

DRAFT
NEPAL HUMANITARIAN CONTINGENCY PLAN: PROTECTION

The following has been prepared by UNHCR in Kathmandu, in consultation with members of the protection cluster.

Executive Summary

1. During a major natural disaster and its aftermath, a number of unprecedented risks are likely to emerge. Recognizing the humanitarian implications of these risks, UNHCR has developed the following plan through a consultative process with protection cluster partners.
2. **Context:** Nepal is a country which remains highly vulnerable to the vicissitudes of extreme weather and to the devastating threat of seismic activity. Moreover, the threat of floods in the Terai and the likelihood of landslides in western Nepal leave tens of thousands of poor people vulnerable to displacement, the effects of water borne diseases and severe disruption to livelihoods. Increased migration into the Terai over the last ten years has heightened this vulnerability, as people have moved into flood plain areas. This increased vulnerability in regards to natural disasters is exacerbated by a much more serious factors resulting from the problems of gross inequality, poverty, poor governance and corruption. Although poor people in Nepal have adopted a range of strategies to cope with the challenges of poverty in Nepal they are vulnerable to the stresses and shocks caused by an emergency, which can lead to the elimination of regular coping strategies. Immediate concerns are to ensure non-discriminatory access to limited food, shelter, health care, potable water and sanitation. Addressing family separation and physical insecurity – preventing sexual and gender-based violence, and protecting against exploitation, abuse and trafficking – are also paramount. Evacuations and relocations are often necessary. The replacement of personal documentation can be critical, as lack of documentation may compound vulnerabilities by limiting access to essential services. Furthermore, early into the recovery, careful attention to issues of land and livelihoods can significantly influence whether return is premature or sustainable. Finally, the public order implications of a major disaster- in which desperate people are trying to access reduced services and limited provision of assistance-present enormous protection challenges.
3. **Scenario:** in the advent of the worst case, the following may happen:
 - a. Major earthquake centred on Kathmandu valley. An earthquake measuring Magnitude 8 on the Richter scale and centred on the Kathmandu Valley hits the Himalayan region, causing deaths and damage in northern India, Nepal, China and Bhutan, affecting 50 million people. The magnitude of the damage will require a regional response that will delay and complicate assistance. In hilly and mountainous areas, most roads, bridges and many airfields will be blocked by landslides and unusable for many days. On the plains and riverbeds, liquefaction will cause bridges and rail lines to weaken, warp or subside. The airport will be severely affected and may not be restored for two weeks, limiting the supply of relief items; major bridges on the main rivers rendered unsafe; administrative buildings severely damaged; more than half the Government employees not reporting to work for nearly a week; communications network in the Kathmandu Valley interrupted for three weeks.
 - b. Floods in the Terai: flooding in Nepal is annually episodic and occurs particularly in the Terai region. For a major flood scenario, the number of households displaced concurrently will exceed 60,000, excluding people displaced by floods in neighbouring India. It is anticipated that an immediate break down of infrastructure and of water and sanitation facilities with associated outbreaks of water-borne diseases, will affect some 300,000 people. Internal displacement will last for more than two months and thus require camp management support, and significant shelter, health, WASH and food support. Smaller airports in the affected area rendered dysfunctional; major bridges on the main

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rivers completely destroyed; road links to India destroyed; the local government offices severely damaged and rendered dysfunctional; local communication network down for more than a week.

