



International Federation
of Red Cross and Red Crescent Societies

IDRL ASIA-PACIFIC STUDY

NEPAL

**LAWS, POLICIES, PLANNING AND PRACTICES
ON INTERNATIONAL DISASTER RESPONSE**

JULY 2005

About This Report

When disasters strike, there are times when the resources of an affected country are overwhelmed and international assistance is required. In these situations, it is essential that such assistance can be provided quickly, effectively, to the highest possible standards and for the immediate and long term benefit of affected communities.

This report is an examination of national laws and policies, as well as regional and international treaties, declarations and agreements, to determine their current and potential impact on international disaster response operations in Nepal.

In particular it examines the current legal regime applicable to Nepal on issues such as: offers and requests for assistance; the entry and facilitation of foreign relief organizations, personnel, relief goods and equipment; the coordination of assistance; and standards of quality and accountability.

It also seeks to draw on the practical experiences and lessons learned from past international disaster response operations, to understand how the legal regime has, or has not, been applied in practice, and to identify examples of good practice or challenges to be addressed.

The methodology for this report is attached in Annex B.

Context

This report forms part of the IDRL (International Disaster Response Laws, Rules and Principles) Asia-Pacific Study, which was conducted during 2004 and 2005 in:

- Fiji
- Indonesia
- Myanmar
- Nepal

The IDRL Asia-Pacific Study was undertaken as part of the wider IDRL Programme, led by the International Federation of Red Cross and Red Crescent Societies in Geneva. Further information can be found at the following site: www.ifrc.org/what/disasters/idrl

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PART I – COUNTRY BACKGROUND

Social and political context¹

Nepal is a highly heterogeneous country in terms of geography, ethnicity, language and culture. Its population is estimated at 24.8 million, growing 2.3 percent a year. The Himalayas cover the northern part of the country, which borders China. To the south lies a long stretch of lower mountains, the hilly region whose southern flanks flatten into the Terai, a sub-tropical plain which borders India. In the *Human Development Report 2004*, Nepal features among the poorest countries in the world both in economic terms as well as social parameters. Gross domestic product (GDP) per capita is estimated to be only USD230. More than 40 percent of the population live below the poverty line, 48 percent of children under five are underweight and 19 percent of the total population is undernourished. The female adult literacy rate is 26 percent while for men it is 62 percent. The average life expectancy is 59 years.

The eight-year armed conflict between the government's security forces and the Maoists has claimed more than 10,000 lives. The conflict intensified during the first half of 2004 leading to a deteriorating security and human rights situation. The whole country, including most economic and social activities, is now affected. Since the adoption in 1990 of a constitution ensuring a multi-party democracy system the country has seen more than 12 governments. The conflict has disrupted the security and livelihood of thousands of families. Those most affected often follow an established tradition of moving to other parts of Nepal or abroad for employment and for support from relatives and friends. Local communities become even more vulnerable when women, children and elderly are left behind. Most internally displaced persons are assimilated into their new locations, usually a district town or regional centre, but over a longer time period this will increase the burden on these communities.

Disasters in Nepal

Nepal faces various types of natural and man-made hazards. Epidemics, floods, landslides and fires cause the most frequent disasters and affect the highest number of people (see Table 1 below). However, the most serious threat is the probability of a future major earthquake which would result in massive destruction of buildings and infrastructure. Over the past 200 years, there have been several major earthquakes in the Kathmandu Valley in 1810, 1833, 1866 and 1934. It is estimated that should there be an earthquake of the magnitude recorded in 1934 (8.4 on the Richter Scale) the consequences would be greater than that of the 2001 Gujarat Earthquake in India, in which between 17,000-25,000 people lost their lives and 16 million people affected.²

¹ Unless otherwise indicated, this information is from International Federation of Red Cross and Red Crescent Societies, *Annual Appeal: Nepal* (2005).

² United Nations Disaster Management Team, *UN Nepal's Inter-Agency Disaster Response Preparedness Plan: Hazard Analysis and Response Guidelines Part I* (September 2001).

Table 1: Number of Deaths and Families Affected due to Natural Hazards 1996-2004¹

Natural Hazard	1996		1997		1998		1999		2000		2001		2002		2003	
	Deaths ²	Affected ³	Deaths	Affected	Deaths	Affected	Deaths	Affected	Deaths	Affected	Deaths	Affected	Deaths	Affected	Deaths	Affected
Wind/Hail	47	13,371	-	34,531	6	172	6	293	3	59	38	6,162	6	227	60	3,349
Thunderbolts	28	93	49	144	17	87	16	55	23	70		40		12		52
Floods/Slides	258	37,096	83	5,648	273	33,154	193	8,925	173	15,617	196	7,901	441	38,859	232	7,167
Fires	61	6,630	65	3,380	54	876	39	1,065	38	1,254	26	1,347	11	1,138	8	1,162
Epidemics	494	1,1411	951	1,897	840	2,300	1,207	6,119	141	735	154	468	0	0	0	0
Earthquakes	3	2	-	269	-	3	-	90	-	-	1	136	0	0	0	0
Avalanches	4	4	12	185	-	-	5	1	-	-	0	ND	0	ND	0	ND
TOTAL	895	58,607	1,160	46,054	1,190	36,979	1,1466	16,548	378	17,735	415	16,054	0	40,480	300	11,730

¹Information from the Ministry of Home Affairs, Government of Nepal ²Number of deaths due to natural hazards ³Number of families affected by natural hazards
 ND – No data available

Kathmandi Valley Earthquake Scenario

The 1934 Bihar-Nepal earthquake produced shaking of intensity X, IX and VIII (Modified Mercalli Intensity scale) within the Kathmandu Valley [...]. A brief summary of the loss estimates for a possible repeat of the 1934 level of shaking follows:

As many as 60 percent of all buildings in the Kathmandu Valley are likely to experience heavy damage, many beyond repair.

Almost half of the bridges in the Valley could be impassible, and ten percent of all paved roads will have moderate damage, such as deep cracks or subsidence. The country's only international airport may be inaccessible. The prevalence of extremely narrow roads, which could easily be blocked by debris, will exacerbate the problem.

Approximately 90 percent of water pipes and 50 percent of other water system components (pumping stations, treatment plants, etc.) could be seriously damaged. Almost all telephone exchange buildings and 60 percent of telephone lines are likely to be damaged, requiring significant to moderate repair to operate. Approximately 40 percent of electric lines and all electric substations are likely to be damaged.

Simply applying the percentage of the population killed or injured in the 1934 earthquake to the population of the Valley today results in an estimate of 22,000 deaths and 25,000 injuries requiring hospitalization. Applying more recent earthquake casualty figures from cities comparable to the Kathmandu Valley results in an estimate of 40,000 deaths and 95,000 injuries in the Kathmandu Valley's next major earthquake.

Source: *The Kathmandu Valley Earthquake Risk Management Action Plan*, NSET-Nepal and GeoHazards International, 1999 <<http://www.geohaz.org/project/kv/scenover.htm>>.

Government / legislative structure³

Nepal is a parliamentary democracy and a constitutional monarchy with 14 administrative divisions and 5 Development Regional Offices, 14 Zonal Offices and 75 District Administrative Offices. The head of state is the monarch, a hereditary position. The head of government is the prime minister, who is usually the leader of the majority party or majority coalition and is appointed by the monarch. The cabinet is appointed by the monarch on the recommendation of the prime minister.⁴

³ The following information is mainly extracted from the *CIA World Factbook* <<http://www.cia.gov/cia/publications/factbook/geos/np.html>> (last updated 10 February 2005).

⁴ Since February 2005, by declaration of the King, there has been no Prime Minister and the Vice President is sitting as Chief of Cabinet.

The House of Representatives comprises 205 seats, for which members are elected by popular vote for terms of five years. The legislature consists of the National Council comprising 60 seats, 35 of which are appointed by the House of Representatives, 10 by the monarch and 15 elected by an electoral college. The last election was held in 1999 but the Parliament was dissolved in May 2002.

The Supreme Court comprises a chief justice who is appointed by the monarch on recommendation of the Constitutional Council and other judges are appointed by the monarch on the recommendation of the Judicial Council.

Military branches include the Royal Nepalese Army (including the Royal Nepalese Army Air Service), and the Nepalese Police Force.

Also of relevance to this report is the way in which international treaties and agreements become binding law in Nepal. This is determined by provisions of both the *Constitution of Nepal (1990)* and the *Nepal Treaty Act (1990)*. Under the *Constitution of Nepal*, the ratification, accession, acceptance or approval of treaties or agreements must receive either majority support by the House of Representatives, or in the case of significant agreements, two-thirds majority support in a joint sitting of both Houses of Parliament.⁵ The *Nepal Treaty Act* identifies those who may negotiate, accept and sign treaties or agreements, and provides that the Government of Nepal must implement laws to carry out obligations under the treaty.⁶ It further states that “if any provision of the treaty, after [it] is ratified, acceded or approved, is inconsistent with any law in force, such law to the extent of such inconsistency, shall be void and the provision of the treaty shall come into force as the law of Nepal.”⁷

PART II – OVERVIEW OF RELEVANT LAWS AND POLICIES

International, regional and bilateral instruments

Multinational conventions

Nepal has ratified both the *Convention on the Privileges and Immunities of the United Nations*⁸ and the *Convention on the Privileges and Immunities to Specialized Agencies*⁹.

Whilst Nepal is a member of the World Customs Organisation, it is not party to the various Conventions and Annexes relevant to international disaster response such as the *Convention on Temporary Admission (Istanbul Convention)*¹⁰ or the *International*

⁵ *Constitution of Nepal of 1990*, art 126.

