

## Chapter 4

# National Plans and Legal Instruments

**T**here are no separate action plans for different categories of disaster in Nepal. The National Action Plan 1996 is a consolidated and comprehensive plan which addresses all the phases of a disaster. Sectoral policies and plans address disasters relating to floods and landslides. The Water Resources Strategy (WRS) 2002, National Water Plan (NWP) 2005, and Water Induced Disaster Management Policy (WIDMP) 2006 are sectoral plans and policies that take care of natural disasters relating to floods and landslides at national level. The Building Code of 2003, enforced in 2003 following the approval of the Government on July 28, 2003, was brought in to mitigate the effects of earthquakes in urban areas and as a measure towards earthquake preparedness (Pokharel 2005).

The sub-metropolis of Lalitpur was the first to enforce the Building Code in 2003. In 2004 Kathmandu metropolis also enforced the Code while other municipalities are in the process of enforcing it. According to officials of the Department of Urban Development and Building Construction, instructions have already been issued to all municipalities to enforce the Code through the Ministry of Local Development. The National Society for Earthquake Technology-Nepal (NSET-Nepal) is active in the field of earthquake safety. It prepared a Kathmandu Valley Earthquake Risk Management Action Plan (Annex 2) in collaboration with Geo Hazards International, USA.

The sectoral plans and policies are described in the sections below.

## Natural Disaster Relief Act 1982

Prior to the enactment of the Natural Disaster (Relief) Act, 1982, natural disasters were treated as and when they occurred. There were no pre-disaster preparedness plans and post-disaster mitigating measures. Disasters were often treated as acts of God and as a scourge. All forces and resources were used on an ad hoc basis when disasters occurred to alleviate the misery brought to the communities. Following the enactment of the Natural Disaster Relief Act a general awareness was created that, although disasters cannot be prevented we can prepare for them and mitigation measures are possible. The act of preparedness has the beneficial effect of reducing

the risk of disaster and minimising its effects and the cost of post-disaster relief and rehabilitation activities.

The Natural Disaster Relief Act provided for the formation of a 25-member Central Disaster Relief Committee under the chairmanship of the Minister for Home Affairs (See Annex 4 for the composition of the committee). It describes the functions of this committee in relation to natural disasters. It also empowers the government to constitute regional, district, and local level natural disaster relief committees by publishing a notification in the *Nepal Gazette*. The functions of these committees are detailed in the Act.

The Act provides for the setting up of natural disaster aid funds at the central, regional, district, and local levels by authorising the committees at different levels to use such funds in relief operations.

The unofficial translation of the original Natural Disaster Relief Act and the latest amended version on September 30, 1992 are given in Annexes 4 and 5, respectively.

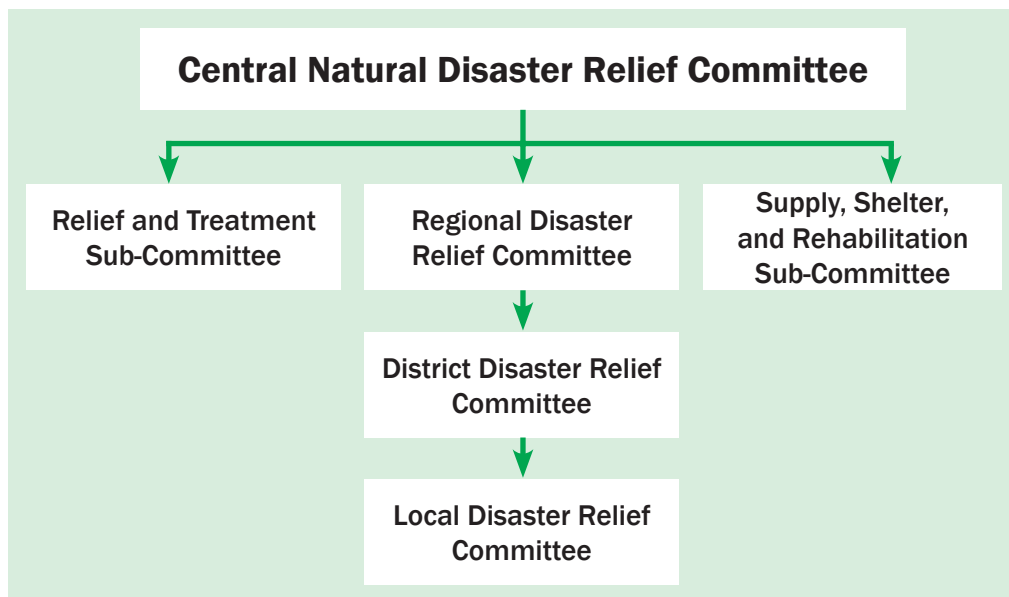
In the light of experience gained over the years since the enactment of the Natural Disaster Relief Act (NDRA) in 1982, it has generally been felt that some amendments need to be made in the present Act to specify the duties and responsibilities of stakeholders, including non-government organisations. The Act also needs to be amended to articulate the roles and accountability of key actors in disaster management. Implementing regulations need to be formulated to facilitate the translation of the Act's provisions into action. A civil defence system should be developed to reduce the current heavy reliance on the army and police for emergency response.

