disaster and crisis management collaborated in the development and facilitation of this workshop, these included.

## **Institutional Profiles**

The Institute of Crisis Management Studies (ICMS), Samarpan Academy was established in 2013 as a center for academic excellence focusing on the management of crisis resulting from both anthropogenic activities and natural causes. It is located in Dhumbarahi, Kathmandu, Nepal and offers a unique multidisciplinary Masters of Arts in Crisis Management. Its faculty include national and international scholars, practitioners, and experts currently engaged in the diverse areas pertaining to crisis. ICMS offers trainings, simulation exercises and field visits, as part of the curriculum and as practical exercises for a range of different governmental and non-governmental exercises and initiatives. It aims to provide a platform for the pursuit of scholarly and practical inquiry, which supports academic excellence in crisis management—a new and important field of academic discourse.

The International Federation of Red Cross and Red Crescent Societies (IFRC) is the world's largest humanitarian network that reaches 150 million people in 190 National Societies through the work of over 17 million volunteers. IFRC acts before, during and after disasters and health emergencies to meet the needs and improve the lives of vulnerable people. Its strength is in volunteer network, community based expertise and its ability to give a global voice to vulnerable people. IFRC aims to improve humanitarian standards, working as partners in development, responding to disasters, supporting healthier and safer communities to help reduce vulnerabilities, strengthen resilience and foster a culture of peace around the world.

Nepal Red Cross Society (NRCS) was established in 1963. It was recognized by the ICRC in 1964 and affiliated to the IFRC in the same year. NRCS has grown to be the largest humanitarian organization in Nepal with its network of district chapters extended in each of the 75 districts of the country. District chapters receive organizational support from more than 800 sub-chapters and cooperation committees under them. The mission of Nepal Red Cross is to relieve human suffering and to reduce vulnerability through community participation and mobilization of an increased number of volunteers, by expanding and strengthening the organizational structure of the society and by building links with governmental and non-governmental organizations.

## Chapter 2

### Country Background

#### *Hazard Profile*

Nepal is a mountainous country located between India and China, covering an area of 147, 181 square kilometers. The country spreads 145 kilometers north to south and 885 kilometers from east to west. Nepal is divided into three geographical regions: the Himalyan, Hill and Terai (plain region). Terai covers 17%, the hill covers 68% and the Himalyan region covers 15% of the total land area of Nepal. The Terai is home to about 49% of the population and is known as the breadbasket of Nepal. The total population of Nepal is approximately 29 million.

The hazard landscape of Nepal is a complex one. Research conducted in the Himalayas have identified that Nepal is highly vulnerable to climate change and natural hazards. Increasing number of droughts, glacial retreats, floods, hailstorms, landslides, crop diseases, epidemics, earthquakes and other climate-induced disasters are some of the observed crises in Nepal affecting rural-urban communities including the livelihoods of the poor and marginalized.

As a country sandwiched between tectonic plates, Nepal remains highly vulnerable earthquake risks. Its geo-political strategic position lying between the two emerging global powers - India and China, also presents challenges. The April 2015 earthquake was one of the worst experiences in the history of Nepal; this was compounded by the 'fuel blockade' right after the promulgation of the Constitution in 2015 which further impacted the lives of people already impacted by the earthquakes.

#### *Political and Governance Profile*

Politically, Nepal is transitioning from over ten years of protracted conflict to peace, from monarchy to republic and from unitary to a federal state. The country was governed through the Interim Constitution of 2007 until September 2015 when the new Constitution was promulgated. According to the new Constitution, Nepal is a federal democratic republic, divided into seven provinces, headed by a President. However, there are several political and economic challenges for the country to establish federalism. The government was formed on a majority basis from the Constitution Assembly turned into Parliament with 601 members. The cabinet is formed by the President, on the recommendation of the Prime Minister, who is accountable to the legislative parliament. The President is the Head of State and takes the constitutional role whereas the Prime Minister is the Head of the Government and holds the executive power. Four security agencies exist in the country namely the National Investigation Department, Nepal Police, Nepal Armed Police and Nepal Army.

