

# Navigating the earthquake response amid post-conflict statebuilding

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RESEARCH BRIEF #5

## Key messages

- **Post-conflict statebuilding within a politically volatile context complicated the relations between state and non-state actors in the disaster response to the 2015 earthquakes.** This tension was seen in the state's blanket treatment of all social groups as aid beneficiaries regardless of vulnerability and in its one-door policy that obliged responders to follow state regulations. It was also reflected in the compromises aid actors had to make to balance humanitarian approaches with compliance. The state actively sought to regain authority over the response in order to strengthen the capacity and legitimacy of the state at large.
- **To accommodate the state's one-door policy, non-state aid actors used tactics of 'creative compliance'.** UN agencies and large international NGOs were more focused on balancing statebuilding and humanitarian goals while smaller organizations and private sector institutions more often choose to bypass the system, which undermined trust. Creative compliance tactics included collaborating in consortia to increase negotiating power with the state, partially integrating the state's approach within organizational frameworks (e.g. a blanket response within targeted areas), or complying selectively – for example seeking approval for projects from multiple authorities.
- **Geographical differences in how local state and aid actors worked together depended largely on individual political actors and regional contexts.** Some districts and villages were harder to work in than others. Aid actors responded to challenges by reaching out to political parties to share information on their approach or by coming together to take a unified approach in the face of political pressure.
- **In post-conflict contexts like Nepal, finding a compromise between humanitarian principles and statebuilding objectives is vital.** When aid actors are able to better liaise and negotiate with state structures – building on established relationships, working in consortia, or working through local organizations – there will be more space to co-design the response in line with statebuilding objectives.

WHEN  
DISASTER  
MEETS  
CONFLICT

## This research is part of the programme 'When disaster meets conflict'

Responses to disasters triggered by natural hazards have changed considerably in recent decades: away from reactive responses to disasters and towards more proactive attention to risk reduction, as well as away from state-centred top-down approaches towards more deliberately involving non-state actors and communities in the formal governance of disaster response.

However, in research and policy, little attention has been paid to scenarios where disasters happen in conflict situations, even though a significant proportion of disasters occur in such contexts. There is evidence that conflict aggravates disaster and that disaster can intensify conflict – but not much is known about the precise relationship and how it may impact upon aid responses.

This five-year research programme analyses how state, non-state and humanitarian actors respond to disasters in different conflict-affected situations. Because the type of conflict matters – for how disasters impact communities and for how aid actors support the people affected – we distinguish different conflict scenarios, notably high-intensity conflict, low-intensity conflict, and post-conflict.

The core of the research programme consists of case studies in conflict countries where disasters occur, but our interest extends beyond the disaster events. In particular, we seek to understand how the politicisation of disaster response affects the legitimacy, power and relations between governance actors.

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## Disaster response in a post-conflict scenario

In post-conflict settings, at least two conflicting parties have reached a political settlement either formally or informally. The post-conflict period is characterized by social and political changes and a focus on statebuilding by the international aid actors. However, tensions still linger, as settlements are often unstable and exclude certain parties, and the risk of resuming crises continues.

Post-conflict settings often experience challenges in the capacity or willingness to provide basic services for all their citizens. Therefore, international aid emphasizes the importance of promoting institutional reforms, especially since governance structures are considered part of the conflict drivers. The emphasis of aid turns to statebuilding, and disaster risk reduction (DRR) policies and practices typically revolve around the state. In the international community, the 'fragile states' discourse is closely related to how post-conflict states are perceived.

Disaster response in a post-conflict environment faces particular challenges due to the transitional nature of this period, the weaker capacity of the state to respond, and the strong presence and influence of non-state actors in disaster governance. As DRR frameworks centre around the state, non-state actors continuously balance the state's capacity and direction of the response, their support to the state and their own approaches. These elements can and do create tensions within the response. State institutions often find it difficult to monitor compliance and initiate more measures of control, translating into slow bureaucracy that can impede the response.



Chisapani, Nepal. Source: Samantha Melis

## Introduction

On 25 April and 12 May 2015, earthquakes hit over 30 districts in Nepal, killing over 9,000 people, injuring more than 21,000, and displacing millions as homes were destroyed. The Gorkha-Dolakha earthquakes struck a country that was still in the midst of a political transition after the Maoist insurgency ended in 2006 and the monarchy abolished in 2008.

With the immense impact spread over a large territory, the state called for support. The humanitarian response to the earthquakes was welcomed by the state, but also overwhelmed it. Various international and national non-state actors worked together with the Nepali state in the aftermath and an international donors pledged \$4.4 billion.