⁶ *Nepal Treaty Act of 1990*, section 9.2.

⁷ *Nepal Treaty Act of 1990*, section 9.1.

⁸ *Convention on the Privileges and Immunities of the United Nations*, 13 February 1946, 1 UNTS 15 (entered into force 17 September 1946). Nepal became a party in 1965.

⁹ *Convention on the Privileges and Immunities of the Specialized Agencies*, 21 November 1947, 33 UNTS 261 (entered into force 2 December 1948). Nepal became a party in 1954.

¹⁰ *Convention on Temporary Admission*, 26 June 1990 (entered into force 27 November 1993) (*Istanbul Convention*), in particular Annex B.9 concerning goods imported for humanitarian purposes.

Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention).¹¹

Nepal became a signatory to the *Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations*¹² on 23 April 1999, but has not ratified or acceded to it. Nor has Nepal has ratified or acceded to the *Framework Convention on Civil Defence Assistance*.¹³

South Asian Association for Regional Cooperation (SAARC) Agreements

Nepal is a member of SAARC, which has adopted a number of agreements, resolutions and declarations of relevance to international disaster response. These are briefly described below:

*Agreement on Establishing the SAARC Food Security Reserve*¹⁴

This agreement is one of the few agreements of the SAARC which is directly relevant to international disaster response. It establishes a process whereby member states contribute wheat and/or rice to a permanent reserve. The reserves may then be drawn upon by a member state in the event of an emergency, described as a severe and unexpected natural or man-made calamity, when a state has no means to procure food from elsewhere.¹⁵ There are no specific provisions relating to issues such as importation and quality control, but the functions of the SAARC Food Security Board, established under the agreement, include “calling for such information from member countries as may be necessary for the effective administration of the Reserve and issuing of guidelines of technical matters such as maintenance of stocks, storage and quality control”.¹⁶

*Customs Action Plan*¹⁷

This plan was developed in order to improve the efficiency of customs administrations and to promote regional cooperation for trade and economic development. The Plan recognises that uniformity, harmonisation and simplification

¹¹ Nepal has ratified neither the *International Convention on the Simplification and Harmonization of Customs Procedures*, 18 May 1973 (entered into force 25 September 1974) or its annex F.5 concerning urgent consignments, or the *International Convention on the Simplification and Harmonization of Customs Procedures as amended*, 26 June 1999 (not yet in force) or its Annex J Chapter 5 on relief consignments.

¹² *Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations*, opened for signature 18 June 1998, United Nations depositary notification C.N.608.1998.TREATIES-8 of 4 December 1998 and C.N.782.1999.TREATIES-13 of 28 September 1999 (rectification of the Convention and transmission of relevant procès-verbal) (entered into force 8 January 2005).

¹³ *Framework Convention on Civil Defence Assistance*, opened for signature 22 May 2000, 2172 UNTS 231, (entered into force 23 September 2001) (*‘Framework Convention’*).

¹⁴ *Agreement on Establishing the SAARC Food Security Reserve*, signed in Kathmandu 4 November 1997 (entered into force 12 August 1998).

¹⁵ *Ibid*, arts 1, 2(1) and 3.

¹⁶ *Ibid*, arts 7 and 8(3).

¹⁷ *Customs Action Plan on Co-operation, Uniformity and Harmony for Customs Administrations of SAARC Member Countries* (April 1997).

lends transparency to the Customs practices, facilitates freer movement of goods and passengers and reduces delays and costs associated with repetitive declarations, examinations and differing interpretations by the Customs Authorities of the concerned Administrations.¹⁸

Of particular significance to this study is the promotion of the progressive implementation of the *Kyoto Convention*¹⁹, although the Plan does not specifically refer to Annex F.5 on Urgent Consignments. It also promotes the “introduction of simplified procedures for customs clearance or transit movement of exempted goods, perishable goods and other goods requiring such clearance of movement”.²⁰ This could potentially include simplified procedures for relief goods, although no detail is given on the specific categories of goods included here.

*SAARC Visa Exemption Scheme*²¹

This scheme intends to facilitate greater ‘people to people’ interaction and cooperation between SAARC member states. Under the scheme, visa requirements are waived for specific categories of people. Although a full list of the current categories has been difficult to obtain, those entitled to benefit from the Scheme include Supreme Court Judges, Members of the National Parliaments, Heads of National Academic Institutions, Foreign/Permanent Secretaries dealing with foreign affairs, SAARC Secretary-General and Directors of the SAARC Secretariat, Presidents of National Chambers of Commerce and Industry and their dependents.²² The list was recently expanded in July 2004 during the 25th Session of the Council of Ministers²³, however it remains unclear as to whether government or humanitarian relief workers are included within the categories and whether this Scheme has been used to facilitate the entry of relief workers into Nepal.

*Resolution of the SAARC Food and Agriculture Ministers Meeting of 2002*²⁴

This resolution urges the World Food Summit, held in June 2002, to take into account a number of concerns and recommendations of the SAARC member states, including:

- § Increased international assistance for developing countries to develop food storage facilities, transport infrastructure, food reserves and agro processing facilities to meet emergencies;²⁵
- § Implementation of long term integrated programmes for disaster mitigation and preparedness;²⁶

¹⁸ Ibid, art 1(a).

¹⁹ *International Convention on the Simplification and Harmonization of Customs Procedures*, 18 May 1973 (entered into force 25 September 1974).

²⁰ *Customs Action Plan on Co-operation, Uniformity and Harmony for Customs Administrations of SAARC Member Countries* (April 1997) art 1(b)(ii).

²¹ *SAARC Visa Exemption Scheme* of 1998 (operational on 1 March 1992).

²² International Training Centre, International Labor Organisation, *South Asian Association for Regional Cooperation*,

<<http://www.itcilo.it/english/actrav/telearn/global/ilo/blokkit/saarc.htm#cooperati%20with%20international%20and%20regional%20organisations>>

²³ SAARC website <www.saarc-sec.org/main.php?t=2.11.1>

²⁴ *Resolution of the SAARC Food and Agriculture Ministers Meeting Preparatory to the World Food Summit: Five Years Later* (Kathmandu, 15 May 2002)

²⁵ Ibid, operational para 1.

²⁶ Ibid.

- § Effective partnerships with governments, international bodies. NGOs, civil society and private sectors to address poverty and food security;²⁷ and
- § Responsibility of national governments and the supplementary responsibility of the international community, to ensure food security and strengthen food security policies.²⁸

*SAARC Regional Study on the Causes and Consequences of Natural Disaster and the Protection and Preservation of the Environment*²⁹

This study was commissioned by the Third Summit in Kathmandu in November 1987. Consisting of a series of individual country reports prepared by a Group of Experts from member countries, this document is still used as a reference for subsequent SAARC activities related to disaster management. Its recommendations were endorsed at the Sixth Summit in Colombo in 1991. The study is categorised into two main areas: measures to protect and manage the environment; and measures and programmes for strengthening disaster management capabilities

Under this second area, the recommendations include:

- § Networking of institutions on natural disaster planning and management
- § Establishing a group of existing disaster management institutions in the SAARC region engaged to undertake research and training programmes and to become centres of excellence
- § Establishment of a SAARC relief and assistance mechanisms for disaster
- § Development of a rapid assessment strategy
- § Devise fast pledging mechanisms and develop fast and reliable delivery arrangements in case of a regional disaster
- § Modify the SAARC Food Security Reserve to enable a faster response in sudden onset disasters
- § Establish similar reserve mechanisms for medicines and other materials needed for disaster response
- § Developing cooperative strategies for mutual assistance in rescue, relief and rehabilitation operations

Since this time however, it would appear that many of these recommendations remain largely unimplemented.

Bilateral agreements and MOU's with other organisations

SAARC has also established a number of agreements and MOUs for cooperation with a number of other regional groupings and international and regional organizations. It has entered into cooperative arrangements through the signing of MOUs with organizations such as EC, UNCTAD, ESCAP, UNIFEM, APT, ITU, UNDP, UNDCP, UNEP, UNIFEM, CIDA, WHO, ADB, UNAIDS, UNICEF and the World Bank. SAARC has recently agreed with ASEAN Secretariat for a Partnership Work Plan (2004-2005) in a

²⁷ Ibid, operational para 14.

²⁸ Ibid, operational para 15.

²⁹ *SAARC Regional Study on the Causes and Consequences of Natural Disaster and the Protection and Preservation of the Environment* (recommendations adopted by the Sixth SAARC Summit, Colombo 1991).

number of areas including trade, HIV/AIDS, energy and tourism. SAARC also has a dialogue forum with ASEAN and EU on the sidelines of the UN General Assembly sessions.³⁰

SAARC Disaster Centre

In a recent development, the Government of Bangladesh has proposed the upgrading of the SAARC Metrological Research Centre in Dhaka to a South Asian Disaster Management Centre, following the devastating earthquakes and tsunami in Asia on 26 December 2004. The centre would provide early warning of natural disasters and facilitate a fast regional response. Several other countries in the region have also offered to host such a centre and a decision of the SAARC Summit is still pending.³¹

Legal Status Agreements with international organisations

Nepal has it has formed a number of specific agreements with international organisations which are of relevance to relief operations.