## **Organisational structure of the Central Natural Disaster Relief Committee**

According to the NDRA the organisational structure of the Central Natural Disaster Relief Committee (CNDRC) is presented in the next page.

## **National Action Plan for Disaster Management in Nepal, 1996**

Natural hazards have been playing havoc all over the world in increasing magnitude every year. Sensing the enormity of the problem, the United Nations (UN) General Assembly, in Resolution 44/236 of December 22, 1989, launched a far-reaching global undertaking for the 1990s to save human lives and reduce the impact of disasters from natural hazards. To introduce a process facilitating a global culture of prevention, the UN declared the decade from 1990-2000 the 'International Decade of Natural



Disaster Reduction (IDNDR)'. Responding to the global call for disaster reduction, the Government of Nepal formed an IDNDR National Committee under the chairmanship of the Minister for Home Affairs.

The IDNDR National Committee felt the need to prepare a practical and effective action plan on disaster management, focusing on disaster preparedness, as previous efforts were concentrated on rescue and relief operations following disaster events.

The national committee formed four core groups of experts, administrators, academicians, and security personnel to draw up a national action plan on disaster preparedness, response, mitigation, rehabilitation, and reconstruction. The preliminary National Action Plan was presented at the IDNDR World Conference held in Yokohama, Japan in 1994.

The preliminary National Action Plan was redrawn in 1995 by the IDNDR National Committee in more practical terms and in the light of the Yokohama strategy adopted by the World Conference in 1994. The Government of Nepal approved the National Action Plan on Disaster Management in Nepal on February 18, 1996 (Annex 5). Following this, a report containing amendments to the 1996 plan was prepared for the Kobe conference in 2005 (Annex 6).

The National Action Plan 1996 has four sections: (i) disaster preparedness, (ii) disaster response, (iii) disaster reconstruction and rehabilitation, and (iv) disaster mitigation. The activities involved in each section are presented in matrix form showing priority item groups, priority activities, time of completion, and executing or cooperating agencies.

Looking at the progress so far in the field of disaster management, the launching of the National Action Plan by the government in 1996 was a major achievement. Nepal has committed itself to disaster risk reduction in the world forum, be it the World Conference on Disaster Reduction in Yokohama Japan in 1994, or more recently in the World Conference on Disaster Reduction in Kobe Japan in 2005.

Nepal presented a national report entitled 'Disaster Reduction and Management in Nepal-Issues and Prospects' to the World Conference in Kobe from January 18-22, 2005. The national report also contained a revised version of the National Action Plan, 1996, with revised schedules. This is the revised version of the 1996 plan and is found in Annex 6.

The following points list the progress made in different branches of government to meet its commitments to disaster risk reduction:

- Establishment of an optimum seismic monitoring system within the Department of Mines and Geology
- Preparation of management plans for sub-watersheds in some districts and hazard maps for four districts by the DWIDP; development of a River Policy and Water-Induced Disaster Management Policy
- Preparation and implementation by the Ministry of Health and Population of an Emergency Preparedness and Disaster Response Plan for the health sector
- Revision of the institutional set-up by policy-makers to undertake total disaster risk management
- Promulgation of the Building Act 1999, and formulation of the Building Code in 2003. Lalitpur sub-metropolis and Kathmandu metropolis implemented the Code in 2003 and 2004, respectively. The Code is being introduced gradually in the remaining 56 municipalities.
- The government has accepted the concept of land banks to settle landless people affected by disasters.
- The capacity for disaster management of Kathmandu metropolis and Lalitpur sub-metropolis has increased with the opening of disaster management departments in these municipalities.
- Disaster management capabilities of the Nepal Army and the Police are upgraded annually.
- The Government of Nepal cooperates with national and international partners to manage risks. The Ministry of Home Affairs is currently coordinating the development of a national disaster management strategy. Nepal has expressed its full commitment to the Hyogo Plan of Action and Declaration 2005.
- The Government of Nepal has introduced periodic disaster management plans for water-induced disasters in the recently released National Water Plan.
- The Tenth Five Year Plan (2002-2007) has, for the first time, brought out a National Plan for Disaster Management with clear-cut objectives, strategies, and programmes.

## Tenth Five-year Plan (2002-2007)

In order to achieve the envisaged strategy outputs related to water-induced disasters, the Tenth Five Year Plan proposes the following.

1. The present capabilities of institutions involved in water-induced disaster management will be strengthened by formulating policy and action plans on disaster management.
2. Action will be taken to strengthen the collection, storage, and dissemination of information about water-induced disasters. This will include zoning of hazardous areas by preparing risk and vulnerability maps of probable flood, debris flow, and GLOF- prone areas.
3. A comprehensive flood and river control master plan will be prepared and implemented on the basis of priority. Flood forecasting and warning systems will be progressively implemented for main watersheds.
4. Unused lands along the river flood plains will be reclaimed and used for economic development.
5. People's participation will be sought for the effective implementation of safety measures against water-induced disasters by raising people's awareness.
6. Emphasis will be given to managing the watershed and river control programmes in an integrated manner by using local skills and means. Emphasis will be given to promoting study, investigation, and training on landslide, flood, and soil erosion.

A synopsis of the provisions for disaster management in the Tenth Five Year Plan (2002-2007) follows.

### Objectives

- To make development and construction work sustainable, reliable, and effective
- To protect people's lives

### Strategies

- Adopt a suitable technology to minimise environmental effects and losses caused by disasters
- Make rescue and relief operations following disasters reliable and effective.
- Carry out effective public awareness activities
- Strengthen earthquake measurement stations
- Prepare hazard maps of vulnerable areas
- Designate MoHA as the focal point for disaster activities

## **Programme**

- Develop integrated information systems for water-induced disaster prevention in coordination with national and international agencies
- Develop reliable databases for the mitigation and management of water-induced disaster
- Prepare an inventory of institutions involved in the field of disaster management
- Operate five regional warehouses with sufficient stockpiles of relief materials
- Develop a national fire code
- Prepare a landslide inventory based on hazard maps and create an epicentre map of earthquakes
- Provide immediate information to the public on any kind of disaster
- Adopt disaster preventive systems
- Offer instant counselling and rehabilitation to victims of disaster

## **Working policy**

- Assess environmental and other impacts of disaster
- Enhance people's participation in watershed management and river control
- Carry out timely reformation of legal and institutional frameworks
- Implement regional programmes effectively
- Harness participation of stakeholders in all areas of disaster reduction
- Increase public awareness of disaster

## **Expected achievements**

- Cordial relations established among national and international partners
- Effective sharing of disaster information and experiences
- Reduction of damage
- Hazard maps to help identify vulnerability of communities and thereby contribute to reducing the loss of lives and property
- Strengthened rehabilitation work and availability of relief materials to victims

# **National Water Plan 2005**

The physical geography and climatic regime of Nepal make the country vulnerable to water-induced disasters. Predicted changes in climate are likely to exacerbate this risk. Natural events of a catastrophic nature cannot be avoided, but through careful planning and preparation, their risk can be reduced. Planning and preparation should ideally involve people in local communities. Apart from preparations for emergency response, rescue, and relief, action is necessary to mitigate the effects of disasters in the water sector.

In order to implement the 25-year National Water Resources Strategy, 2002, the government recently ratified the National Water Plan, 2005. The following targets and action programmes are given by this Plan.

### Targets

- By 2007, potential disaster zones will be identified by type and located on district maps.
- By 2007, emergency relief materials will be available in all five development regions.
- By 2017, infrastructure to mitigate predictable disasters will be in place in twenty districts.
- By 2017, warning systems will have been established and functioning in the whole country.
- By 2027, social and economic losses caused by water-induced disasters will have fallen to levels experienced in developed countries.

