

3.3 Earthquake in Rasuwa Painful Displacement and Rehabilitation

Background

Fundamental Rights Article 37 under Part 3 of the Constitution of Nepal guarantees the right to appropriate housing for every citizen. Part 4, Directive Principle and Policies of the State, Article 51(j) 6 states ‘to identify the freed bonded labours, Kamlari, Harawa, Charawa, tilers, landless, squatters and rehabilitate them by providing housing, housing plot for residence and cultivable land or employment for their livelihoods.’

There are various circumstance and reasons that lead people to migrate from one place to another. Natural disaster, war, better alternative to housing, employment, family revolt and other circumstantial compulsion force people to leave their place of origin to migrate elsewhere. In this way, the circumstance to leave one’s place of origin is also different from one context to another. Some migrate alone, some along with family, some with relatives, sometimes the entire village, and region, community, sometimes only an ethnic and religious group and sometimes a large section of the country migrate.

In Rasuwa, however, all the households in some region/village were forced to live their place of origin due to natural disaster i.e. the 2015 April earthquake.

The pain to leave one’s place of origin on one hand and the problem of rehabilitation on the other. Many families displaced from the erstwhile Haku and Dandagaon VDCs are currently living in Laharepauwa VDC (present Bogatitar, Naubise and Kavre in Uttagaya rural municipality-5) of Rasuwa and in Satbise, Shanti bazaar and other areas of Nuwakot. Some families from Haku are also residing near Dhunche, the district headquarters of Rasuwa. Among those displaced, majority of them are either victims of *Guthi* and *Birta* land tenure system or are landless settlers.

The National Reconstruction Authority or NRA made a report public declaring 67 locations as vulnerable, which has put the displaced quake survivors into a further state of dilemma. The NRA District Coordination Office has stated that 780 households in the district are in a vulnerable situation and that 29 settlements needs to be translocated. According to a survey by the Community Self-reliance Service Centre, 548 families were displaced from Haku and Danda gaon. But the settlements are yet to be translocated, as a result of which the daily life, especially of the women, lactating mothers, pregnant, children and the elderly citizens is becoming painful by the day. Along with

the right to housing, their right to education, health and other fundamental rights have been jeopardized.

In Rasuwa, following the advocacy campaign of the District Land Rights Forum and Community Self-reliance Service Centre, 729 families have forwarded the process of buying new housing plots to build their homes with a grant of Rs. 200,000. The NRA had published a list of the beneficiaries. And though late, it would be a support to their resettlement.

Rationale of the Study

The guiding principle on internal displacement notes that appropriate measures shall be taken for the necessary compensation and rehabilitation of the displaced. As a result, rehabilitation and management of those displaced due to the earthquake is the duty of the State. The quake survivors who had their houses damaged in the earthquake are living a miserable life, especially during the monsoon and winter. The problems of the displaced not yet addressed even in three years since the quake shows that the State has not been responsible. As a result, this study is very important from the perspective that making the problems of the survivors evident would exert pressure from all sides to the State to resolve the problem.

Objective of the Study

1. Due to the earthquake, some erstwhile wards have become homeless. To make the problem of the quake survivors displaced as a result public.
2. To inform about policy, legislation and efforts made by the State in relation to those displaced by natural disaster.
3. To shed light on the status of relief, service/facilities and commitments announced by the State for the communities displaced by the earthquake and make the State accountable to resolve the problem.

4. To highlight the dismal condition of the displaced to alert the State for their rehabilitation by establishing their rights.

Methodology of the Study

- Field study/observation
- Interview/meeting with victims
- Study of news reports and case study
- NGO reports
- Discussion with experts
- Observation/documentation of the tasks carried out by the NRA and the government agencies
- Talks with quake survivors and representatives of stakeholder organizations
- Study reports and information published about displacement and rehabilitation
- Survey report of the Community Self-reliance Service Centre

Limitation of the Study

This study is focused on the problem of displacement and rehabilitation of the quake survivors of Rasuwa, which has made an effort to highlight the reality by working within the following parameters:

- This is only related to the aspect of human rights of those displaced by the earthquake.
- It covers the situation of the people displaced by the earthquake and the efforts to be made for their rehabilitation.
- It covers only the quake survivors who have been listed as beneficiaries by the government and whose place of origin is not suitable for residence and the victims who do not have land under their ownership.
- This is a study carried out independently.

Situation of the Displaced

Those displaced from Haku, Dandagaon and Ramche of Rasuwa are pres-

ently living in temporary shelters made of corrugated sheets in the displaced camps at Bogatitar. They have to pay rent to the landowner for the place that they are currently living. As a result of which, those who had difficulties to make their ends meet are in more financial trouble. They are forced to living under rainwater during the monsoon and faced the chilling cold during the winter. They have no way out of the heat of the April summer. The displaced in Bogatitar camp 2 lament that they have been deprived of their right to housing, when the quake survivors of other areas that are geographically safe and have their own housing plot have already shifted to their new homes.