The Supreme Court acts as the Court of Record and is the apex body of the judiciary, with three levels of courts, namely District Courts, High Courts, and the Supreme Court. The Commission for the Investigation of Abuse of Authority (CIAA) and an Auditor-General continue to be constitutional entities. The CIAA conducts investigations of corruption by a person holding any public office and the Auditor



General observes the government's activities and makes recommendations if any existing norms are violated. The National Human Rights Commission, National Natural Resources and Fiscal Commission, National Women Commission, National Dalit Commission, National Inclusion Commission are appended in the Constitution as constitutional bodies. Fundamental rights are guaranteed in Part 3 of the Constitution and protected by the judiciary. Article 51b (3) of the Constitution of Nepal 2015 has a provision for implementing international treaties and agreements to which Nepal is a state party. Article 9 of the Nepal Treaty Act of 1991 states that, "if any provision of the treaty to which Nepal is a party is inconsistent with any law in force in Nepal, the law to the extent of that inconsistency shall be void and the provisions of the Treaty shall prevail as law of Nepal" which means all treaties to which Nepal is a party and has ratified are directly enforceable in theory. However, it should be noted here that customary international law is not part of Nepalese law unless it is transformed into domestic law.

### **Government Structure in Disaster Management**

There are thirteen-disaster management related laws and procedures currently existing in Nepal.

Year	Act/Policy	Objectives
1982	Natural Calamity (Relief ) Act with two amendments in 1989 and 1992	To provide for the relief work relating to the natural calamity
1999	Local Self Governance Act	To provide for local self governance with provisions conducive to the enjoyment of the fruits of democracy through the utmost participation
2006	Prime Minister Disaster Response Fund Guideline, 1st amendment in 2007	For search and rescue and to provide relief to people hit by natural disaster and calamities
2008	National Platform on Disaster Risk Reduction in 2008, now turned as a loose-network from 2012	Building national resilience and good practices of national platforms
2009	National Strategy for Disaster Risk Management, with 29 Strategies	To facilitate the required change in order to achieve the goal of disaster resilient Nepal by providing guidance for improving the policy and legal environment, and by prioritizing the strategic interventions.
2007	Rescue and Relief Standards, , with two amendments in 2007 and 2012	For rescue and relief standards
2011	Disaster Preparedness and Response Plan Guideline	To manage disaster preparedness planning initiatives
2012	National Disaster Response Framework, with 49 different actions	A clear, concise and comprehensive guide for an effective and coordinated

		national response in case of a large and medium scale of disasters in the country
2012	Local Disaster Risk Management Guideline	To provide direction to government agencies, development partners and non-government organisations on how to formulate and implement disaster risk management plans at local level
2012	Post-Disaster Dead-body management Guideline	To identify and management of dead body
2012	Guideline for the relief to cold-wave victims	To provide immediate reliefs to cold-wave victims
2013	Decision about Open Space in Kathmandu Valley by Cabinet	To protect open spaces for humanitarian purposes
2014	National Strategic Action Plan on Search and Rescue	To enhance overall capacity and the rescue capacity for every new emergency response

There was not a coherent disaster management legal and policy framework in Nepal before ‘The Natural Calamity Relief Act in 1982’. Prior to the passage of the Act, the relief and rescue work was carried out on an ad-hoc basis. The Act was considered as a milestone for disaster management in Nepal as it outlines the establishment of various bodies, their roles and responsibilities for disaster response at central, regional and local levels, however it is widely considered that this 34 year law needs to be updated to better meet current realities. The Local Governance, Act 1999 clarifies the roles and responsibilities of local government for responding to the development programmes or disaster situations of the legal documents are supported by policy frameworks such as the National Strategy for Disaster Risk Management and the National Disaster Response Framework, which were developed to provide more detail on the frameworks and systems across the whole disaster risk management spectrum – preparedness, risk reduction, response and recovery, and support a move towards a more holistic approach in line with commitments undertaken in the Hyogo Framework for Action.