4. **Potential Caseload:** Partners have estimated that the humanitarian caseload for the worst case scenario will include: a) 44,000 people killed; 103,000 people injured; 900,000 people severely affected or displaced;; water supply for nearly two-thirds of the population affected; b) 1,000 people killed; 3,000 people injured; 300,000 – 400,000 people across six districts displaced for two months; the floods will disrupt learning activities for some 100,000 school children.
5. **Activation:** The aim of the contingency plan is to mitigate the impact of disaster by providing humanitarian assistance and protection to affected populations. Recognizing that the Government of Nepal has limited capacity to respond to a serious emergency unfolding within its territory, activation of the plan rests with the Resident/Humanitarian Coordinator in consultation with the Humanitarian Country Team.
6. **Operational Modes:** The contingency plan envisages three operational modes: readiness, crisis response and emergency. During the first mode, partners will take steps to ensure that preparations for a worst case scenario are in place. During the crisis response mode, partners will focus on staff safety and security and will make crucial decisions about continuity of operations. During the emergency mode, partners will continue to focus on staff safety and security and will take urgent steps to mitigate the impact of the emergency on vulnerable populations.
7. **Preparations:** In preparation for a worst case scenario, a number of measures will be taken. Hubs will be identified and located near the areas where at-risk populations are likely to concentrate and where efforts will be concentrated. Surge requirements in protection will be identified and ready for activation. The capacity of front-line partners to respond to a rapid increase in the caseload will be developed.
8. **First Steps:** During the first 24 hours of the emergency, several key steps will be taken to ensure an immediate response. The cluster coordinator will join the activated Emergency Operations Room, including the Public Information Cell. As soon as security clearance is granted, the cluster will join inter-cluster joint assessment teams to areas where populations are at risk, using a standardized but streamlined assessment tool to identify urgent needs and will draft an action plan for immediate implementation after approval by the HCT.
9. **Next Steps:** Within the next 48 hours, additional steps will be taken. Emergency stocks will be mobilized. Mechanisms for rapidly mobilizing resources, including CERF requests, etc. will be activated. Coordination and cluster surge, if required, will be activated. The results of the first rapid assessments will be presented. The cluster will review and revise if necessary its response plans and may choose to activate additional surge. The clusters will also scale up the emergency response based on the first needs assessments. Non –priority programmes will be suspended and regular information bulletins posted.
10. **Consolidation of the Operation:** During the first two weeks of the emergency, the response will be expanded and regularized. The security situation will be monitored carefully and Information on the crisis will be consolidated. Needs assessments will continue and emergency plans will be drafted as needed. The cluster leads will plan interventions for the next three months. Briefings will be held regularly and effort will be made to ensure the rapid import of necessary inputs.
11. **Coordination Arrangements:** In the advent of a worst case scenario, the following arrangements will be activated:
 - **Overall operational coordination** in the advent of the worst case scenario the protection cluster lead will join an Emergency Operations Room, which will be managed by OCHA and include

representatives from all the clusters, including a Public Information Cell to collect, synthesize and analyze information and to provide regular updates and information packages to stakeholders and the media.

- **Inter-cluster and cluster coordination** in the advent of the worst case scenario will be provided by UNHCR as the cluster lead. The cluster will continue to participate in the Inter-Sector Working Group (ISWG) which will be reinforced by emergency officers from UN Agencies.
12. **Constraints:** In the advent of a worst case scenario, a number of constraints are likely to impact the operation:
- **Infrastructure:** Nepal has severely underdeveloped infrastructure and the poor state of existing road network and landing airstrips may inhibit access to flashpoint areas; this will be exacerbated by the destruction of Kathmandu airport and the closure of major arteries from India.
 - **Insecurity and Interference:** the public order implications of a major disaster and reduced capacity of the security forces may inhibit access and cause interference with the delivery of humanitarian assistance; bureaucratic obstacles, including customs clearance from India, may hinder delivery.
 - **Capacity:** Current capacity gaps among front-line partners and within key clusters may delay response times. A number of NGO partners may evacuate staff if conditions deteriorate sharply.
 - **Funding:** Funding gaps for protection and insufficient support for front-line partners is expected to limit the scope of response, leaving a number of areas under-served.

Context and Risk Analysis

13. Nepal's conflict ended with a peace accord in 2006. Numerous post-conflict issues still remain, including human rights challenges (cf. US State, Amnesty reports) and a slow and difficult integration of Maoists into the Nepali Army, in what the RC/HC describes as a "longer than expected post-conflict transition" (RC/HC's annual report 2011). A Constitutional crisis caused by the failure of Nepali leaders to agree a new constitution within the May 2012 deadline underlines how complex this transition is.
14. The surge in identity politics and accompanying demands for federalism and opposition to those demands is creating tension (cf. International Crisis Group Asia Report No.199, 13 January 2011). The Government has formally committed to overcome profound caste discrimination and has made such discrimination –in theory- a crime. However, as the ICG report states, elites in power have little sense of how deeply discriminatory the state has been and appear opposed to measures reducing social exclusion.
15. A sense of impunity remains a problem in fighting discrimination, in transitional justice and in tackling corruption, not helped by weak institutions and an uncertain political environment. Nonetheless, development progress is counter-intuitively positive and Nepal is on course to meet its MDGs by 2015 (see UNDP 2011 report) although regional, gender, caste disparities and social inequity remains (see draft UNDAF). Nepal enjoys low levels of extreme violence (UNODC Homicide Report 2011).
16. **The interests of neighbouring states will also impact on the situation.** Major deliveries of supplies will have to transit India. There is at current no customs agreement to allow the free flow of relief supplies in the event of a disaster, nor any agreement on the use or sharing of materiel,

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including helicopters. An earthquake of Richter 8 magnitude is also likely to affect India, thereby reducing the focus on Nepal and the ability to move supplies swiftly from the South.