The large influx of aid and aid actors supported the state and Nepali society but also brought challenges. The political volatility of the post-conflict period complicated the relationship between state and aid actors. It laid bare the tension between the statebuilding agenda and disaster response. This was seen in the state's blanket treatment of all social groups as aid beneficiaries regardless of vulnerability and in its one-door policy that obliged responders to follow state regulations and practices. It was also reflected in the compromises aid actors had to make to balance humanitarian approaches, such as targeting of aid to the most vulnerable, with more state-centred support that resulted in 'creative compliance' with the one-door policy.

This research brief presents the findings of a four-month qualitative study on the response, conducted from February to June 2017, that aimed to understand: how the Gorkha-Dolakha earthquake response was affected by a politically volatile post-conflict context, including this affected the state's approaches to response how non-state actors balanced their humanitarian approaches with statebuilding objectives.

## Context

At the time of the earthquake, a post-agreement constitution had not yet been agreed despite the work of two constitutional assemblies. The Maoist insurgency had ended in 2006, but over the following years political and constitutional reform processes remained highly contested. In the wake of the earthquake, a new constitution was fast-tracked within a few months. This process and differences over key constitutional provisions, including the type of federal arrangements agreed, led to protests and a blockade of the border in the southern Terai region in September 2015. The impact of this was felt within earthquake affected communities as it delayed the import of recovery and reconstruction materials.

The volatile political environment of the post-conflict period had also affected disaster management policies and practices. In terms of preparedness, the frequent political changes had not been conducive to a strong Disaster Management Framework. Institutions were functioning on a transitional basis in 2015. The decentralized structures were rooted in the Local Administration Act that pre-dates the conflict. Being centrally appointed, district officers and Village Development Committee (VDC)<sup>1</sup> administrators were often only temporarily in post. The National Reconstruction Authority, meanwhile, had seen three changes in leadership in two years. The inconsistency in leadership at all state levels was seen as a challenge by both state and non-state actors.

The socio-political context further challenges as 126 castes and ethnic groups are present in Nepal.<sup>2</sup> While many are represented politically, the higher castes have dominated nationally, despite the 2006 peace agreement's inclusive provisions. The earthquakes affected lower castes disproportionately, so whether to target all social groups or only the most vulnerable became a hotly contested issue that had to be negotiated between state and non-state actors.

## Disasters and risks

Nepal is highly exposed to hazards such as earthquakes, epidemics, fire, floods and landslides. In 2015 and 2016, 2,940 disaster events were recorded. More than 80% of the total population is at risk. Nepal ranks 4th on the climate risk index for 2017<sup>3</sup> and

<sup>1</sup> A type of administrative division comparable to a municipality, and part of a larger district.

<sup>2</sup> Government of Nepal. *National Population and Housing Census 2011*. Kathmandu, Nepal, 2012.

<sup>3</sup> Eckstein, D., Hutfils, M.-L. & Wings, M. *Global Climate Risk Index 2019 Who Suffers Most From Extreme*

is one of the most disaster-prone countries in the world. The 2015 earthquakes triggered another 2,780 landslides and ground cracks in 31 districts.<sup>4</sup>

While the exposure to hazards is high, vulnerability to disaster risks is further compounded by the political environment and socio-economic context. Nepal ranked 144th on the Human Development Index of 2016, as part of the least developed countries. Moreover, social vulnerability is closely linked to marginalization of certain groups and castes, especially in rural areas.

## Nepal's response in the context of post-conflict statebuilding

In humanitarian policy terms, a national government is responsible for declaring an emergency, providing assistance, coordinating the response, and creating a conducive policy environment.<sup>5</sup> Nepal's Disaster Management Act of 2017 is in line with this but was only enacted after the earthquakes. At the time of the earthquakes, disaster management policies were more narrowly response-focused.

This shows how disaster management and statebuilding are interlinked, especially in post-conflict settings. Without the state having the capacity or willingness to fulfil these responsibilities, disaster management is at risk. Large influxes of aid can help or hamper a state's capacity, so inclusive state and non-state coordination structures are important foundations.

The 2015 emergency response was coordinated by the Central Disaster Relief Committee and the National Emergency Operations Center, with a much celebrated effort by the Nepalese army and security forces, and clusters comprising state and non-state counterparts. Coordination structures also operated on different state levels, from the national to the districts, with the inclusion of both state and non-state institutions.

While decentralization is often a cornerstone of statebuilding, this also posed specific challenges in the earthquake response, as decentralized structures were still steered from the centre as part of the transitional period. Many district-level authorities changed on a regular basis.