For example, the *Legal Status of the International Federation and its Delegation in Nepal* (1997)³² recognises the international legal personality of the International Federation and grants the organisation a number of facilities, privileges and immunities to enable it to carry out its humanitarian functions within the territory of Nepal. These are based on the *Convention on the Privileges and Immunities of the United Nations*³³ and the *Convention on the Privileges and Immunities to Specialized Agencies*³⁴ and include aspects such as:

- § Freedom of movement, except as restricted by the Government³⁵
- § Inviolability of premises, assets and archives³⁶
- § Freedom of financial transactions³⁷
- § Exemptions from tax, customs duties, prohibitions and restrictions on imports and exports for official use and use in relief operations and development cooperation³⁸
- § Freedom of communications³⁹
- § Immunities and tax exemptions for members of the delegation and officials of the International Federation for the conduct of their official duties⁴⁰

The agreement also contains a list of goods which may need to be imported and exported to support humanitarian programmes, and thereby benefit from the designated tax and

³⁰ Sourced from Bangladesh Ministry of Foreign Affairs, *SAARC: A Background*, <http://www.mofa.gov.bd/13saarcsummit/saarc_background.html>

³¹ See article 'Bangladesh proposes SAARC Disaster Centre', 27 March 2005, Reuters <www.alertnet.org/printable.htm?URL=/thenews/newsdesk/DHA133240.htm>.

³² *Legal Status of the International Federation and its Delegation in Nepal*, 7 February 1997, Nepal – International Federation of Red Cross and Red Crescent Societies (entered into force 7 February 1997).

³³ *Convention on the Privileges and Immunities of the United Nations*, 13 February 1946, 1 UNTS 15 (entered into force 17 September 1946). Nepal became a party in 1965.

³⁴ *Convention on the Privileges and Immunities of the Specialized Agencies*, 21 November 1947, 33 UNTS 261 (entered into force 2 December 1948). Nepal became a party in 1954.

³⁵ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 9(1)(h).

³⁶ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 4.

³⁷ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 5.

³⁸ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 6.

³⁹ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 7.

⁴⁰ *Legal Status of the International Federation and its Delegation in Nepal* (1997), art 9.

customs exemptions.⁴¹ This includes a list of items which may be needed to support emergency programmes, such as vehicles, medical supplies and equipment, food supplies, emergency shelter, blankets and clothing, household utensils and emergency communications equipment.⁴²

Nepal has also entered a number of agreements with the United Nations and its agencies, listed here in chronological order:

Basic Agreement for the Provision of Technical Advisory Assistance, 10 May 1954, Nepal – World Health Organisation, 204 UNTS 311 (entered into force 13 May 1954).

Agreement for the Provision of Operational, Administrative and Executive Personnel, 18 August 1958, Nepal – United Nations, 508 UNTS 4 (entered into force 18 August 1958)

Agreement Concerning the Activities of UNICEF in Nepal, 12 December 1960, Nepal – United Nations Children’s Fund, 382 UNTS 273 (entered into force 12 December 1960).

Agreement Concerning Technical Assistance, 14 February 1963, Nepal - United Nations, International Labour Organisation, Food and Agriculture Organisation, Educational Scientific and Cultural Organisation, International Civil Aviation Organisation, World Health Organisation, International Telecommunication Union, World Meteorological Organisation, International Atomic Energy Agency and Universal Postal Union, 453 UNTS 169 (entered into force 14 February 1963).

Standard Agreement on Operational Assistance, 25 May 1965, Nepal – United Nations, International Labour Organisation, Food and Agriculture Organisation, Educational Scientific and Cultural Organisation, International Civil Aviation Organisation, World Health Organisation, International Telecommunication Union, World Meteorological Organisation, International Atomic Energy Agency and Universal Postal Union, 535 UNTS 375 (entered into force 25 May 1965).

Basic Agreement Concerning Assistance from the World Food Programme, 30 August 1967, Nepal – United Nations and Food and Agriculture Organisation on behalf of the World Food Programme, 779 UNTS 379 (entered into force 30 August 1967).

Agreement Concerning Assistance by the United Nations Development Programme to the Government of Nepal, 23 February 1984, Nepal – United Nations Development Programme, 1349 UNTS 231 (entered into force 23 February 1984).

Basic Cooperation Agreement, 21 February 1996, Nepal – United Nations Children’s Fund, 1912 UNTS 131 (entered into force 21 February 1996).

Bilateral treaties

Nepal has concluded a number of bilateral assistance agreements with governments such as the United States of America and the United Kingdom, but these relate to the financing

⁴¹ *Legal Status of the International Federation and its Delegation in Nepal (1997)*, Annex.

⁴² *Legal Status of the International Federation and its Delegation in Nepal (1997)*, Annex art C.

of roads construction, rather than emergency operations.⁴³ There are also agreements with the International Development Association on earthquake emergency housing reconstruction⁴⁴ and earthquake emergency schools rehabilitation⁴⁵, but again these agreements related to the financing of longer term development and reconstruction projects rather than emergency relief.

National disaster management planning and legal instruments

The Tenth Plan (2002-2007)⁴⁶

The *Tenth Plan* provides the overall strategic framework for government policy and planning. It was developed by the Government's National Planning Commission with the primary focus of alleviating poverty in Nepal. It provides objectives, strategies and programmes for improving the country's development in three key areas: sustainable economic growth; targeted programmes and local development; and good governance.

One of the identified areas within the objective of achieving "high, sustainable and broad based economic growth" is that of "natural and man made created disaster management".⁴⁷ The objective in this area is to

[c]ontribute substantially to make the public life secure by managing the natural and man made disaster systematically and effectively and by making the development and construction related programmes in the country sustainable, reliable and highly gainful.⁴⁸

With regard to disaster relief and rescue, the *Tenth Plan* seeks to ensure that these activities are transparent and that they enhance awareness of disaster management.⁴⁹ Specifically it provides that local bodies, NGOs, community organisations and the private sector will be the implementers of rescue and relief, and promotes increased community participation in disaster management.⁵⁰ The plan identifies the need to adopt policy arrangements for disaster management which link from the central to the local level, as well as making arrangements for disaster preparedness, such as the pre-positioning of relief supplies.⁵¹ It also envisages specific programs for disaster affected people, such as: conducting estimates of life and property damage; psychological counselling; provision

⁴³ *Grant Agreement for Road Construction in Western Nepal (with Annex)*, 5 June 1975, United States of America – Nepal, 1113 UNTS 163 (entered into force 5 June 1975); *Exchange of Notes Constituting an Agreement Concerning Financial Assistance by the Government of the United Kingdom to the Government of Nepal towards the Construction of a Road from Dharan to Dhankuta (with Annex)*, 25 July 1973, United Kingdom – Nepal, UNTS No. 13411 (entered into force 25 July 1973).

⁴⁴ *Development Credit Agreement – Municipal Development and Earthquake Emergency Housing Reconstruction Project*, 1 January 1989, International Development Association – Nepal, 1547 UNTS 215 (entered into force 14 September 1989).

⁴⁵ *Development Credit Agreement – Earthquake Emergency Reconstruction Schools Rehabilitation Project*, 1 January 1985, International Development Association – Nepal, 1564 UNTS 359 (entered into force 11 December 1989).

⁴⁶ His Majesty's Government of Nepal, *Tenth Plan (2002-2007)*, National Planning Commission Nepal (March 2002), unofficial translation at <http://www.npc.gov.np/tenthplan/docs_in_english.htm>.

⁴⁷ *Tenth Plan (2002-2007)*, art 22.3.

⁴⁸ *Tenth Plan (2002-2007)*, art 22.3.2(a).

⁴⁹ *Tenth Plan (2002-2007)*, art 22.3.2(b) bullet point 3.

⁵⁰ *Tenth Plan (2002-2007)*, art 22.3.2(c) bullet points 2(1) and (2).

⁵¹ *Tenth Plan (2002-2007)*, arts 22.3.2(c) bullet point 2(3) and art 22.3.3(2).

of relief such as food, clothing, medicine, cereals and shelter; and rehabilitation activities to enable people to resume a normal life.⁵²

In relation to international assistance, the *Tenth Plan* states:

Activities of reducing the damages of disaster will be made effective by expanding relations with the international organisations related to natural and man made disaster management and by exchanging the information with them.⁵³

From the above, it is clear that the Government of Nepal has identified the improvement of natural disaster management as an important step towards development and poverty reduction. Additionally, it is clear that the international community has a role to play in furthering these strategies, albeit in a supporting rather than implementing role. In the absence of more detailed provisions, it is not clear how “expanding relationships” are intended to contribute to reducing the impact of disaster, but it does not appear to exclude international disaster response.

National Action Plan (1996)

More detailed planning on disaster management is contained in the *National Action Plan* or *NAP*, which was first formed in 1996 and is in the process of being revised.⁵⁴ The *NAP* was developed by the National Committee for the International Decade of Disaster Reduction, chaired by the Home Minister with representatives from other ministries, government organisations and NGOs.⁵⁵ It contains an ambitious programme of action addressing various aspects of disaster preparedness, response and rehabilitation, ranging from engineering studies, to risk assessments, to the development of legislation and policies.⁵⁶ In the context of the present study however, the *NAP* suffers from two main weaknesses – firstly that it does not include the role of international organisations⁵⁷, and secondly, that it remains largely unimplemented.⁵⁸

Natural Calamity Relief Act (1982)⁵⁹

The major legal instrument regulating disaster management in Nepal is the *Natural Calamity (Relief) Act of 1982*, which was revised in 1989 and again in 1992.

⁵² *Tenth Plan (2002-2007)*, art 22.3.2(d)(10).

⁵³ *Tenth Plan (2002-2007)*, art 22.3.3(1).

