



POLICY BRIEF

Issues in DRR governance

Background/Introduction

The Constitution of Nepal aspires to attain sustainable peace, good governance, development and prosperity through the federal, democratic and republican state. It has envisaged three levels of government: federal, provincial and local, and has defined their responsibilities with authority. It also has ensured prosperity through the equal participation in the state structures on the principle of proportional inclusion and 'right to information'.

Issues of proportionate inclusion are crucial at local levels as vulnerable groups poorly represented in decision making bodies, and their inability to access services and to raise their voice.¹ While various acts, policies, guidelines and strategies on DRR and management are in place. The 'mainstreaming DRR into the development process' and 'engaging community in designing the mitigation measures' yet remain a challenge. The task is now to integrate DRR into federal, provincial, and local level planning process. The planning process may include technical knowhow on DRR, complying the building code, solutions for environmental hazards, security measures, and identifying the gaps between the theoretical approach and the implementation modality as per the communities' priorities.

Approach

In April 2015 Gorkha Earthquake, about 9,000 people died and more than 22,000 people were injured. At least 498,852 private houses and about 2,656 government buildings were destroyed and the total numbers of damaged houses were more than six hundred thousands. The economic sector lost about US\$ 172 billion. Agriculture sector alone lost about US\$ 28.3 billion.² The devastating Gorkha earthquake reminded us about the risks and urgency applying appropriate DRR measures to reduce the damages through effective preparedness. People Led Solutions for Better Accountability Practices (PELSAP) Project was initiated to address the problems of transparency and accountability issues in DRR governance. Funded by Governance Facility and led by ActionAid Nepal, ISET Nepal is one of the partner NGOs at national level to meet the objectives of the project. The PELSAP project has tried to address the issues caused by disasters such as 2015 Gorkha Earthquake.

The project reviewed existing policies, guidelines, acts and carried out field monitoring visits to Sindhupalchowk, Kavere, Dolakha and Rasuwa districts. It conducted round table discussions, meetings, interviews, seminars and conferences. This brief synthesises the findings of this study provides recommendations based on the lesson learned. The gaps in policies are also gained from leanings at field interaction, workshops and conferences. Feedbacks and views of government officials (MoHA, MoFALD), NRC, TU, PNGOs were also valued while carrying out this study. The relevant government policies, acts along with several literatures were studied and analysed.

¹ World Bank. <http://documents.worldbank.org/curated/en/801101468059705690/Accountability-social-accountability-and-PRAN-Program-for-Accountability-in-Nepal>

² Nepal Earthquake 2015, Post Disaster Needs Assessment Vol. A: Key Findings, Government of Nepal, national Planning Commission

Present problems

Several challenges are associated with DRR governance to address transparency and accountability issues.

- There lacks the proper information, communication and coordination in DRR management at local level
- The distribution mechanism of relief materials during and after disaster is complicated with several steps, and time consuming.
- Lack of preparedness in multi hazards risks, and lack of technical knowledge and skill persisted.
- Duplication of work in many instances (two or more NGOs working in the same area or in the same sector).
- Rural /Municipalities and their respective wards are not much aware about the existing transparency and accountability tools developed by the ministry.
- Incapability of municipality and wards to monitor and evaluate I/NGO activities.
- Lack of proper public or social auditing system after completion of works
- No proper institutional memory or data base management system
- Many DRR related acts, policies, guidelines or strategies not yet amended as per the new federal structure.
- Challenges in implementation of the existing acts and policies at ground level
- All disaster are viewed in same manner regardless their nature and type of vulnerability
- DRR related Projects at local levels are not directly linked to both the demand and supply side of local communities.
- Government not giving importance to experts' or academics' opinion, or to think tanks and other research groups.
- No separate DRR related curriculum developed at school level till now

Accountability and transparency in DRR/M

DRR programs aim to reduce the damage caused by natural hazards like earthquakes, floods, droughts, and lightning strikes along with others through the ethics of prevention by,

- mainstreaming and integrating disaster risk reduction into national and local frameworks of laws and policies;
- encouraging and ensuring the levels of compliance building codes, environmental and resource management and health and safety standards; and
- maintaining government coordination and cooperation

Accountability is the obligation of an individual or organization for its activities, and accepted responsibilities, and to disclose the results in a transparent manner. 'Transparency' demands a method or procedure that highlights hidden agenda and condition, and complies with the disclosure requirements. It has a culture of information sharing which involves a continuous cycle of monitoring and evaluation which is an ethic of public service.