## Methods

The qualitative research was conducted over four months from February to May 2017 and consisted of 123 semi-structured interviews with 65 national and international aid agencies, 34 state representatives on the national and district levels (including political

*Weather Events? Weather-related Loss Events in 2017 and 1998 to 2017*. Bonn: Germanwatch, 2018.

<sup>4</sup> Ministry of Home Affairs. *Nepal Disaster Report, 2017: The Road to Sendai*. Government of Nepal, 2018.

<sup>5</sup> Harvey, P. *Towards good humanitarian government: the role of the affected state in disaster response*. London: Overseas Development Institute, Humanitarian Policy Group, 2009.

parties and social mobilizers) and 9 society actors, 8 security officers and 7 private institutions. It also included eight focus group discussions in Mankha and Thautali in Sindupalchok and Laprak and Barpak in Gorkha, the latter being the epicentre of the earthquake. A thematic analysis was done on the transcripts in NVivo.

## Main findings

While disaster management policies were affected by the political volatility of the post-conflict period, many preparedness plans were in place and exercises conducted regularly. Within a few hours of the earthquake, the Central Disaster Relief Committee and the National Emergency Operations Center were operational.

The government requested international support and the first teams arrived from India within 12 hours and dozens of other country teams followed. District Disaster Relief Committees were also set up to provide coordination in a decentralized manner. After a few days, international bodies, such as UN Office of the Coordination of Humanitarian Affairs (OCHA), were able to install coordination platforms.

The response saw many successes, such as the strong role of the Nepali army in the search and rescue operations. Civil society actors, private sector institutions and other individual responses greatly helped the affected population. Of particular note were groups of digital actors that were able to fill a large information and data gap on immediate needs and whether these were being addressed. Many such actors, however, were underrepresented in the coordination structures, such as the UN clusters.

The large influx of aid also overwhelmed the state's capacity to manage the response: it not only posed challenges to the coordination, with gaps, duplication and unaddressed needs, but also to the relationship between society and the national state, which the state tried to manage by increasing its control over non-state actors.

### 1. Post-conflict statebuilding within a politically volatile context complicated the relations between state and non-state actors in the disaster response.

- In the immediate aftermath, the state invited responders to come without many restrictions. However, when organizations started operating without registering or coordinating, the state was not able to fulfil its role and this affected its legitimacy. Therefore, a few weeks after the earthquake a 'one-door policy' was introduced to control and channel the influx of aid and organizations through one government body, and to direct the distribution of aid to districts and VDCs.
- State officials participating on the study often mentioned the importance of international actors showing them respect. When aid actors bypassed the system or did not take cultural considerations into account, the relationship between state and non-state actors was negatively affected.

- While the control, and the capacity to control, increased, the one-door policy was interpreted differently on the district level, dependent on the Chief District Officer in charge. These officials would change regularly, complicating the response. This created confusion among the organizations as to what the one-door policy meant – whether it only concerned registration or also the centralization of donations and aid items at the national and district state levels.
- The government preferred a blanket response, wherein all socio-economic groups, including higher castes, would be supported equally. The targeting that humanitarian actors preferred sometimes created tensions in the communities. Alienating groups within society risks new tensions and complaints were often directed at state institutions, not humanitarian actors. This risked impeding the strengthening of society-state relations and the wider statebuilding process. However, from the perspective of aid actors, the blanket approach was based on political favouritism and patronage. For them, targeting was necessary to be more efficient with the limited means they had and more in line with humanitarian principles. This tension was mitigated by strategies addressed in the following section.
- Other restrictions to regain more control included a strict one-month relief period before the one-door policy was introduced and approval regulations by multiple institutions. Restrictions also came in the form of 'hardware versus software' provisions, wherein the sphere of influence of organizations was limited to infrastructure and construction but not strengthening the voices of marginalized groups. Furthermore, humanitarian organizations were obliged to work with Nepali counterparts who would often be politically affiliated.
- The state's insistence on compliance was therefore not only bureaucratic but also an active strategy to regain authority over the response in order to strengthen the capacity and legitimacy of the state at large.

### 2. To accommodate the state's one-door policy, non-state aid used tactics of 'creative compliance' or chose to by-pass the structures completely.