⁵⁴ His Majesty’s Government of Nepal, *Outline for National Reporting and Information on Disaster Reduction for the World Conference on Disaster Reduction* (September 2004), para 5.1.

⁵⁵ Meen B Poudyal Chetri, *Nepal Country Report 1999*, Ministry of Home Affairs, Government of Nepal (1999), p23.

⁵⁶ Meen B Poudyal Chetri, *Nepal Country Report 1999*, Ministry of Home Affairs, Government of Nepal (1999), p23

⁵⁷ Saroj Krishna Ghimire, *Legal Research Report Relating to Nepalese Laws on International Disaster Response*, submitted to the International Federation of Red Cross and Red Crescent Societies (March 2005), p8.

⁵⁸ Keshab Poudel, ‘Lessons to be Learnt’, 22(6) *Spotlight* (2002).

⁵⁹ It has been difficult to obtain a complete English version of this Act as revised in 1992. Therefore the analysis and references here correspond with the version located on the Asian Disaster Reduction Centre website. However it is noted that the translation is not official, there is no indication of whether it is a revised version and the text appears to contain some errors and omissions.

The act defines a natural calamity as:

earthquake, fire, storm, flood, landslide, heavy rain, drought, famine, epidemic, and other similar natural disaster. It includes the industrial accident or accidents caused by the explosions or any other kinds of disaster.⁶⁰

The primary function of this act is the establishment of various bodies at central, regional and local levels, which are vested with various powers, functions and duties relating to disaster response. These are outlined briefly below.

His Majesty's Government

The Government is ultimately responsible for all activities relating to disaster relief in the country. It is charged with the responsibility of declaring areas which are, or are likely to be, affected by disaster, known as “Disaster Areas”. Declarations are published by notification in the Nepal Gazette and are valid for a specified period of time, which can be extended by notification as needed.⁶¹ Within a Disaster Area, the Government is given a number of wide ranging powers to order “any one concerned” to undertake activities such as: the closing down offices and institutions⁶²; the evacuation of people and goods⁶³; measure to protect of people, property and buildings⁶⁴; the establishment and deployment of aid groups⁶⁵; and the use of government resources⁶⁶.

The Government is also empowered to requisition property, transport, food, clothing, medicine and other materials from any entity or individual which are required for the relief effort.⁶⁷ Where the Government does so, it is required to provide compensation for the rent or cost of those goods and facilities at the prevailing rate.⁶⁸

It is not clear whether the above provisions also apply to foreign organisations and individuals. The clauses use terms such as “any one” and “any organisation or individual”, which suggests that no distinction is made between national and foreign entities. There is, however, one specific clause relating to foreign entities, with the title “Control over foreigner’s entry”⁶⁹. This clause empowers the Government to

issue an order requiring the foreign nationals or agencies to take the approval of His Majesty’s Government to enter into any area affected by Natural Calamity for any purpose.⁷⁰

The fact that this is the only clause specifically relating to foreign entities, could imply that the other clauses in the Act relate purely to national entities. However, it seems this remains open to interpretation.

⁶⁰ *Natural Calamity (Relief) Act of 1982*, art 2(a).

⁶¹ *Natural Calamity (Relief) Act of 1982*, arts 3(1) and (2).

⁶² *Natural Calamity (Relief) Act of 1982*, art 4(a).

⁶³ *Natural Calamity (Relief) Act of 1982*, arts 4(d) and (f).

⁶⁴ *Natural Calamity (Relief) Act of 1982*, arts 4(j) and (l).

⁶⁵ *Natural Calamity (Relief) Act of 1982*, art 4(k).

⁶⁶ *Natural Calamity (Relief) Act of 1982*, art 4(g).

⁶⁷ *Natural Calamity (Relief) Act of 1982*, arts 4(e), (h) and (i).

⁶⁸ *Natural Calamity (Relief) Act of 1982*, arts 10 and 11.

⁶⁹ *Natural Calamity (Relief) Act of 1982*, art 4a.

⁷⁰ *Natural Calamity (Relief) Act of 1982*, art 4a.

The Government may also, by notification in the Nepal Gazette, constitute the Natural Calamity Relief Committees at the Central, Regional, District and Local levels, according to need,⁷¹ as described further below.

Central Natural Calamity Relief Committee

This committee, known as the Central Committee, is chaired by the Minister of Home Affairs.⁷² The Committee members are comprised of 22 representatives of Government ministries, departments and services, as well as the Nepal Red Cross Society, the Nepal Scouts and two “reputed persons” nominated by the Government.⁷³ A Member of Parliament representing the district affected by the disaster is also invited to attend the meetings.⁷⁴

The Central Committee is essentially the nerve centre for disaster management in Nepal. It is tasked with developing national prevention, preparedness, relief and rehabilitation policies for submission to the Government, and is also responsible for their implementation, once approved.⁷⁵ The Central Committee also acts as an advisory body to assist the Government in exercising its discretion to declare Disaster Areas.⁷⁶ It may also constitute two sub-committees to assist with this work - the Relief and Treatment Sub-Committee and the Supplies, Shelter and Rehabilitation Sub-Committee – both of which have a pre-determined constituency of government representatives.⁷⁷ The Relief and Treatment Sub-Committee also includes a representative of the Nepal Red Cross Society.⁷⁸

With regard to international disaster response, the Central Committee has one particular function:

To keep the money, food stuff, clothes, medicines, construction material and other goods received within the Kingdom of Nepal and from outside as aid or donation under the Central Natural Calamity Aid Fund and to send such goods as required for relief work in Disaster Area.⁷⁹

Finally, the Central Committee can also give directions to the District and Local Committees on matters of relief work.⁸⁰

Regional and District Natural Calamity Relief Committees

The Regional and District Committees form the next two tiers of the disaster management structure. Their functions are primarily to coordinate between the next tiers of Committees below them, and to develop policy on disaster relief relevant to their own level. In the case of Regional Committees, they work in accordance with directives from the Central Committee but can also give suggestions or provide information to the

⁷¹ *Natural Calamity (Relief) Act of 1982*, art 7.

⁷² *Natural Calamity (Relief) Act of 1982*, art 5(2)(a).

⁷³ *Natural Calamity (Relief) Act of 1982*, arts 2(b) – (v).

⁷⁴ *Natural Calamity (Relief) Act of 1982*, art 5(3).

⁷⁵ *Natural Calamity (Relief) Act of 1982*, arts 6(b) and (c).

⁷⁶ *Natural Calamity (Relief) Act of 1982*, art 6(a).

⁷⁷ *Natural Calamity (Relief) Act of 1982*, arts 5a, 5b and 5c.

⁷⁸ *Natural Calamity (Relief) Act of 1982*, art 5b(f).

⁷⁹ *Natural Calamity (Relief) Act of 1982*, art 6(d).

⁸⁰ *Natural Calamity (Relief) Act of 1982*, art 6(g).

Central Committee.⁸¹ Similarly, the District Committee coordinates between the Local Committees, and works in accordance with the Central and Regional Committees, providing information to them from time to time.⁸²

Local Natural Calamity Relief Committee

The Local Committees are at the operational end of the disaster management structure. They prepare descriptions of the loss caused by the disaster and estimates of the means and resources required for relief and rehabilitation.⁸³ This information is then submitted to the District Committee.⁸⁴ The Local Committees also organise teams of volunteers, make arrangements for evacuations and medical transfers, distribute cash and kind assistance received from the District Committees or locally obtained, and are also responsible for conducting awareness programmes for the prevention and control of disasters.⁸⁵

Other assistance providers

Whilst the majority of the Act relates to the roles and functions of the various committees, Article 12 of the Act offers a small reference to the work of other assistance providers:

All the Governmental, Non-governmental offices, organisations and individuals of the concerned area and in the vicinity should help the central, regional district and local committees providing assistance in the relief work.⁸⁶

It is not clear whether this is intended to include any foreign organisations already working in the vicinity.

Natural Calamity Aid Fund

The last aspect of the *Natural Calamity Relief Act* relates to the establishment of the Natural Calamity Aid Fund. The Fund is intended to cover all expenses for relief work.⁸⁷ Such a Fund can be set up under each of the respective Committees, operated by signature of at least two persons as determined by the relevant committee.⁸⁸ In each case, the funds may receive contributions from the Government and from “other sources”.⁸⁹ In the case of Regional, District and Local Funds, they may also receive contributions from the Natural Calamity Central Aid Fund.⁹⁰ In the case of the latter, it is also able to receive contributions from national and international organisations.⁹¹ The final clauses of the Act relate to accounts and auditing, ensuring that all accounts associates with the Fund are officially audited and the information made publicly available, and are fully examinable by the Government.⁹² However, the Act does not indicate whether the Fund is operational

⁸¹ *Natural Calamity (Relief) Act of 1982*, arts 7a and 9.

⁸² *Natural Calamity (Relief) Act of 1982*, art 9.

⁸³ *Natural Calamity (Relief) Act of 1982*, art 9a(a).

⁸⁴ *Natural Calamity (Relief) Act of 1982*, art 9a(a).

⁸⁵ *Natural Calamity (Relief) Act of 1982*, arts 9a(b) – (f).

⁸⁶ *Natural Calamity (Relief) Act of 1982*, art 12.

⁸⁷ *Natural Calamity (Relief) Act of 1982*, art 13(5).

⁸⁸ *Natural Calamity (Relief) Act of 1982*, arts 13(1) and (6).

⁸⁹ *Natural Calamity (Relief) Act of 1982*, arts 13(2) and (3).