The supporting DRR/M related acts and the gaps

Disaster Risk Reduction and Management Act 2074

This act has been promulgated by replacing the old natural calamity relief act 2039. This act foresees the reduction and management of the disasters in three layers. The local bodies have mandate to manage disasters by making local acts and have authority to raise funds. The bylaws or guidelines of this act however are yet to be formulated. The act has provisioned several committees at national, provincial or local level however it does not clearly mentions which committee should be activated first during disasters. Members in the committee are mostly ex-officio who are pre occupied with other committees and can hardly allocate their time to this committee. The other new acts supportive to this DRR/M are

- Local Government Operations Act-2017 for overall operations and planning and budgeting of the local government
- Inter-Governmental Fiscal Arrangement Act-2017 for resource transfer, mobilization, taxation and financial matters
- National Natural Resource and Fiscal Commission Act-2017 for resource distribution among national and sub national governments

The effectiveness and the practicability of these acts are yet to be seen.

National Reconstruction Authority (NRA) Act, 2015

Its goal is to promptly complete the reconstruction works of the structures damaged by the earthquake of 25 April 2015. NRA Communications and Outreach Strategy have set the direction for both the internal and external communications. However the Authority with its autonomous structures has till date not been able to operate smoothly. The organization structures are pervasive, and weaker coordination at all level has been major reasons behind the poor delivery.

Social Welfare Council Act, 1992

This Act has a mechanism for the Social Welfare Council to register I/NGOs and coordinate their assistance. The provision is potentially very useful in coordinating DRR and other development projects in the national interest. Local NGOs need to register in respective districts for their technical operation. Some important provisions are there such as 'physical supervision/audit of the affiliated I/NGOs' and 'grant management from the national and international agency". However these provisions attract the transparency and accountability issues, this has become a bottleneck in the administration of DRR projects discouraging the establishment of NGOs with a national focus.

Good Governance (Management and Operation) Act, 2008

The Act has intent on governance elements by which administrative structures are expected to transform into service providers and facilitators that demands responsibility for upholding the rule of law, promoting human rights, ensuring government accountability and encouraging financial prudence. Every public/governmental office are made responsible for delivering public service or involved in public relation shall maintain citizen's charter in prescribed form and locate it in the visible place of the office. The act has provisions on Citizen Charter/ Public Hearings/ Social audit /Complaints/ Grievance handling that has been in limited compliance from Government agencies itself.

Associations Registration Act, 1977

All of the social services related agencies and NGOs including civil societies are to be registered under this act. For the organizations to be more transparent and accountable the act has a provision 'submission of statements of accounts to the local Authority', along with the report of the auditor as the responsibility of the Management Committee. DAOs have no capacity to perform these tasks.

Right to Information Act, 2007

This act entitles every citizen 'to have the right and access to information' held in the public bodies. This also helps general public to know the DRR related information. Compensatory arrangements are there if failed to disclose however they are seldom claimed or paid. Classification of information is yet to be done that has prompted public officials to be more protective on any sort of disclosure. Public entity seems not serious on information dissemination and which is why no action as such is taken against public officials failing on proactive disclosure.

Local Administration Act, 1971

Two of the important additional tasks relating to disaster management to maintain law and order through mobilization of security forces and carryout the central governments orders and directives - are being performed by the CDO under this Act. To smoothly carry out the tasks and responsibilities, the CDOs use these provisions for strong measures and enforcement of other laws.

The Public Procurement Act, 2007

The act states about information and convenience of general public. The Acts and Regulations and Procurement Manuals made by the public offices shall be kept in the website of the Public Procurement Monitoring Office. Procedural complexities largely remain. Public officials show reluctance to perform speedy procurement during emergency response with a fear from Commission on Investigation of Abuse of Authority /Public Procurement Management Office.

Prevention of Corruption Act, 2002 /National Vigilance Centre

Provisions relating to offences of corruption and punishment 'to give and take of graft', 'public officials preparing false documents causing loss to Government' shall be liable to a punishment of imprisonment. It provisions a National Vigilance Centre which is a statutory government body responsible to collect information and to alert them, and to conduct surveillance. The center has been overshadowed by the executives for limiting its role.

The prevailing Strategies/ Frameworks

After the country moved into new federal structure, many frameworks, strategies, guidelines and producers (such as LGCDP, NSDRM, LDRMP) are not functional because of the changes in the structure. There is a need to revise or form strategies, and guidelines. This process will require sometime to materialise. Thus, in the transition, managing disaster, if occurs, will be challenging and difficult.

Views of Academia

During the consultative meetings, the academia (the university teachers along with other academicians), expressed their opinion on the present scenario of DRR governance as follows.