The government has introduced a working procedure to provide Rs. 200,000 to those displaced who do not have a housing plot in a safe location. As per the data of the National Reconstruction Authority, around eight hundred families need to be resettled to safer locations.¹ Accordingly, 78 families have already received the grant and begun construction houses after purchasing the housing plot. Others have also filed application for the grant but it's taking a lot of time due to the annoying and slow process. The policy of the government is to provide up to two hundred thousand rupees to the quake survivors who do not own a housing plot, which can buy a housing plot of two aana to 15 aana. And hence, rather than need the quake survivors are found purchasing housing plot based on the grant. On the other hand, the families who have already purchased a housing plot to build a house following the earthquake will not be covered by this working procedure. The families who purchased housing plots by taking a loan have been deprived of this opportunity. If a provision could be made to give them the grant based on the fact that they purchased the housing plot after the

earthquake, could provide them relief.²

The displaced families cannot return to their place of origin. As the entire area has been completely damaged by the earthquake, they are required to shift to new and safer location. As they have been paying the rent for the land they are living at present for a long time, it has also affected their livelihood. And, problems continue to add from one to another. Quake survivors who have been living since generations in *Guthi* or *birta* land, who are landless, and squatters, and who come from a location that is geographically vulnerable cannot return to their place of origin and build a house. As a result, they complain of having to face more problems. On the one hand, these poor farmers do not have a land ownership certificate while that land too has been designated unfit for housing, thereby forcing them to be displaced. After the advocacy campaign by the District Land Rights Forum and Community Self-reliance Service Centre, 132 families have got the tenancy right to the Guthi land. Another 335 families who did not have a land ownership certificate have been able to sign their contracts based on the certification and recommendation by the concerned Ward office and are now constructing their houses. As a result the quake survivors of the Thulo Haku and Hakubesi have begun construction new houses in the original location.

After being displaced, the school, weather and other atmosphere has become adverse for these families while addition of many children in one school has created a problem in teaching learning activities. For example, the school administration in the Nilkantha secondary school of Bogatitar is finding it difficult to manage the sudden rise in the number of students. The problem of the around 400 families living in district headquarters Dhunche after being displaced from Haku

1. <http://www.nagariknews.com/news/35658/>

2. <http://www.nagariknews.com/news/35658/>

VDC is also the same. The land that they have been living on since their ancestor's time was registered in the name of the Swayambhu Purano Ghyang Guthi and had been tired demanding ownership over it. And instead they went on to become displaced by the earthquake.

Role of the Government

The role of the government bodies in the work of post-quake rescue and relief of the survivors was laudable. In coordination with various non-government organizations, the government employees and security persons made a big contribution to the rescue and relief operation. But the work of reconstruction following the rescue and relief was very sluggish. Furthermore, the government did not have any time to pay attention to the problem of the displaced. Political instability, failure to enforce the existing policies and repeated change in the chief executive of the NRA contributed to slowing down the rehabilitation works. And this had a direct impact on the rehabilitation of the displaced in Rasuwa.

Many discussions, gatherings and meetings were held to resolve the problem of the displaced. Various levels of monitoring took place on behalf of the State to the displaced camps. The Chief District Officer and the stakeholder agencies' responsible officers took note of their problems many times. As a result of all these efforts, the displaced have received grant and purchased housing plot. But the pace of progress is very slow.

Following the UN guiding principles on internal displacement, the government has introduced the national policy on the internally displaced persons, 2063 B.S. The government seems to be working to resolve the problems of the displaced under the relief and rehabilitation programme of the same policy. Efforts were

made to establish new settlements at Khalte at the initiative of the District Coordination Committee, District Natural Disaster Relief Committee, then parliamentarian Janardan Dhakal and others. But the translocation of the settlement could not take place following a monitoring report of geologists that described the area as unsafe due to inundation by the Trishuli river. Nevertheless, some displaced of Haku and Dandagaon continue to stay there in temporary shelters. They do not see an alternative to continue to live in the unsafe location as they unable to pay rent of the land.

Then Chief Executive Officer of the NRA Dr Govinda Raj Pokharel, who had reached Rasuwa last year for feasibility study and discussion to move ahead the resettlement process of the displaced, has noted that the resettlement of all the displaced of Rasuwa would take place promptly in an appropriate location. He had pledged to move ahead with the process of resettling the more than 300 displaced from Haku and Dandagaon and living in Laharepauwa of Uttagaya rural municipality in public and government land and had given assurances to all the displaced of the district for their resettlement.³ But that assurance is yet to be fulfilled. The government and human rights workers are still looking for safe settlement area, including at the initiative of the displaced community. Efforts are being made from all concerned to find such land and develop an integrated settlement. Efforts are being taken but the pace is sluggish.

