

Disaster
Law

*Regulatory barriers to providing
emergency and transitional shelter
post-disaster:
Nepal case study*

*Urban CBDRR Symposium
3 December 2013, Kathmandu*



Regulatory Barriers to Shelter?



32.4 million displaced by disasters in 2012

Shelter is critical to health, safety and recovery after disasters – BUT legal and procedural issues often stand in the way

Our Aim: find practical solutions to improve the speed and equity of emergency and transitional response

Key issues

- Ambiguities in land title/rights
- Temporarily requisitioning of land
- Equity issues
- Land use planning and zoning
- Building codes

On-going Global Study



- Regional desk reviews in Asia and the Americas
- In-depth country studies in Nepal and Haiti (others to follow)
- Operational support provided through the Global Shelter Cluster

Gaps and innovative approaches identified through the study will form the basis for suggestions at the country level

Lessons will also be drawn to develop global guidance to improve the timely and equitable provision of shelter assistance

Nepal Country Case Study

Examines:

- relevant laws, policies and procedures
- application in previous disaster operations

AND

- anticipates how they would be applied in future disasters

TO

- identify potential barriers and suggest ways forward to enhance



source: New America Media

Key Findings – Positive Developments



- new DM Act (pending)
- ‘Open Spaces’ initiative in Kathmandu
- risk sensitive land use planning
- automation of building code approvals, training and advocacy
- development of detailed recovery guidelines
- expedited procedures and tax waivers for import of building materials post-disaster

Key Findings – Potential Barriers

Lack of comprehensive DM framework (pending)

Lack of clarity on the application of the IDP Policy and Procedures

Bureaucracy and delays to acquire/allocate land

Lack of standards/guidelines and community consultation

Unequal access due to lack of documentation

Complications of inheritance by women or from missing persons

Poor implementation of the National Building Code

Lack of engineering capacity for damage assessments

Suggested Ways Forward



- Ensure a comprehensive and harmonised policy approach
- Develop an emergency and transitional shelter handbook
- Develop a contingency plan emergency and transitional shelter in the event of a major earthquake in Kathmandu Valley
- Address gaps in compliance and enforcement of existing laws

Links with other projects – IFRC-UNDP joint study on Law and DRR

Country Level Research



Madagascar Case Study with
Malagasy Red Cross Dec 2012

- 27 country law desk surveys
- 15 in-depth country case studies analyzing law and implementation issues
- Analysis of international legal framework
- Global synthesis report (for early 2014)

10 Key Findings from the IFRC-UNDP study on Law and DRR

1. **'Third generation' DRM laws** support whole society DRR
2. **Local DRM resources** can be legally mandated
3. **Streamlined institutional structures** enable local sustainability
4. **Mandated civil society participation** is often the missing element
5. **Community-level partnership** for greater accountability
6. **Integration of climate change adaptation and DRR** frameworks
7. **Official EWS need clear laws** to stop delayed decision-making and include communities
8. **Building codes and land use planning** are not 'all or nothing' – countries are setting priorities
9. **High risk informal settlements** in cities are the fastest growing DRR challenge – best practices balance risks and rights
10. **Legal accountability systems** can create effective incentives and disincentives

Links with other projects – Partnership on Urban DRR and DM

Objective

Strengthen RCRC National Societies' capacity to support resilience building and enhance disaster preparedness and response in urban areas by:

- scaling up RCRC activities to reduce urban disaster risks and vulnerability
- strengthening RCRC capacities to effectively respond to urban disasters

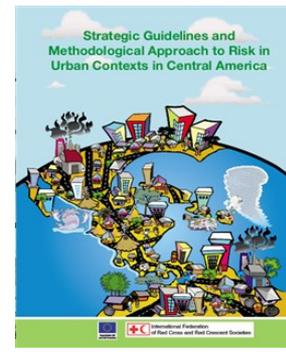
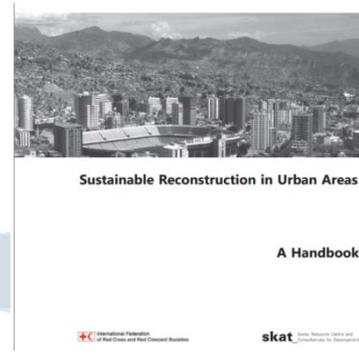
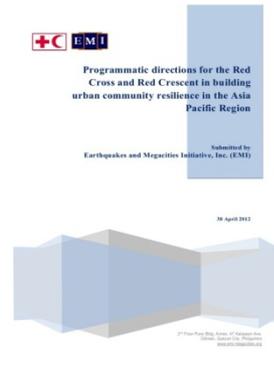
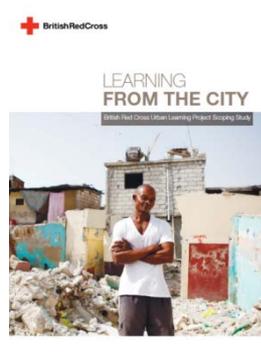
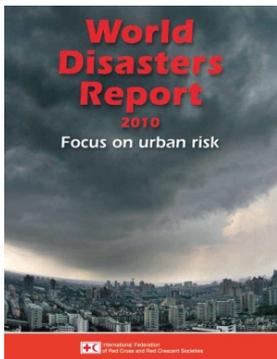
Sample of activities

- 5 city pilots: Jakarta, Nairobi, Tegucigalpa, Tehran, Yerevan
- Field test and revision of current RCRC tools for use in urban context
- IFRC common approach and guidelines for urban DRR and DM

Additional references

- World Disasters Report 2010 – Focus on urban risk
- Regional studies in Asia and the Americas
- Regional urban DRR and resilience workshops & consultations

More information available at <http://bit.ly/1fG4Zja>



Discussion Questions

1. Do the findings resonate with your experience?
2. Have you encountered any good practices or innovative approaches not reflected here? Any other barriers?
3. If you were to prioritise, what issues would you address first to improve Nepal's preparedness for possible large-scale displacement (especially in urban areas)?
4. How can the Nepal Red Cross Society and IFRC support these efforts?

FOR MORE INFORMATION, PLEASE VISIT:

<http://www.ifrc.org/dl>

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