⁹⁰ *Natural Calamity (Relief) Act of 1982*, art 13(3)(b).

⁹¹ *Natural Calamity (Relief) Act of 1982*, art 13(2)(b).

⁹² *Natural Calamity (Relief) Act of 1982*, art 14.

only in specific cases of disaster, or on a permanent basis, so the status of offers of money or materials received outside of this process remains unclear.

Armed Police Force Act (2001)

The stated intention of this Act is to protect the life, property and freedom of the citizens and for the maintenance of peace and good governance within the territory of Nepal. Under its provisions, Armed Police Force officials can be mobilized to conduct rescue and relief activities in situations of natural disaster or in the likely event of a natural disaster or epidemic.⁹³ As a result, these officials tend to be the key source of data, statistics and information on disasters in Nepal. Whilst the Act identifies their roles and responsibilities, it does not mention mechanisms for coordination with other relief assistance organizations, national or international.

Police Regulation (1992)

This regulation identifies the specific roles and responsibilities of the different levels of Police officials. These officials, from the local level to the Inspector General of Police, have a responsibility to work promptly for the relief works to the victims of disaster⁹⁴, but the Regulation provides no detail as to their functions in a disaster and coordination with other governments, national or international disaster relief organizations.

Local Self-Governance Act (1999)

This Act outlines the responsibilities of local bodies to carry out disaster management activities. The District Development Committee⁹⁵, Municipality⁹⁶ and Village Development Committee⁹⁷ are empowered to carry out work necessary for calamity control. In the case of the District Development Committee, it is also responsible for prevention and relief to lessen the loss of life and property arising from natural calamities.⁹⁸ The provisions themselves are general in nature and do not specify the relations or coordination with other disaster relief organizations, national or international.

Other disaster management planning initiatives and programmes

In 1998, a national taskforce formed under the Special Secretary of the Ministry of Home Affairs conducted a review of the various acts, rules, regulations, budget, functions and duties of different agencies related to disaster management.⁹⁹ The report was presented to the Home Minister in August 1998. As of 1999, it was considered to have been partially

⁹³ *Armed Police Force Act of 2001*, art 6(1)(e).

⁹⁴ *Police Regulation of 1992*: Rule 32(m) on Duties and Function of Inspector General of Police; Rule 33(n) on Duties and Functions of the Head of the Regional Police Office; Rule 34(d) on Duties and Functions of Danga Niyantran (Police officer who controls vandalism) Head of Local Police Unit; Police Unit; Rule 35(y) on Duties and Functions of District Police Officer; Rule 37(xc)Duties and Functions of Local Police Officer; Rule 38(j)Duties and Function of Police Bit; Rule 39(g) on Duties and Functions of Police Constable.

⁹⁵ *Local Self-Governance Act of 1999*, art 189(p)(2).

⁹⁶ *Local Self-Governance Act of 1999*, art 96(j)(7).

⁹⁷ *Local Self-Governance Act of 1999*, art 28(k)(4).

⁹⁸ *Local Self-Governance Act of 1999*, art 189(p)(2).

⁹⁹ Meen B Poudyal Chetri, *Nepal Country Report 1999*, Ministry of Home Affairs, Government of Nepal (1999), p24.

implemented.¹⁰⁰ It is not clear whether the study examined laws relevant to international assistance.

At around the same time, The *National Comprehensive Plan on Disaster Management* was developed in cooperation with UNDP, UNDRR and UNTDC with the aim of strengthening national capacity and structures for disaster management. The objectives cover topics including hazard mapping, risk assessment and vulnerability analysis.¹⁰¹ The document does not appear to include aspects relating to situations requiring international assistance.

More recently, the UNDP has established a UN Disaster Management Team (UN-DMT) to strengthen the support of the UN system for disaster management in Nepal. This also resulted in the development of a *UN Nepal Disaster Response Preparedness Plan*¹⁰² which outlines anticipated hazards which may require response, response guidelines, emergency management systems and procedures for responding both internally (UN staff and dependants) and externally (UN action in support of the national response effort), as well as coordination and partnership arrangements with government agencies and other organisations. Of relevance to this study, the guiding principles of this plan include the following:

The disaster response plan corresponds to existing Government rules and regulations...¹⁰³

Foreign relief assistance should be given only in consultation with officials designated by the Ministry of Home Affairs and, whenever relevant, the Ministry of Health, to co-ordinate such assistance. Priorities should be clearly stated, making a distinction between immediate needs and those of rehabilitation and construction.¹⁰⁴

Another useful tool is the *Disaster response Implementation Manual: Logistics Support*, developed by the Disaster Management, Logistics Sector Working Group in May 2004. This document aims to “outline a coordination mechanism that would be initiated to get timely and adequate response should a disaster take place” and is particularly relevant to coordination with international relief providers. However, it does not appear to address many of the legal issues associated with providing cross-border assistance.

UNDP has also developed a project for the Government of Nepal on *Strengthening Disaster Preparedness Capacities in Kathmandu Valley*.¹⁰⁵ This project includes a special emphasis on strengthening legislation and international cooperation, expressed in the following way:

¹⁰⁰ Meen B Poudyal Chetri, *Nepal Country Report 1999*, Ministry of Home Affairs, Government of Nepal (1999), p24.

¹⁰¹ Meen B Poudyal Chetri, *Nepal Country Report 1999*, Ministry of Home Affairs, Government of Nepal (1999), p24.

¹⁰² United Nations Disaster Management Team, *UN Nepal's Inter-Agency Disaster Response Preparedness Plan: Hazard Analysis and Response Guidelines Part I* (September 2001).

¹⁰³ United Nations Disaster Management Team, *UN Nepal's Inter-Agency Disaster Response Preparedness Plan: Hazard Analysis and Response Guidelines Part I* (September 2001), p19.

¹⁰⁴ United Nations Disaster Management Team, *UN Nepal's Inter-Agency Disaster Response Preparedness Plan: Hazard Analysis and Response Guidelines Part I* (September 2001), p19.

¹⁰⁵ United Nations Development Programme, *Strengthening Disaster Preparedness Capacities in Kathmandu Valley for His Majesty's Government of Nepal* (25 June 2002), draft 9 September 2004.

A coherent set of legislation, institutional framework and clear-cut division of responsibilities will emerge from the policy dialogue, leading to a concerted effort of national, district and local authorities, population and cooperation agencies, before, during and after a natural disaster.¹⁰⁶

An information exchange platform is established so that national efforts, international cooperation and communities' resources are more effectively used, duplications and gaps are avoided.¹⁰⁷

The work on legislation appears only to relate to national response efforts, whereas international cooperation is supported by an information exchange platform rather than legislation analysis and reform.

Finally, it is important to note that there is an excellent information platform which contains much useful and detailed information on humanitarian issues and international response operations in Nepal, established by the United Nations Coordination Unit/OCHA: *UN Nepal Information Platform* <<http://www.un.org.np/index.php>>.

Other legal instruments relevant to aspects of international disaster response

Social Welfare Act (1992)

The *Social Welfare Act of 1992* enables the Social Welfare Committee to initiate requests for donations at the national and international level and to enter into agreements with foreign states and international institutions for social welfare activities.¹⁰⁸ The purpose of the Act is to promote social welfare and to protect vulnerable and underprivileged people, groups and communities. The Act does not specifically refer to people affected by natural disaster, however if its interpretation is deemed to include such groups, it could potentially constitute a process for offers and requests for disaster relief from foreign entities.

In order to operate in Nepal, a foreign NGO must apply to the Social Welfare Council for legal recognition, which may take up to three months for determination.¹⁰⁹ Once approved and registered, the organisation must enter into an agreement with the Social Welfare Council on the specific activities to be conducted before they may operate in the territory.¹¹⁰ This process is a lengthy one, and the *Social Welfare Act* does not make any provision for expediting this process in the event of a sudden emergency, where the activities of an unregistered NGO may be required at short notice.

For organisations or entities which have entered the country under the conditions of the *Social Welfare Act*, it seems that their activities are broadly coordinated by the Social Welfare Committee, which, in addition to approving their presence and activities, has the

¹⁰⁶ United Nations Development Programme, *Strengthening Disaster Preparedness Capacities in Kathmandu Valley for His Majesty's Government of Nepal* (25 June 2002), draft 9 September 2004, p3.

¹⁰⁷ United Nations Development Programme, *Strengthening Disaster Preparedness Capacities in Kathmandu Valley for His Majesty's Government of Nepal* (25 June 2002), draft 9 September 2004, p3.

¹⁰⁸ *Social Welfare Act (1992)*, art 9(j).

¹⁰⁹ *Social Welfare Act (1992)*, art 12(1).

¹¹⁰ *Social Welfare Act (1992)*, art 16(3).

authority to coordinate, mobilise and promote social institutions.¹¹¹ It appears they are not granted any specific privileges and immunities, and are fully subject to the national laws of Nepal. However, it has been reported that the government has retained the power to directly scrutinise, control and monitor the roles of NGOs and therefore may have the authority to expedite procedures and/or grant privileges if needed.¹¹²

Further information on the registration and legal status of NGOs working in Nepal may be available in the following publication, which could not be located in time for inclusion in this report:

Diwakar Chand, 'HMG Policy, INGOs legal status in Nepal, Role of SWC on INGOs and Utilization of INGOs Aid', *Social Development and INGO Activities in Nepal 2000*, Community Development Service Association, Kathmandu, Nepal, 2000, p 19-26.