## Chapter 3

### April Earthquake 2015: Reflections from Government Bodies and Security Forces

#### *Operational Overview of Post Earthquake Disaster Response*

On Saturday, 25 April 2015 at 11:56 local time, a 7.8 magnitude earthquake as recorded by Nepal's National Seismological Centre (NSC), struck Barpak VDC (15 KM depth) of Gorkha District, about 76 km northwest of Kathmandu. This was the most devastating earthquake in Nepal since the 1934 quake. The total death toll was 8,991 people with, 22,321 injured, and destroyed over 600,000 homes. The catastrophic earthquake was followed by more than 400 aftershocks greater than magnitude 4.0. Four aftershocks were greater than magnitude 6.0, including one measuring 6.8 which struck 17 days after the first big one with the epicentre near Mount Everest. As mandated by the Natural Calamity Relief Act 1982 the Central Natural Disaster Relief Committee (CNDRC) recommended the Government of Nepal to declare a state of emergency to highly affected districts. The cabinet declared emergency to 14 districts: Gorkha, Sindhupalchowk, Dhading, Kavre, Dolakha, Nuwakot, Ramechhap, Sindhuli, Rasuwa, Kathmandu, Lalitpur, Bhaktapur, Makwanpur and Okhaldhunga.

The National Emergency Operation Centre (NEOC) was activated under the leadership of MoHA to lead a central coordination point in response to disasters, coordinate between government and national and international organizations for relief support. MoHA appealed to national, international organizations, donors and local communities to contribute in Emergency Operations Centres initiated at a national, regional, district and municipality level. A Response Coordination Center was also established to accelerate the Search and Rescue (SAR) operation. There were a total of 4,521 SAR personals from 34 countries (Algeria, Australia, Belgium, Bangladesh, Canada, China, France, German, Hungary, India, Indonesia, Israel, Japan, Jordan, Malaysia, Mexico, Netherland, Norway, Oman, Philippines, Poland, Pakistan, Russia, South Korea, Sri Lanka, Singapore, Spain, Sweden, Switzerland, Thailand, Turkey, UAE, UK, and USA) coordinating with the National Security Forces (Nepal Army, Nepal Police, Armed Police Force) to rescue lives and recover dead bodies. The Multi-National Military Coordination Centre (MNMCC) under the leadership of Nepal Army operationalized all foreign military assets through daily meetings at the Nepal Army while On-Site Operations Coordination Centre (OSOCC) was established by UNOCHA at the Base of Operations (BoO) which was located at Tribhuvan International Airport.

On 27 April 2015, the cluster system was activated and monitored by their specific cluster leads and cluster co-leads. The name of the clusters along with their cluster leads and cluster co-leads are as follows:

S.N.	Name of Clusters	Cluster Leads (Government)	Cluster Co-Lead (Humanitarian Agencies)
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1.	<b>Health</b>	<b>MoPH</b>	<b>WHO</b>
2.	<b>WaSH</b>	<b>MoUD</b>	<b>UNICEF</b>
3.	<b>Shelter</b>	<b>MoUD</b>	<b>IFRC/UNHABITAT</b>
4.	<b>Food Security</b>	<b>MoAD</b>	<b>WFP/FAO</b>
5.	<b>SAR &amp; Logistics</b>	<b>MoHA</b>	<b>WFP</b>
6.	<b>CCCM</b>	<b>MoUD</b>	<b>IOM</b>
7.	<b>Education</b>	<b>MoE</b>	<b>UNICEF/SC</b>
8.	<b>Protection</b>	<b>MoWCSW/NHRC</b>	<b>UNHRC/UNICEF/UNFPA</b>
9.	<b>Telecommunication</b>	<b>MoIC</b>	<b>WFP</b>
10.	<b>Nutrition</b>	<b>MoHP</b>	<b>UNICEF</b>
11.	<b>Early Recovery Network</b>	<b>MOFALD</b>	<b>UNDP</b>