- Close relationships with national and local authorities were strengths for organizations having to operate within the one-door response. Organizations who had been present before the earthquake found it easier than newcomers. Staff who were able to speak the language were able to bridge a gap of mistrust between state authorities and INGOs. Some organizations dedicated additional staff as 'compliance teams' to facilitate approvals processes.
- Another tactic was inter-agency collaboration in consortia, alliances and through higher diplomats such as the ambassadors. Collaborating groups were able to raise a stronger voice against some of the restrictions that followed the emergency period and to reach compromises between state and non-state actors.

- Others found ways to integrate the state's approach within their own frameworks. This was seen especially in the discussions on the blanket versus targeted approach. To overcome this dilemma, some organizations opted for a blanket approach in a targeted area that was highly impacted by the earthquake. When a targeted approach was taken, local authorities would often be involved to avoid tensions.
- The approval mechanism was often seen as cumbersome and confusing by non-state actors. Aid agencies dealt with this by being flexible and/or partially not complying with the system. Some projects would start without approval and catch up with the paperwork along the way, or would seek approval from more than one authority. Some projects were framed in ways to avoid sensitive terms. When two organizations received approval for the same project, they decided between them which one would carry it out.
- Some organizations and initiatives, primarily those less established in Nepal, chose to by-pass the structures completely. Non-registered NGOs found that approval processes took too long and they did not want to be embroiled in politics. These had a negative impact on the coordination, as both the state and other aid actors were not aware of their presence.
- The different tactics also highlight the differences between organizations. UN agencies and large INGOs were more focused on balancing statebuilding and humanitarian goals. Smaller organizations and private sector institutions more often choose to bypass the system. National NGOs felt they were better able to work within system and worked closely with authorities. The clusters however, did not feel inclusive to Nepali NGOs and private organizations that wanted to participate but opted to remain outside of these structures.

### **3. Differences in how state and non-state actors coordinated depended largely on individual political actors and regional contexts.**

- As the response was also decentralized at the district and VDC levels, these local authorities were very influential in the coordination and implementation of the response. In Gorkha, the authorities had more control and were regarded as more politically biased against INGOs. This resulted in stricter rules of engagement for the organizations there, who had to focus on 'hardware' and not 'software' projects. If organizations did not comply they would be blocked, so they were more vigilant. To mitigate this, the INGOs organized a meeting with the political parties and shared information about their projects, increasing understanding with the district leaders.
- The district of Sindupalchok displayed more political tensions at the VDC level; the district authorities had less capacity to control. Local politicians became gatekeepers between the communities and aid organizations, but they were ac-

cused by the community members of mismanagement of the distribution or of taking a cut of the aid received. Organizations dealt with this either by accepting the pressure and giving into some demands, or balancing it by including those structures in the project's response. Political threats were dealt by agencies working together to take a unified approach, either to shut down activities for a period of time or to negotiate.

## **Conclusions**

Political volatility, a characteristic of post-conflict states, was a major challenge in the response in Nepal. The findings are especially relevant to disaster response in post-conflict settings that experienced a large influx of aid within a volatile institutional landscape amid statebuilding processes. In Nepal, this made collaboration between the multitude of aid and state actors more challenging.

Where the state is responsible for DRR, it is crucial for non-state actors to continue to support and engage the different state structures in the response. This is no less important in post-conflict contexts, where the strengthening of state institutions and capacities are key to long-term growth and stability. Finding a compromise between humanitarian principles and statebuilding objectives is therefore vital. Aid actors need to understand diverging goals and remain respectful of the state's objectives. The middle ground can be found through negotiations between different actors.

When approaches differed, aid actors with a strong relationship with the state had more room to negotiate. In both the response to disasters and its preparedness, the building of a strong collaboration between state and non-state institutions is crucial. Where official structures were bypassed, this undermined the state's capacity and legitimacy, creating mistrust between state and non-state actors and complicating coordination with other aid actors. The state's measures to increase compliance partly derived from its sense of having lost control over the response. When non-state actors are able to better liaise with the official structures, building on personal relations or by employing dedicated staff, more space and trust is created to co-design the response in line with statebuilding objectives.

The collaboration of non-state actors within groups and consortia as well as calling on support from donors was useful in renegotiating state policies that affected the entire sector. Consortia focused on DRR could help mitigate tensions within the response when they could be established beforehand.

The differences in the collaboration and influence of political parties and authorities on a local level required non-state actors be flexible when operating in different districts. As Nepali NGOs and private sector organizations are able to manoeuvre this political context more easily, close collaboration with local actors remains important.

Helping to connect them to official structures further strengthens society-state relationships, which is a cornerstone of the statebuilding agenda.

## **More information**

- For more information, please contact the author at [melis@iss.nl](mailto:melis@iss.nl).
- Find the project details [here](#).