Foreign States and Diplomatic Personnel's Privileges and Immunities Act (1970)

For foreign governments wishing to conduct international disaster response activities, the situation is less clear. In many cases, a government wishing to provide this type of support would already have a diplomatic mission established in the country, thus it is likely that the process would involve a direct request from that mission to the Government of Nepal to conduct those activities. If approved, those personnel would likely be covered by the *Foreign States and Diplomatic Personnel's Privileges and Immunities Act of 1970*. This Act makes a number of provisions for such persons including:

- § Immunity from civil and criminal liability, except in relation to personal property, succession of such property and in relation to acts outside of their authority.¹¹³
- § Privileges and immunities from income tax and customs on personal goods, imported official goods, immovable property within the territory, income, expended capital, court fees and registration fees and no inspection of baggage.¹¹⁴

Thus relief activities being undertaken by some foreign governments may benefit from those provisions.

Immigration Act (1992)

In the absence of specific agreements or institutional arrangements, permission for foreigners to enter the Kingdom of Nepal is determined by the *Immigration Act of 1992*. The Act requires a visa for any person who is not a Nepalese citizen¹¹⁵ but this may be waived on the basis of reciprocity with a friendly country.¹¹⁶ In addition, all foreigners require a passport, travel document or permit issued by a Government or a "laissez passé" issued by the United Nations.¹¹⁷

¹¹¹ *Social Welfare Act (1992)*, art 5.

¹¹² Information provided by Saroj Krishna Ghimire, Assistant Professor / Advocate, Kathmandu School of Law.

¹¹³ *Foreign States and Diplomatic Personnel's Immunities and Privileges Act (1970)*, art 10(1).

¹¹⁴ *Foreign States and Diplomatic Personnel's Immunities and Privileges Act (1970)*, art 11.

¹¹⁵ *Immigration Act (1992)*, art 3(2).

¹¹⁶ *Immigration Act (1992)*, arts 2(b) and 3(a).

¹¹⁷ *Immigration Act (1992)*, arts 2, 3(a) and 3(b).

In relation to foreign personnel linked to relief activities, the provisions of article 8 regarding the issue of non-tourist visas are of most relevance, and apply to:

- § Foreigners involved in the social and economic development works approved by his Majesty's Government, under the expenses to be borne by governmental institutions of foreign friendly nations;¹¹⁸
- § Foreigners having obtained recommendations from the Ministry of Foreign Affairs to work in the institutions run by foreign missions located in Nepal;¹¹⁹
- § Foreigners who have obtained recommendation of the concerned Ministry and who have come to work in a non governmental organization as per the agreement concluded with Social Welfare Council or concerned Ministry;¹²⁰ and
- § Such persons which may be thought fit by His Majesty's Government.¹²¹

However, the *Immigration Act* also allows full discretion by the Government of Nepal to exempt any foreigner from any conditions contained within the Act, and similarly to prohibit the entry, presence or departure of any foreigner where it would otherwise be detrimental to the national interest.¹²²

Telecommunications Act (1997)

With the exception of diplomatic missions, the *Telecommunications Act of 1997* prohibits persons, institutions, foreign organisations or international non-governmental organisations from operating their own telecommunications systems without a license from the Telecommunications Authority, and provides no exceptions or special provisions for times of emergency.

Nepal Broadcasting Act (1993)

Similarly, the *Nepal Broadcasting Act of 1993* requires applications to be made to the Broadcasting Authority for the use of any kind of satellite, cast, cable and frequency modulation. It also specifies that no person or institution can broadcast any kind of news without the permission of the Broadcasting Authority.¹²³ However, foreign broadcasting organisations may broadcast news and programs which are not in contravention to national security and integrity¹²⁴ and priority is given to broadcasting relating to national welfare and integrity, as well important national and international events¹²⁵, which could potentially include information relating to disasters.

Income Tax Act (2002)

The *Income Tax Act of 2002* specifies that personnel of foreign states or international organizations with which the Government has entered into special agreements, many be exempt from income tax.¹²⁶

¹¹⁸ *Immigration Act (1992)*, art 8(a).

¹¹⁹ *Immigration Act (1992)*, art 8(e).

¹²⁰ *Immigration Act (1992)*, art 8(k).

¹²¹ *Immigration Act (1992)*, art 8(l).

¹²² *Immigration Act (1992)*, arts 14(1) and (2).

¹²³ *Nepal Broadcasting Act of 1993*, art 6.

¹²⁴ *Nepal Broadcasting Act of 1993*, art 15.

¹²⁵ *Nepal Broadcasting Act of 1993*, art 11(a) and 11(5).

¹²⁶ *Income Tax Act (2002)*, art 10.

Customs Act (1962)

The main instrument relating to the import and export of goods is the *Customs Act of 1962*. Article 9 of the Act states that:

- § The Government of Nepal can exempt customs tax fully or partially for certain goods by publication in the National Gazette.¹²⁷
- § The Government of Nepal can provide customs facilities/exemptions fully and partially for the export and import of any goods by publication in the National Gazette.¹²⁸
- § The Government can, from time to time, provide customs facilities/exemptions and custom tax facilities/exemptions to any person or authority by publishing in National Gazette.¹²⁹
- § If the Government finds reasonable grounds then it can refund fully or partially customs tax.¹³⁰
- § The Government can refund customs tax if the imported goods are for social welfare.¹³¹

Thus, in the case of relief goods, there is scope for the government to use its discretion to exempt such items from customs tax and other relevant obligations, however there are no specific provisions in the Act about when and how this may be determined.

Vehicle Transportation Act (1974)

Under normal circumstances vehicles are subject to vehicle taxes, however the *Vehicle Transportation Act of 1974* provides that exemptions are provided for:

- § Any vehicle which is registered in the name of His Majesty's Government of Nepal¹³²
- § Vehicles which are registered in the name of diplomatic personnel and diplomatic missions¹³³
- § Vehicles of foreigners or programs to which Nepal has an agreement to exempt vehicle taxes¹³⁴
- § Vehicles of social, religious and educational organizations which are deemed by the Government as having no other interests or benefits¹³⁵

The Government also has discretionary power to exempt vehicle taxes in specific cases by publication in the National Gazette.¹³⁶

There are no provisions relating to the use or taxation of vehicles in the event of disaster.

¹²⁷ *Customs Act (1962)*, art 9(i).

¹²⁸ *Customs Act (1962)*, art 9(ii).

¹²⁹ *Customs Act (1962)*, art 9(iii).

¹³⁰ *Customs Act (1962)*, art 11.

¹³¹ *Customs Act (1962)*, art 11(3).

¹³² *Vehicle Transportation Act of 1974*, art 11(a).

¹³³ *Vehicle Transportation Act of 1974*, art 11(b)

¹³⁴ *Vehicle Transportation Act of 1974*, art 11(c)

¹³⁵ *Vehicle Transportation Act of 1974*, art 11(e)

¹³⁶ *Vehicle Transportation Act of 1974*, art 11(a).

Royal Nepal Airlines Act (1963)

All aircraft arrivals and departures into Nepal, as well as within the territory, are regulated exclusively by the Air Service Authority or Cooperative Authority, in accordance with the *Royal Nepal Airlines Act of 1963*.¹³⁷ Whilst there are no special provisions relating to any exemptions for relief flights and cargo, the *Civil Aviation Act of 1996* empowers the Government to grant immunity from payments to the Civil Aviation Authority on cargoes from foreign countries by publication in the National Gazette.¹³⁸ However, it does not state any potential grounds for doing so.

Nepal Medical Council Act (1997)

As with many countries, Nepal has specific legislation addressing the recognition of medical qualifications, including that of foreign workers. The *Nepal Medical Council Act of 1997* specifies that foreign doctors are required to register with the Medical Council on order to practise in Nepal. Under this Act, the definition of a “doctor” is very broad, and covers persons involved in the medical profession after receiving a Certificate from a recognized medical institution.

The *Medical Council Regulation of 1999* provides further details of this procedure in article 21(6):

- § Foreign doctors’ names are to be registered if they wish to practice in hospitals or medical colleges in Nepal
- § They must be certified by the Medical Council
- § They must submit certificates identifying them as medical practitioners in their country and a reference letter from the hospital or medical college in Nepal in which they intend to work
- § They must identify why s/he wishes to practice in Nepal
- § They can be registered for a maximum of one year. If the Medical Council feels necessary, the date can be extended for a maximum of one year more.

This process is a lengthy one and no special provisions are made for doctors or medical professionals who are seeking to enter the country on short notice to provide medical services in disasters and emergencies, however, under the above regulation, the Government of Nepal is able to certify medical practitioner by special agreement.¹³⁹

It is unclear whether similar obligations apply to other professionals.

PART III – PRACTICE AND EXPERIENCES

The following issues were those identified during the in-country visit to Nepal in November 2004, in particular during the IDRL workshop. Further details of the in-country visit and workshop can be found in Annex B.

¹³⁷ *Royal Nepal Airlines Act (1963)*, art 15.

¹³⁸ *Civil Aviation Act (1996)*, art 29(3).

¹³⁹ *Medical Council Regulation (1999)*, art 21(6).

General disaster preparedness¹⁴⁰

There is an absence of well-developed disaster preparedness and prevention laws and policies in place in Nepal, with much of the existing framework focussed on the post-disaster response phase. Similarly, despite recognition of the need to incorporate environmental protection as part of disaster management, the absence of well-developed human settlement policies and regulation of environmental damage contribute to disaster risk exposure. However there have been positive developments in the area of earthquake preparedness with the introduction of the Nepal National Building Code, which is intended to provide a strategy and model for municipal by-laws on building construction and a draft Act to aid its eventual implementation.¹⁴¹

Presence of foreign relief organisations

It was recognised that in general the procedures for foreign organisations obtaining the necessary legal status to work in Nepal can be time consuming – whether this be the process of forming a status agreement as an international organisation, or seeking to register as a foreign NGO under the *Social Welfare Act*. It was not possible to determine whether there had been difficulties for other foreign organisations seeking to provide international disaster response on short notice without a pre-existing agreement or registration in place.