17. Humanitarian indicators are already poor. According to WFP (2009) 3.4 million people are considered to be food insecure with 41% of the country's population consuming less than 2,700 Kcalories in their daily diet. Nearly 25% of the population is living on less than 1 US Dollar a day (UNDP 2007/2008). Malnutrition rates in Nepal produce some of the worst indicators in the world- with nearly 50% of children aged under-5 considered to be stunted and nearly 40% underweight. An estimated 28,000 children die each year from diarrhoea.

18. Coping capacities are stretched to the breaking point. Although poor people in Nepal have learned a range of strategies to cope with the challenges of poverty in Nepal- coping is a fundamental part of daily poverty - these strategies often fail to meet the demands of the stresses and shocks caused by emergencies. This can lead to the elimination of regularly used and life saving strategies and the substitution of more damaging and short-term actions such as transactional sex, child labour, early marriages and disaster induced migration. There is also the damaging protection legacy of the 10 year armed conflict in Nepal which has left tens of thousands of displaced people living in camps and marginal settlements in the Mid-West, still awaiting compensation and land and property restitution. Whereas, chronic lawlessness and insecurity in the eastern Terai continues to create new internal displacement in areas which are flood prone. Nepali people have little ability to absorb shocks caused by family sickness, displacement, a poor harvest or other challenges. Similarly, the system providing basic services is also fragile and can be quickly overwhelmed and interrupted by shocks. This dual vulnerability is cause for serious concern, as a worst case scenario would see an increase in the needs of the population while basic service provision would simultaneously decrease.

19. The protection cluster will take the following preparatory steps, beginning in December 2012:

Cluster	Preparedness Actions
Protection Cluster	
	<ul style="list-style-type: none"> - Establish early warning systems to prevent and rapidly address crisis, e.g. environmental scanning to identify GBV trends and threats - Develop rapid protection assessment and monitoring capacity throughout Nepal, e.g. mapping of One-Stop Crisis Centres - Conduct training on protection for humanitarian workers and government partners and build up community self-protection mechanisms, e.g. community-based awareness of MHPSS - Develop SOPs for GBV response, family tracing and reunification and psychosocial counselling - Assess in-country human resources, create a stand-by roster and prepare lists of needed staff capacity ready to request in an emergency

Response

20. As soon as the decision is taken to shift into emergency mode, the following will be done:

Activities	Responsible
During First 24 Hours	
Participate fully in the Emergency Operations Room including the Public Information Cell	UNHCR as Cluster Lead
Deploy joint rapid assessment teams to affected areas (if security	All cluster members

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allows)	
Draft emergency action plan	Cluster Lead
Start emergency response based on initial information	Cluster Lead/sub-cluster leads
Next 48 Hours	
Mobilize emergency stocks, .e.g. GBV / RH kits (MISP)	Cluster Lead
Revise the response plans and confirm roles and responsibilities	Cluster Lead
Convene cluster meetings	Cluster Leads
Deploy required additional cluster staff or activate cluster surge	Cluster Leads and OCHA
Scale up emergency response based on needs assessments	ISWG
Suspend on-going non priority programmes	Cluster members
Collect and consolidate data for information bulletins	Public Information Cell
During First Two Weeks	
Continue to conduct needs assessments and prepare action plans	Cluster members
Scale up further emergency response based on continuing needs assessments	Cluster Leads
Consolidate information (3Ws), analyse gaps and flow of assistance	ISWG
Plan interventions for next three months	ISWG

21. **Clusters will respond to the emergency on the basis of plans which they have drawn up as part of the contingency exercise.** The following chart summarizes the main elements of these plans.

Cluster
Protection Cluster
<p>Cluster Leads: UNHCR Partners: TPO, WOREC, Nepal Human Rights Commission, ICRC, IFRC, IOM, OCHA, Save the Children, UNFPA, UNICEF Government Counterpart: Ministry of Women and Child Development The aim of this cluster is to ensure that international humanitarian law and human rights law is applied in affected areas, that appropriate referrals are made for victims of gender-based violence and that all separated and unaccompanied children are identified and provided with assistance by:</p> <ul style="list-style-type: none"> ➤ Tracking forced population movements ➤ Identifying people with special needs ➤ Conducting interventions to pre-empt or mitigate the impact of public order violations ➤ Setting up referral mechanisms and responses for SGBV incidents ➤ identifying, verifying and acting upon Human Right (HR) violations ➤ Conducting family tracing ➤ Monitoring the disturbance of landmines ➤ Collecting, analysing and disseminating protection information