### *Relief Operations and External Assistance*

After the declaration of a state of emergency by the GoN, an official request for international assistance was made within 2 hours after the Central Natural Disaster Relief Committee (CNDRC) meeting. Nepal's National Disaster Response Framework (NDRF) served as a key tool for coordination of earthquake response, facilitating decisions and instructions from the central government. Financial resources from the Prime Minister's Disaster Relief Fund were immediately allocated, and the government's Cluster mechanisms, comprising 11 sectors as mentioned previously, were instantly activated. Despite the clear lack of an integrated national SAR capacity prior to the event, the trained human resource of the NA, NP, and APF displayed effectiveness in their SAR missions. The Indian National Disaster Response Force was the first foreign contingent to land in Kathmandu within hours of the disaster. The fast-response from Nepal's neighbouring SAARC countries to help launch relief operations was definitely conducive.

MoHA reported that for SAR, 4,236 helicopter flights were used (GoN/private), with 7,558 persons rescued by air and 4,689 persons rescued by land." More than 90 percent of the security forces were mobilized to focus on SAR. Overall, 22,500 civil servants, 65,059 staff of the Nepal Army, 41,776 staff of Nepal Police and 24,775 staff of the Armed Police Force, as well as 4,000 government and private health workers were mobilized to aid rescue and relief efforts. In collaboration with the United Nations and other international agencies, and contribution from over 60 countries, funds were allocated to support emergency relief and humanitarian assistance. The network of NGOs and local affiliates of INGOs based in Nepal swiftly rallied to support community rescue and relief efforts. This initiative was crucial as the local governments were going through a political transition being under-staffed and working without any elected officials for years. Many district offices were

severely damaged which led to officials functioning out of tents and temporary shelters.

At the central level, the Supply, Shelter and Rehabilitation subcommittee and Relief and Treatment Sub-committees were established. Although not as fast as it should have, the Emergency Operation Centers (EOC) needed to function at the central, regional, district and municipality level in order to collect, analyze and disseminate to coordinate with disaster related information coming in. As the severity of the mega earthquake level increased, it was abundantly clear that funds needed to be mobilized for disaster response, thus in accordance with the Prime Minister Natural Disaster Relief Fund Regulation 2064, the Prime Minister's Natural Disaster Relief Fund was set up.

### ***Challenges in Government Coordination for the international disaster response***

The GoN faced a number of challenges in the coordination of the international response, mostly due to the lack of past experience. The lack of clear guidance on coordination and a management of international disaster assistance also caused problems. Timing is crucial in a disaster response, however there were delays in getting things up and running in Nepal and there was some confusion on how things were to be done. Furthermore, with such a complex political platform, it became extremely apparent that Nepal needed to have clearer rules and regulations for its Base of Operations to guide its coordination mechanisms.

There were a variety of challenges that emerged in the coordination of the international disaster response. These included, receiving international services and aid at the airport, to the coordination of SAR Teams and the security forces on site, to the facilitation of care for the people and the management of logistics for relief distribution. All the while earthquake victims were growing increasingly vulnerable to the situation on a daily basis. Following the NDRF guidelines, the Ministry of Foreign Affairs (MOFA) managed to establish a unit at the airport to deal with visas, flights and customs clearances, coordinated with embassies abroad for international community providing assistance, and create exit facilities for foreign nationals. Some of the said tasks were conducted ad hoc and workshop discussants recommended that greater clarity guidance, and training on the role of MOFA in emergencies was required.

The Ministry was tasked with difficult decisions regarding diplomatic decision landing rights for planes despite the fact that the airport was technically incapable to land such flights, or having to deny the landing schedule for international humanitarian actors. However, the newly constructed humanitarian staging area at the Tribhuvan International Airport (TIA) facilitated the receipt of cargo by air and by truck immediately after the earthquake so that distribution around the country could commence, this was identified a success in the response.