A possible alternative, although not one which has been explored thoroughly in the course of this study, is whether a foreign organisation may form a direct relationship with a pre-registered national non-governmental organisation or institution as an implementing partner. Thus, for legal purposes, it may be possible for a foreign organisation to conduct activities through that organisation acting as a local partner. No specific examples of this were found during the course of this study, but further research may find such practices in place.

Entry of personnel

In relation to obtaining visas for relief workers, it was acknowledged that relations between India and Nepal meant that visas for personnel from India were not problematic, but that for personnel from other countries it was more difficult. Some organisations indicated they had been obtaining tourist visas for some of their personnel, but noted that these did not technically allow them to “work” in the country. It was noted that there were no special visa arrangements for relief workers, however a particular practice has been that, in times of disaster, some foreign relief personnel have been granted a non-tourist visa under section 8 of *Immigration Rule 1994* for a period not exceeding one year at a time, which have been extended when necessary.¹⁴²

¹⁴⁰ The information on general disaster preparedness was collected during the supplementary research process.

¹⁴¹ See generally: Amod Mani Dixit, ‘We Still Lack Risk Perception’, 24(25) *Spotlight* (2005); Lekh Nath Pokharel, ‘Importance of Nepal National Building Code in Disaster Mitigation’, 23(6), *Spotlight* (2005).

¹⁴² Saroj Krishna Ghimire, *Legal Research Report Relating to Nepalese Laws on International Disaster Response*, submitted to the International Federation of Red Cross and Red Crescent Societies (March 2005), p8.

It was noted that there was a need to better identify or develop national expertise for certain aspect of disaster response. For example, due to the high numbers of bus accidents which require underwater rescue, there is need for diving expertise. This service is usually provided from Bangladesh, but could also be developed locally. In this regard, the work of a number of different organisations to develop national capacities in search rescue – usually conducted by the military – was seen as a positive example.

Where local resources were not available, the suggestion was made to more systematically identify at resources from within the region, rather than elsewhere. Such arrangements would require greater inter-governmental collaboration, but could improve regional cooperation measures and the timeliness of disaster response.

Information about disaster situations

A major challenge identified for the provision of international disaster relief was the difficulty for foreign organisations – and indeed the Government - to gain information about disaster affected areas – even when they were already operational in the country. Several reasons were provided for this shortcoming:

- § It would sometimes take a long time for news of a disaster to reach other communities and districts because of the difficult geographic nature of the country. This was exacerbated by a lack of communications infrastructure, particularly among isolated communities.
- § Differences between communities could also impede the sharing of information about disasters – political or cultural tensions could be responsible for this.
- § There were also problems with the formal communications channels set up between the local, district, regional and central levels, which could be the result of inadequate resources for training and preparedness measures.

Challenges were also identified with the process of collecting information about the impact of the disaster, the numbers of people affected and the needs of the population. Questions were sometimes raised about the authenticity, transparency and validation of the information coming from disaster affected areas, news sources or from relevant authorities (government or other groups) and the need for greater standardization and cross-checking of different sources of information was identified.¹⁴³

Access to disaster affected areas

Even when information was forthcoming and assistance was mobilised, there were sometimes challenges in determining which organisations would be able to access the area, depending on authority of the Government or group in control of the particular territory. In these situations, the mandate and perception of the organisation was critical for access. In some cases even the Government was unable to provide assistance, and would instead rely on the neutrality and impartiality of the Nepal Red Cross Society to conduct relief operations on its behalf.

Similarly is has been reported that:

¹⁴³ See also *Report of the OCHA/IDP Unit Mission to Nepal, 31May - 12 June 2004* at <<http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf>>, para 6.1.

In recent months ... UN agencies and NGOs have found it increasingly difficult to operate in Maoist-controlled areas. In addition to the risk of armed clashes breaking out unexpectedly, agencies are now confronted with unacceptable demands from the Maoists for control over programmes and resources, backed by implicit threats of violence. While such demands are still sporadic they are clearly on the rise and have already caused donors and agencies to suspend rural public works and food security programmes benefiting some 55,000 people.¹⁴⁴

Telecommunications facilities

Whilst it was recognised that the *Natural Calamity Relief Act* encouraged good communication and information exchange between the various levels of disaster management, this could not be effectively implemented because of the lack of infrastructure and resources to support good communications systems and technology. Similarly it was noted that there were no pre-disaster planning activities related to communications and information flows.

It was also observed that whilst satellite phone technology would be extremely useful for communicating in times of disaster, it was very costly and had not been granted any tax, licensing or import exemptions, which placed it out of reach of most relief providers.

Taxation and import / export requirements for relief goods, medicines and equipment

It was noted that there had been successful transit of relief through and between India and Nepal, which was a result of free border arrangements as well as personal contacts between the relevant authorities. However, this system was seen as being ad hoc and a suggestion was made to examine the possibility of establishing pro forma arrangements for procuring relief goods from India and their subsequent importation into Nepal.

Some organisations raised the challenge of receiving spontaneous donations from abroad in response to news about the occurrence of disaster. In some instances, particular organisations were listed as consignees for unsolicited goods or equipment and were therefore required to pay customs fees and taxes, which they were not able to afford. Thus, the suggestion was raised to find solutions for the permanent exemption of relief goods and equipment, rather than rely solely on the discretion of the Government in each case. It was also observed that the different responsible Ministries were not always willing or able to expedite processes.

The procurement of goods, in particular food items, was also described as a challenge. Instances of price-fixing had been identified which meant that organisations were paying far more than the true value of the items for relief operations, and thus depleted overall financial resources. In this regard, it was suggested that relief organisations work more closely with the Government to address this issue and that the formation of pre-agreements with multiple suppliers would be a more efficient means of procuring food and other items at the best price.

¹⁴⁴ *Report of the OCHA/IDP Unit Mission to Nepal, 31 May - 12 June 2004* at <http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf>, para 4.1.

It was noted that mechanisms had been put in place for government procurement of food items, but that arrangements for pre-stocking essential foods would be more cost-effective and improve the overall quality, time and transport arrangements in emergency situations. There was no mention of the SAARC Food Security Reserve, so it is unclear how this mechanism is operating in practice.

Vehicle and air transport

Some organisations highlighted the difficulty of obtaining flight permission for relief flights into the country and to disaster-affected areas. The cost of using air transport was also prohibitive. Due to the geographic nature of Nepal, particularly in mountainous regions, helicopters were a vital resource, but were very expensive to hire, including the use of army helicopters. It was also acknowledged that whilst using military assets can be effective, it was not appropriate in all situations.

No references were made to difficulties with other forms of transport.

Coordination and cooperation between international and national relief providers

There was general agreement that coordination and cooperation between national and international relief providers remained inadequate. The absence of a central mechanism for determining which organisations have which capacities and expertise, and the lack of information about the regions in which they are operating, were seen as central challenges. Additionally, it was noted that many of the lower level Committees established by the *Natural Calamity Relief Act* were only activated in times of disaster and therefore lacked adequate training and pre-disaster preparation to play an effective role in coordination.

Positive reference was made to a number of initiatives which had been established in Nepal to improve coordination among foreign relief providers. The following are of particular note:

- § The formation of the Association of International NGOs in Nepal, which has created a task group on disaster.
- § The working groups involving different organisations working in Nepal, organised by UNDP.
- § The Humanitarian Assistance Information System (HAIS)¹⁴⁵
- § The Disaster Preparedness Network (DP-Net)¹⁴⁶
- § The World Food Programme Vulnerability Assessment Map relating to food security¹⁴⁷

¹⁴⁵ HAIS is described as “A group of leading bilateral donors and the main operational UN agencies launched a Humanitarian Assistance Information System (HAIS), to be managed by UNDP on behalf of all.” See *Report of the OCHA/IDP Unit Mission to Nepal, 31 May - 12 June 2004* at <<http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf>>, para 6.2.

¹⁴⁶ DP-Net is described as “a loose association of individual organisations within the development sector in Nepal, which are concerned with disaster management...The network aims to assist individuals and organisations to prepare for, and respond to and manage disaster should it strike”. See <<http://dpnetnepal.tripod.com/>>.

Nevertheless, difficulties still exist in regard to the sharing information between agencies. For example in relation to HAIS, it has been observed that

this initiative has not yet matured. The agencies, which should be the system's primary source of inputs as well as its main end-users, still do not have a sense of shared ownership. Several agencies claimed that detailed guidance on formats, technical database support and strong leadership were lacking. At the same time, some agencies have reservations about sharing the results of their field assessments and other relevant data they have collected. This makes it difficult for HAIS to generate useful products and define a more systematic division of information-collecting tasks among agencies.¹⁴⁸

Recognition of professional qualifications

The recognition of foreign medical qualifications was identified as an issue. Whilst some organisations were aware of the process of obtaining permission from the Medical Council of Nepal, the process was a lengthy one and not easily adapted to emergency situations. Other organisations were not aware of the necessary processes, and in at least one instance a prominent medical NGO was asked to cease activities altogether for failing to comply with the regulations.