Role of NGOs

Soon after earthquake, many non-government organizations arrived in the district to help the quake survivors. But as days passed by their presence and activeness continued to decline. However,

3. <http://www.todaykhabar.com/2017/03/15/72687/>

some organizations are still supporting the issues of the displaced. The role of these organizations in the advocacy for their livelihood, health, sanitation and rights is positive. Following the earthquake, many organizations came forward to help build private houses to schools and health centers in the district. In this process, with support from the Thai Volunteers Group, INSEC build four temporary houses for the Dalit community in Karmidanda, ward no.4 of Uttagaya rural municipality.

Lately, due to continuous advocacy of the District Land Rights Forum, the government took a decision to provide a grant of additional 200 thousand rupees to the displaced who do not have a safe housing plot. Only then, applying for the grant, receiving the money and purchasing housing plot has begun. It was following this process that the 78 families bought land and are constructing houses. After receiving Rs. 200,000 for purchasing housing plot and Rs. 300,000 for building the house, many people's attention have been drawn towards it. In the present context when more than 700 families in the district are living the life of a displaced due to territorial vulnerability and lack of land ownership, the 'housing plot grant policy' introduced by the government at the coordination, recommendation and pressure of the NGOs has become a good medium of solution. Another positive aspect of this campaign is the provision to have joint ownership of husband and wife over the new housing plots. This was a result of the initiative taken by the district land rights forum.

Way of Resolving the Problem

The displaced who had to leave their place of origin due to natural disaster have realized that reconstruction in the same place is not possible. As this has also been verified by the government agencies. In this situation, their settle-

ment had to be translocated immediately. But even with three years passed, the process has just begun, which is not pleasing at all. Hence, the State should adopt a policy to expedite the process who has begun albeit late. Also, the national/international non-government organizations working in the districts needs to support this initiative as much as possible.

There are laws and policies, but problem in implementation. It is due to the same reason that the solution of the problem of the displaced has become more distant. First, the State must be proactive in ensure a settlement for the displaced and secondly for it the local government, political parties, media persons, rights workers and social organizations must work together. Initially, some organizations had provided psychosocial counseling to free the victims from tension. But a need for the same is still felt. Attention needs to be paid towards this end as well.

Sufferings of the Displaced

With 32 months gone by since the earthquake, three summers and 3 winter seasons have passed. Living day and night under huts made of corrugated sheets is indeed painful. The condition of the elderly citizens, pregnant and lactating women, people with disabilities and children is further worse. And the need to pay rent for the temporary shelter had added to the debt while the struggle for two meals a day continues. This has generated more tension for them.

As many people reside in the settlements not everyone will get an opportunity for labour. Hence, people have to travel far and wide for work. Furthermore, they are not able to go to work when government and non-government organization representatives come for discussion, public hearing, cost estimation and other related issues. This then become a problem for them to fill their stomach. In addition to this, the pressure exerted by

Facts and Figures				
S. No.	Details			Number
1.	Vulnerable settlements			29
2.	Houses			821
3.	Displaced population			2,609 persons
4.	Women			1,298
5.	Children			1,479
6.	Displaced families in the district			639
7.	Families with men as head of household			598
8.	Families with women as head of household			51
9.	Orphan children			144
	Children who died in the earthquake			
	Boys	Girls	School going	Total
	82	72	44	154
	Injured children			129 persons
	Children who became disabled due to earthquake			4
	Missing			4
	Orphan children			
	Lost both parent	26		
	Lost guardian	140		
	Lost mother	93		

the local landowner to free the land disturbs them mentally.

These displaced quake survivors of the hilly villages are penniless. Some of them have not even received the government grant. Though the reason is unknown, they have not found anyone who would speak on their behalf. Due to lack of access, they have not been able to register their complaints in the concerned place. Those who are building the houses cannot afford to add to the government grant and hence are building a one-room small house. As this would not be sufficient for them, it is already a matter of concern for them for the future.

Right to Food

The displaced who left their place of origin does not have land to till neither any cattle nor poultry. With no industries around, there is no possibility of work. Daily wage labour is also scarce. In the initial days since the earthquake, various

agencies had come to provide them relief support. Some days were very painful and were left hungry but the days improved later. However, they are now facing a food crisis. Some work to crush stones and some are involved in daily wage labour. But families with only people with disabilities, orphan children and elderly citizens cannot manage their daily food. The condition of those who cannot do daily wage labour is pitiable. They do not own a piece of land to farm on it. The problem of food for many displaced is severe, said Purna Tamang, a displaced himself.

Farmer Singa Lama of Dandagon-8 had begun goat rearing eight months ago after purchasing 80 goats with his income made during foreign employment in Malaysia. But the earthquake took them all, his house, the goats as well as his two sons. He finds it difficult to even share his sad story. Currently, he is living in a temporary shed in Khadku. Many people struggling for daily food like Lama

are found in abundance in the displaced camp.

