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Case study summary - Nepal

Legislation and disaster risk reduction at the community level



The urban environment in Nepal

The full report was commissioned by the IFRC and prepared by Mary Picard, legal consultant. It is one of several case studies the IFRC is undertaking to learn about how legislation can support (or impede) disaster risk reduction, particularly at the community level. For more information about the project and various case studies as they become available, please visit our website at <http://www.ifrc.org/idrl>.

Risk profile

Nepal faces multiple natural hazards, including monsoon rains, frequent forest fires and, of particular worry in the area of Kathmandu, a high level of seismic activity. These natural risks are exacerbated by environmental degradation, deforestation and soil erosion - leading to a greater likelihood of devastating flash floods and landslides - while glacial melt associated with climate change seems to have increased the risk of glacial lake outburst floods.

Snapshot of the legislative framework

Overall, Nepal benefits from a well-developed policy framework for risk reduction, including a newly-adopted and very comprehensive National Strategy for Disaster Risk Management and a National Adaptation Programme of Action for Climate Change, but an incomplete legal framework.

The main disaster management legislation is the National Calamity Relief Act, which, as its name indicates, primarily focuses on post-disaster response. Other particularly relevant national laws include the Local Self-Governance Act (whose full implementation has been hampered by the many years of conflict), environmental laws, particularly for water catchment and forestry, and the National Building Act, Building Regulation and Building Codes.

Importantly, work is currently ongoing to draft a new National Disaster Management Act, which is expected to incorporate aspects of disaster risk reduction.

Selected best practices

- In the current absence of binding building codes for smaller homes, the Department of Urban Development and Building Construction (DUDBC) disseminates "Mandatory Rules of Thumb" (MRT), a set of voluntary guidelines intended to assist owner-builders to construct earthquake and fire safe smaller buildings. Developed by the National Society for Earthquake Technology, Nepal (NSET), the MRTs, pragmatically, recognize that most owner-builders do not generally have access to engineering advice (as 93 percent of buildings are non-engineered), especially in rural communities, and also that local materials will be used.

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- The Ministry of Physical Planning and Works has implemented a system of voluntary 'land pooling' in the Kathmandu Valley, which compensates for a lack of prior land use planning by reaching agreements with landowners who wish to create new urban developments in which they sacrifice a portion of their private land in order to provide proper roads and other infrastructure, including public open space, with the return of an increase in the remaining land's value.
- At the end of start-up community-based DRR projects promoted by the Red Cross and partner NGOs, many DRR committees have been able to legally register as community based organizations. This enhances community accountability for the management of revolving relief funds and other decisions, assists in sustainability, and allows them to access government assistance and participate formally in local government DRR processes.
- Under the Forest Act and the National Parks and Wildlife Conservation Act, the management of certain forest areas is assigned to "user groups" at the community level, with rights to use the timber, fruits and animals sustainably and to guard against illegal encroachment. Under the latter act, user groups also have responsibilities to carry out programmes to prevent floods, landslides and soil erosion.

Key remaining gaps

- There is not yet a comprehensive and/or adequately resourced mechanism to implement the National Building Codes. There is also lack of regulation of small buildings and a lack of implementation at community level of rules concerning high risk buildings.
- Land use planning is not clearly regulated and institutional responsibility is divided.
- There is a lack of specific legal and institutional frameworks to support early warning at the community level, although there have been successful ad hoc cooperative projects.



For further information,
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