Coordination with some foreign Search & Rescue (SAR) Teams also led to an added on burden for the GoN. The huge inpouring of global USAR teams presented difficulties in both coordination and registration of the teams. According to the International Search & Rescue Advisory Group (INSARAG), the country only needed

2,500 SAR forces from the 4,100 arrival forces. The Ministry of Foreign Affairs and Trade (MFAT) was supposed to facilitate SAR teams but because of the chaotic situation at the airport, many were not even registered, some of the SAR personnel came without passports or other national identification, professionals were not all verified or passed government clearances. Likewise, the Ministry of Health faced difficulties without a proper policy in place for the acceptance process of foreign medical teams.

The coordination burden was felt most heavily with non-military SAR teams, as there was no formalized coordination mechanism, between these teams and the military SAR teams which also led to some confusion. Issues were particularly evident when some non-military foreign SAR teams unilaterally made decisions to deploy without a liaison officer from the Nepali security agencies or failed to coordinate with OSOCC. After a week on 2 May, CNDRC acknowledged the efforts of International SAR Teams and requested to make their exit plans. Despite an announcement by Government that no additional SAR support was required in the country, many teams continued to arrive. Workshop participants remarked that GoN needed to invest more on local first responders and local SAR teams, as there, after all, it was seen all over the country after the earthquake hit that most of the people were in fact rescued by locals.

Overall the health response was regarded by workshop participants as one of the better performing sectors and there were some good practices evident in the coordination between the domestic and international health actors. The Ministry of Health established a health emergency operations centre one hour after the earthquake struck and looked to develop some protocols to streamline the coordination and management of foreign medical teams, one of these being an initiative to produce temporary ID card for foreign medical teams after proving that they were registered in their own country, this was necessary under the 5 point protocol on standards for trauma. It is estimated that more than 103,000 people were treated. As per Government's figures, 402 health facilities were destroyed and 683 damaged. Most of the damaged facilities are primary health care centres, village health posts and birthing centres. Out of 351 health facilities providing Emergency Obstetric Maternal and Neonatal Care services, 112 (or 32 per cent) were destroyed and 144 are damaged in the 14 districts. There some complications did present themselves when foreign medicine and supplies were not registered under the Department of Drug and Administration especially with the case of expired drugs.

Although the mobilization of all the security agencies including the Nepalese Army was in effect immediately after the April 25th mega earthquake, there was an absence of a higher civilian active body to coordinate the efforts of all the concerned sectors. The active participation of NA and other security agencies contributed greatly to the overall rescue and relief effort. Right from the initial days of mobilization, the involvement of the NA was felt to be indispensable in almost all the sectors (management and transportation of relief materials, management of displaced persons, provision of emergency services, etc.). It was widely considered by the participants that, the NA was able to play a strong role in the disaster response particularly through the coordination of foreign military assistance and military medical teams and overall functions of the Multinational Military Coordination Committee functioned well.

### *Reflections from the International Humanitarian System*

By its own admission, the government has found managing the huge influx of actors into the country “overwhelming”. According to international responders, despite some initial delays, the first six weeks of operations were running relatively smoothly – international relief was flowing in to the country (tax exempt) and international agencies had freedom of movement throughout the country to deliver humanitarian assistance.

However in June 2015, there were signals that the political environment in the response started to change, and there was a clear desire in the administration to “de-internationalise the relief operations” and revert to business as usual. Over the relief period a High Level Committee of key office holders from relevant Ministries was formed, this committee could pass directives and ordinances which circumvented the more normal law making processes. Over the first two weeks of June, a number of such circulars emerged which indicated that the ‘relief phase’ was set to finish by the end of June. Other directives were also issued, concerning customs arrangements for international relief supplies, another declaring localised disaster zones ( which have the potential to limit foreign movement and access) and third an end to the waiver of the relaxation period on non-governmental organisations reporting requirements to the Social Welfare Council.