Quality and accountability

On the topic of standards for the quality and accountability of assistance, the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief* of 1994 was referred to as a useful tool, but its implementation during disaster relief operations was by no means universal. It was felt that there was insufficient sharing of information on quality and accountability issues between relief providers and that much could be learned from the different codes of conduct for personnel used by the various organisations.

In relation to specific quality and accountability concerns, the need for greater understanding and consultation with local communities was identified as a means of improving the quality of humanitarian assistance. An example was given whereby housing was rebuilt by donors after a major flood, but it was not suited to the needs of the community, and thus was left unused.

Similarly, concerns were raised about the quality and standards of relief packages distributed to people affected by disasters. It was noted that in the absence of common standards on the quality and content of materials, disparities were created between communities. There was also a need to vary relief packages depending on the region or season in which they were being distributed, to account for local availability of produce. They also needed to accommodate different cultures – for example, cloth packages which were distributed to Muslim communities were not suitable for Hindi communities. A lack of coordination in the distribution of relief also resulted in instances of duplication or

¹⁴⁷ *Report of the OCHA/IDP Unit Mission to Nepal, 31May - 12 June 2004* at <<http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf>>, para 6.2.

¹⁴⁸ *Report of the OCHA/IDP Unit Mission to Nepal, 31May - 12 June 2004* at <<http://www.reliefweb.int/idp/docs/reports/Nepal0604MissionRep.pdf>>, para 6.2.

omission. Thus, it was suggested that relief providers coordinate to develop a set of common standards which could take into account these different aspects.

In relation to accountability, the main issue identified was that of reporting to donors. Whilst the reporting requirements were in themselves regarded as acceptable, organisations sometimes had difficulties meeting reporting deadlines because of practical difficulties communicating between headquarters and the field.

Concern was also expressed about transparency in relation to how much money has been received for specific relief operations and how it was spent. There were no standard reporting processes established by the Government in this regard, thus it was suggested that these be developed by the relevant Ministry or the Central Relief Committee. These standards could then be used to improve transparency and also help with government planning and budgeting for disaster. In this regard, it was noted that the Government allocates the same amount of money for disaster management every year, despite the fact that the impact of disasters on the Nepalese population is thought to be increasing.

PART IV – CONCLUSIONS

It is clear that a great deal of time and resources have been devoted to improving disaster management in Nepal. This evidenced by the number of research studies, plans and reviews which have taken place over the past 20 years, often in conjunction with regional or international organisations, as well as the development of the *Natural Calamity Relief Act*. However, it is also evident that there are still many gaps in the disaster management system, particularly relating to international assistance – a subject which has hardly featured in any studies up to now.

One of the main limitations of the *Natural Calamity Relief Act* is its brevity. Very few details are provided as to how the various tasks should be implemented. There are no principles, guidelines or criteria for evacuation, delivery of relief, rehabilitation and other activities. Moreover, the Act itself is drafted in non-obligatory terms, leaving all functions of disaster management and relief activities entirely at the discretion of the Government.

Regarding international disaster response, the *National Calamity Relief Act* has very little to offer in terms of facilitation. Indeed, only three of the provisions make any express mention of the possibility of international assistance – two relating to the donation of goods or money and one which enables the Government to prevent international organisations accessing disaster affected areas. Rather it would appear that the operational and physical presence of foreign organisations is not envisaged.

Finally, the Act is limited by the absence of any additional supporting legislation to give further meaning to its provisions. This has been a weakness identified by a number of commentators and organisations. For example, the committees may only be activated when necessary and by formal notification in the Nepal Gazette. As a result, only the Central Committee and its Sub-Committees are deemed to be fully functional.¹⁴⁹

¹⁴⁹ Lekh Nath Pokharel, 'Natural Disaster Relief Act 1982: To Manage Disaster', *The Rising Nepal* (Kathmandu, 12 September 2002).

In relation to other legislation, rules and practices affecting international assistance, there is a lack of clarity, both in the legislation itself and in the understanding of government officials and relief providers, on exactly how the system functions. On many issues concerning the import of relief goods, taxation and entry requirements for relief providers, there is scope for flexibility to allow exemptions and facilities for organisation in times of disaster. However, the discretionary nature of these privileges, which characterises much of the legislation in this area, has led to confusion and ad hoc or inconsistent practices by both official and relief providers. Thus, clearer and more transparent rules on when and how such exemptions will be granted would be of great benefit, and should also accord with international laws, principles and standards. However, where pre-agreements with neighbouring countries on issues such as visas and customs had been in place, these were reported to be working well. Thus, this approach could also be considered with respect to other countries and organisations likely to provide assistance in the event of major disaster.

In other areas, such as the process for establishing a legal presence in Nepal and for registering as a medical practitioner, the legal requirements are far more rigid. It would appear that there is little or no scope for expediting or modifying these processes to account for disaster situations, and indeed, in the case of medical qualifications, they have been rigorously enforced on some occasions. Whilst it is essential that quality and accountability standards are maintained and monitored for the benefit of disaster affected populations, such a system also needs to account for the realities of major emergencies. In that scenario, it is likely that many organisations with differing mandates, objectives and standards will be seeking entry into Nepal at short notice. Thus, unless an emergency procedure is developed for dealing with such a circumstance, there is a risk that all quality and accountability controls will be overwhelmed and rendered ineffective, or that urgently needed assistance will be delayed, putting lives and livelihoods at further risk.

Another significant issue is that of coordination. There appear to be no formalised or detailed regulations relating to the coordination or cooperation between international and national relief actors. As described previously, the provisions of the *Natural Calamity Relief Act* address coordination by the Government and the various Committees in the most general terms and do not indicate whether international relief providers are included within its purview.

Specific arrangements for coordination and cooperation are generally included on an individual basis with organisations that have specific agreements with the Government, whether in the form of a legal status agreement, an agreement with the Social Welfare Committee or some other special arrangement. However, considering the many pre-existing challenges of obtaining accurate and timely information about the impact of disasters, it is important that standard processes for gathering and distributing information continue to be assessed and developed. This may also include revisions to the regulations relating to telecommunications and broadcasting, to ensure that maximum use can be made of existing infrastructure.

Finally, there is also a need to develop a transparent and expedient process for determining when international assistance is required and for communicating that request to governments and relevant organisations. Currently the system only envisages

contributions through the Natural Calamity Aid Fund, but does not envisage a scenario for the entry of relief teams.

Unfortunately, the current political situation in Nepal, and the absence of a functioning Parliament, is not conducive to any fast progress being made on legislative issues for disaster management. Nevertheless, it is encouraging that groups such as DP-Net, are continuing to keep such issues under discussion and it is hoped that the findings of this report will provide further support to that process.

ANNEX A – Acronyms

ADB – Asian Development Bank

APT – Association for the Prevention of Torture

ASEAN – Association of South East Asian Nations

CIDA – Canadian International Development Agency

ESCAP – United Nations Economic and Social Commission for Asia and the Pacific

EU – European Union

IDRL – International disaster response laws, rules and principles

ITU – International Telecommunications Union

MOU – Memorandum of Understanding

NAP – National Action Plan

NGO – Non-governmental organisation

OCHA – United Nations Office for the Coordination of Humanitarian Affairs

SAARC – South Asian Association for Regional Cooperation

UN – United Nations

UNAIDS - The Joint United Nations Programme on HIV/AIDS

UNCTAD – United Nations Conference on Trade and Development

UNDP – United Nations Development Programme

UNDCP - United Nations International Drug Control Programme

UNEP – United Nations Environment Programme

UNICEF – United Nations Children’s Fund

UNIFEM – United Nations Development Fund for Women

US – United States of America

WHO – World Health Organisation

ANNEX B – RESEARCH METHODOLOGY

Preliminary desk research – Geneva, Switzerland

- Conducted July and August 2005 by Victoria Bannon, IDRL Coordinator
- Consisted of printed and electronic material and consultations with International Federation Asia Pacific Regional department staff

In-country study – Kathmandu, Nepal

- Conducted 9-11 November 2005 by Victoria Bannon, IDRL Coordinator
- Itinerary as follows:

Date	Meeting / Workshop	Attendees
9 November 2005	International Federation of Red Cross and Red Crescent Societies	<ul style="list-style-type: none"> ▪ Federation Representative for Nepal ▪ Regional Disaster Management Delegate
9 November 2005	Nepal Red Cross Society	<ul style="list-style-type: none"> ▪ Chairman ▪ Secretary-General ▪ Executive Director
10 November 2005	Nepal Ministry of Home Affairs	Under –Secretary of Ministry of Home Affairs
10 November 2005	IDRL Workshop, Half-Day	<ul style="list-style-type: none"> ▪ Ministry of Home Affairs ▪ International Federation ▪ Nepal Red Cross Society ▪ Care Nepal ▪ Lutheran World Federation ▪ Action Aid Nepal ▪ Nepal Center for Disaster Management ▪ Nepal Bar Association
11 November 2005	ICRC	<ul style="list-style-type: none"> ▪ ICRC Representative

Legal research – Kathmandu, Nepal

- Conducted December 2004 – February 2005 by Saroj Krishna Ghimire, Assistant Professor / Advocate, Kathmandu School of Law
- Consisted of collection and analysis of legal documents and interviews with government officials.

Supplementary research / consultations – Geneva / Kathmandu

- Conducted March – August 2005 by Victoria Bannon, IDRL Coordinator and Saroj Krishna Ghimire, Assistant Professor / Advocate, Kathmandu School of Law.
- Consisted of additional desk research in Geneva and specific follow up questions and additional materials collected by legal researcher in Kathmandu.

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