### Action programmes

The focus of water-induced disaster management during the first five years of the Plan is to improve the institutional capabilities for managing water-induced disasters. In the following ten years, effective measures will be adopted for better management of water-induced disasters and mitigation of their adverse effects. The long-term goal of the Plan is to make Nepal's water-disaster management system fully functional, effective, and responsive to people's needs. The whole programme is expected to address the needs of the poor and the marginalised directly, thereby improving the living conditions of the poorest sections of Nepalese society.

Seven programmes have been identified under Output 1 to ensure that 'measures to manage and mitigate water-induced disasters are functional'. They are as follows:

- A water-related disaster management policy and programme
- A risk and vulnerability mapping and zoning programme
- A disaster networking and information system improvement programme
- A community-level disaster preparedness programme
- A programme for relief and rehabilitation
- Activation of an inundation committee
- A flood, drought, landslide and debris flow, GLOF, and avalanche mitigation programme

Twenty-six activities have been proposed under these programmes. The key objective is to introduce water-induced disaster management programmes during the first five years in coordination with relevant stakeholders. This should lead to reduction or mitigation of disasters by preventing the loss of life and property. Infrastructure

contributes, albeit indirectly, to the poverty reduction strategy in the Poverty Reduction Strategy Programme (PRSP) and the Tenth Five-Year Plan. In order to contribute to poverty alleviation in a more direct manner, land reclamation work through improved river control and watershed management is anticipated. The key outcome will be institutionalising water-induced disaster management as a regular activity of relevant stakeholders in the field of disaster relief and rehabilitation, emergency protection work, and implementation of disaster mitigation work such as flood mitigation on the basis of master plans, as well as the effective participation of people affected.

## **Water Induced Disaster Management Policy, 2006**

This policy was recently approved for the management of water-induced disasters as a part of management of river basins. The policy is in line with the principle of integrated water resource management (IWRM) and has the following objectives:

- i) Mitigating the loss of life and property arising from water-induced disasters such as floods and landslides
- ii) Preserving rivers, river basins, and water-related environments for the sustainable use of natural resources and facilities such as drinking water, irrigation, river navigation, and road transport
- iii) Reclaiming river banks and flood-affected areas in order to rehabilitate landless people and carry out socioeconomic activities
- iv) Developing or strengthening institutions for the control of water-induced disasters and management of flood-affected areas
- v) Defining the role of local and central government institutions, non-government organisations, community organisations, and private institutions in the management of rivers

To achieve these objectives, the government, through the Ministry of Water Resources, has implemented the following policies.

- i) Emergency relief
- ii) Mitigation of water-induced disasters
- iii) Conservation of natural resources
- iv) Use of river banks and flood-affected areas
- v) Institutional management and development



## National Policy and Strategy for Disaster Risk Management, 2007

As of this writing, two processes for the improvement of disaster risk management at the national planning level are ongoing. Both processes are undertaken by the Government of Nepal with the Ministry of Home Affairs as the node. The first process is the development of a National Policy on Disaster Management in Nepal (Annex 7) and the revision of the National Disaster Management Act (Annex 8). This process is facilitated by the National Centre for Disaster Management (NCDM) in collaboration with Oxfam. A participatory approach has been adopted and several stakeholders from all levels throughout Nepal have been consulted in preparing the draft Policy and Act. The final drafts as submitted to MoHA are presented as Annexes 7 and 8. A task force under the MoHA will review the drafts and recommend the documents to the Cabinet for adoption.

The second process ongoing is the development of a national strategy for disaster risk management. This strategy is being developed by the Government of Nepal in consultation with relevant stakeholders at all levels. UNDP is supporting the government in the process with financial support from the European Commission through its humanitarian aid department. The strategy is based on the Hyogo Framework of Action and will contribute to the commitments made by Nepal to the international community in the UN World Conference on IDNDR in Yokohama in 1994, and the UN World Conference on Disaster Reduction in Kobe in 2005. Among other things, the strategy will serve as a set of recommendations for an indicative framework of institutional and legal mechanisms for disaster risk management. It is also expected to be a guide for future action planning for disaster risk management in any of the sectors by government or non-government institutions. The strategy will also be submitted to the Cabinet during 2007.