This reactive and sometimes ad hoc approach taken by government caused a lot of confusion and some tension with humanitarian responders, who were eager to have more clarity on the processes, timelines and expectations without the “goal posts” constantly shifting. During the workshop some of the particular challenges experienced by international responders during the disaster response in Nepal were identified as the following:

- The GoN operational priority given to bilateral “in kind aid” rather than specialised humanitarian actors.
- Procedures for customs clearance and taxation for relief goods was not clear and rules for this kept changing.
- The UN model customs agreement signed between GoN and United National in 2007 was not respected.
- Uncoordinated and ad hoc decision making processes. There was not a coordinated way to make decisions, each decision has to be brought to every single concerned ministry and finally to the chief secretary’s attention.
- The Social Welfare Council introduced a new and a more constraining regulation for registration, monitoring, implementation modalities and contradictory directives from other ministries.
- Bureaucracy in Nepal hinders humanitarian assistance.
- Logistically, transportation of relief materials incredibly difficult and clusters were uncoordinated.

## Chapter 4

### Group Discussions, Presentations and Recommendations

Workshop participants divided into five groups to discuss, reflect and make recommendations on a set of draft guidelines for international disaster assistance in Nepal. These five groups looked at five key areas: (i) preparedness for international disaster assistance (ii) requests and termination of international disaster assistance (iii) entry of relief goods (iv) entry of relief personnel and (v) responsibilities of international actors and accountability.

Participants were incredibly expressive in discussions and contributive towards the practical implications of strengthening a disaster preparedness legal framework. The discussion sessions were designed in such a way that all the participants could improve the framework in a detailed manner with the combination of brainstorming, reciprocal debates, and idea sharing.

Refer to the draft guidelines and comments received which are annexed to this report.

### Overall Recommendations

1. Workshop participants agreed that domestic preparedness in Nepal, including coordination mechanism and legal and policy settings, for international disaster assistance needs to be strengthened.
2. It was further that recommended that legal preparedness International Disaster Assistance in Nepal should be based upon the existing international norms and best practice, such as modelled by the IDRL Guidelines and Model Act on IDRL, and that the draft guidelines provided a good first step for the GoN to consider
3. The domestic and international humanitarian system should support the GoN to prepare domestic laws and procedures for international assistance. Nepal Red Cross, supported by IFRC would continue to take the lead to work with the Ministry of Home Affairs in the development of the guidelines and to facilitate further consultations with the key line ministries on the draft and then with the wider humanitarian community before their submission through the parliamentary process.
4. These domestic procedures need to be developed through a participatory process with the GoN in the 'drivers' seat. Once these procedures are developed and formally endorsed they will need to be well disseminated and included as an integral part in all trainings and simulations.



## **Overall Observations**

The two day long program was very beneficial for the development of the overall guideline for better disaster management. Information regarding different functions carried out by different domestic and international actors during the earthquake response and challenges they faced while carrying out these functions was regarded highly.

The workshop gave a clear picture of how coordination plays an important role in getting the job done effectively but through the information shared by the different government agencies, it did not quite reflect that there is a good coordination between the government agencies themselves. The primary necessity that the nation has at present is the clear definition of the sole agency responsible for the disaster management taking into consideration the multi-hazard approach. It is also important to take into consideration the impact on our ecosystem as a result of activities carried out in our neighboring nations and have a plan to tackle with the problems that might arise in the future.

Participants from different walks of life shared their viewpoints and expertise, which helped in clarifying doubts regarding numerous issues. But there is a solemn concern regarding the seriousness from the government side with the background of the Reconstruction Authority coming into life after 9 months of the disaster. It was also felt that the government agencies rather than complementing each other, was rather competing against each other. So how to bring everyone on the same page is a big question. But there is also a hope that they might also have realized the importance and necessity of a single authority for disaster management capacitated with all the necessary expertise and resources so as to not respond to a disaster like it was done for the earthquake in 2015.

**Annex: 1. List of Participants**

<b>S.N.</b>	<b>Name of the Participants</b>	<b>Email/ Phone</b>	<b>Organization</b>
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*[Photo: Conference included discussions, brainstorming, presentations held at the ICMS Campus, Dhumbarahi]*