- DRR related legal provisions are little known outside the government systems.
- Documentation and coordination: DRR related guidelines are being prepared by many agencies with separate involvements. As these are drafted as per their convenience it has fewer reflections from communities / stakeholders.
- Researchers are not encouraged due to poor linkage of the agencies working in DRR with government. As a result, knowledge or skills of academicians could not be utilized in policy/acts formulation etc.
- Little information on DRR in education system (school, college universities).
- Systemic discrimination exists. No effective participation of women, marginalized, ethnic minorities. The meetings and forums are seen to be well and balanced participated, whereas in designing the goals and objectives of such meetings their voices are hardly listened, and are hardly known to the marginalized groups or communities.
- Prevailing Acts on DRR and management are generic and unable to address different scale and type of disaster.
- Government and public employees' perception on I/NGOs is very critical. On the other side, the government rules and versions or the arguments are distorted with several standards. I/NGOs professional inputs are undermined.
- The regulations and measures are not defined at scales for service delivery for different types of disasters.

Key Recommendations

Amendments in Laws /Policies

Putting governance related DRR strategies as per the scale and type of disaster in the legal provisions should be the first step. Integrating many prevailing DRR and governance related guidelines will help reduce obligatory burden of the community for the compliances. DRR and management related roles and responsibilities of the concerned agencies including community are to be well defined.

Overlap of the standard relief supports from agencies can be addressed through introducing Standards of Operations as per the types of disaster and magnitude of required relief. Inter-relationship between development process, environment and disaster could be well established through emphasizing the design and implementation of DRR measures in communities' initiations at the local level. The practice of developing own implementing and procedural guidelines by the development agencies, institutions (non-governmental) working in DRR sector is to be discouraged so that a single mode of operation could be adopted. The District Preparedness and Management Plans at districts should also incorporate authority of District/Municipal/community level on DRR with their jurisdiction, scope for disaster relief and management works and emergency related responsibilities.

The National Disaster Relief Framework and National Strategy for Disaster Risk Management should be reviewed to adopt all scale of disaster and provisions and measures contributing to transparency and accountability after the relief operations or DRR. Encouraging academics' involvement in policy

formulation through joint consultation forum shall help formulating policies/laws based on outcomes of the study/research.

Planning/Implementations process

Preparedness for DRR and its measures including the application of transparency tools could be brought through adoption and exercise of established Planning process. Supporting NGOs and agencies should focus to increase meaningful participation of the targeted communities. Also creating data base at local level on disaster related information help to plan and prioritize the resources.

Reducing politicization of the DRR related assistance is possible through effective exercise of the planning process. The planning process that is much criticized should be trimmed down to fit the Interim Management to be prescribed by MoFAGA on federal arrangements. Reducing fiduciary risks and making the external assistance more transparent through engulfing the roles and duties of local government in DCC/DAO/DDRC structures or the Interim Management for local government is required.

A community based structure and separate DRR fund at local government level with administering authority has to be established.

Accountability and transparency

Increasing community's access to information/communication through real application of already introduced and established transparency tools is possible. The awareness campaigns conducted by the agencies working in the community should obtain the related information from district or local bodies on a regular basis. Also, the demand side is to be encouraged, and go for public entity's proactive disclosure.

Increased advocacy and awareness programs on disaster prevention, mitigation and preparedness at all levels including the policy/decision makers by the partner agencies can create a moral pressure to the local bodies to incorporate such in their annual programs. Putting DRR curriculum in formal school education require exploring the basic science of environmental hazards before moving on to instruction in safety measures. Therefore a systematic coverage of the hazard, its prevention, mitigation, and, preparedness are to be devised as per the local context as well.

Bringing change in the Government and public employee's perception on NGOs through increased trust and co-works will help making the Federal provincial and local Government capable to monitor NGOs activities. People engagement/ involvement can only be insured through effective participation of women and marginalized groups. Meaningful participation happens only if information for the community is available.

The pre information of the planning process schedule and dedicated involvement of NGOs in planning process can be done through wide circulation of prescribed guidelines on NGO mobilization. Making NGO desk active has been seen as effective tools in the districts as well.

Citizen empowerment

The citizens need to be empowered engaging them actively with local governments and increasing their capacity to manage resources in an inclusive and equitable manner. Therefore, strengthening citizen empowering institutions and alliances or networks for all level is required. This further provides a strong foundation for harmonizing, coordinating and steering the development efforts of federal government, local government, non-government and private sectors at different layers.

ActionAid Nepal

ActionAid is a global justice federation working to achieve social justice, gender equality and poverty eradication. ActionAid Nepal is a member of the federation, working for human rights, anti-poverty and gender equality. It is a non-governmental national social justice organisation established in 1982 and working locally in different provinces of Nepal. It is also a part of both national and global social justice movement and other civil society networks, alliances and coalitions.

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