Right to Land

The land owned by 545 families in erstwhile Haku and Dandagon VDC was swept away by the dry landslide triggered by the earthquake. They it was no longer inhabitable. Hence, there was no alternative to displacement. They do not own any land in any other location. They have been deprived of their rights to land after the land they had been using since generations was swept away.

Among the quake survivor families, the government had provided immediate assistance of Rs. 7,000 for those who houses suffered partial damage and Rs. 15,000 for those who houses were completely damaged. In addition to that, Rs. 10,000 each was provided to buy warm clothes. The government has since then done many things for the quake survivors. But the announcements have been worthless for those who do not own a housing plot to build the house and those who cannot return to their place of origin. 'If I don't have a land, then where will I build my house? If I only had a place to stay then I would look for other amenities', health volunteer displaced from Haku Buti Tamang said. "32 months have passed that we suffered heat, cold and rain. Not sure how many more we have to endure. In this situation, what is left of the right to land?"

Problem of the Displaced

The displaced who are suffering problems of education, health, food, housing and drinking water are not safe even from disease that could originate from heat, rain and cold. In failure of relocation of the settlement, their problems are increased every day. Of them, the sufferings of the elderly citizens, people with disabilities, the lactating and pregnant women is boundless.

There are many families in the temporary settlements that are suffering the problem of even buying school uniform and stationeries for their school-going children. Apart from this, the treatment of the local residents towards them as displaced has also hurt them. There is a problem in the socialization process as well.

Legal and Policy Measures

Policies, regulations, procedures announced by the government on different occasions mentioned that the quake survivors will be provided with housing grants, reconstruction will be held on time and the displaced will be shifted to safer locations. But such declaration and policies have been difficult to implement. Even those implemented are very sluggish. This too have a significant role in the rehabilitation of the displaced.

Condition of Support

Various social organizations expressed the commitment to support the displaced camps. But notable work is yet to be done in house construction and translocation of the settlements of the displaced. Due to advocacy the District Land Rights Forum, Samaritan's Purse, an INGO, provided support to level the land in coordination with the District Natural Disaster Relief Committee for translocation of settlements in Khalte. But the work could not move ahead as it was deemed insecure to the inundation by the Trishuli river. Presently, nearly 100 families displaced by Haku are still living there in temporary huts. But many tasks are yet to be done for their security.

The Problem of Orphan Children

The orphan children, elderly, people with disabilities, pregnant and lactating women are forced to life a miserable life in the displaced camps. They are also highly vulnerable. Not only housing their fundamental rights to education and

health have also been infringed. Unfortunately, nobody seems to have felt the need to initiate special programmes for the orphan children and the highly vulnerable displaced.

Role of Media

Journalists active in the district have disseminated/published news, articles in national and local media about the quake survivors who are forced to be displaced from their place of origin. But the State has failed to give due attention towards it, and hence the work of housing reconstruction has been delayed. Many news reports were published in local papers like Trishuli Prabaha, Trishuli Khabar weekly and the national daily newspapers like Nagarik, Kantipur, Gorkhapatra, Naya Patrika. The local 3 radio stations, online news portal and media from neighbour districts too have publicized with priority the issues of the displaced. As a result, an atmosphere for an advocacy campaign by the civil society has been created and for decisions at the decision making level.

Conclusion and Recommendations

- A proper housing plot should be sought for the displaced living on the bank of Trishuli river and they should be rehabilitated.
- Like the identity card distributed to the quake survivors, a data of the displaced should also be collected and identity cards be distributed.
- The rs. 200,000 grants said to be given to the survivors who do not own land to buy housing plot should be provided immediately.

- The Rs. 300,000 credit said to be provided with the collective guarantor of the government to very poor families to build houses should be provided interest-free, which will help them build houses easily.
- Make proper arrangement of fundamental services, including food, shelter, clothing, education and health.
- The displaced should be given priority in the employment, income-generation and self-employment programmes.
- The State should follow/cause to follow in letter and spirit the acts, regulations and policies related to natural disaster rescue, land rights, education, food etc.

References

- INSEC online
- Lantangnews.com
- Rasuwakhabar.com
- Nagariknews.com
- Naya Prabaha Online
- Trisuliprabaha.com
- Constitution of Nepal (2015)
- Disaster Management Guidelines
- District Natural Calamity Relief Committee, Rasuwa
- District Coordination Committee, Rasuwa
- National Reconstruction Authority
- Reconstruction Act, regulations, standards and Procedures
- Various local and national newspapers
- Nepal Human Rights Year Book 2016 and 2017
- Local newspapers
- District Land Rights Forum and Community Self-reliance Service Centre reports