

Working Paper

# Reconstructing Nepal

**Bhaktapur – Heritage and Urban Reconstruction**



Manoj Suji | Bina Limbu | Nabin Rawal  
Prakash Chandra Subedi | Jeevan Baniya

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Cover: Ongoing reconstruction of the Vatsala Durga Temple in Bhaktapur Durbar Square. Photo by Sara Shneiderman.

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Photo 1: Tawa Sattal is being reconstructed under contractor-led reconstruction. Photo: Sara Shneiderman.

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# ABBREVIATIONS AND ACRONYMS

BBB	Build Back Better
CBS	Central Bureau of Statistics
CGI	Corrugated Galvanised Iron
CLPIU	Central Level Project Implementing Unit
CPN-M	Communist Party of Nepal-Maoist
CPN-UML	Communist Party of Nepal-Unified Marxist Leninist
DoA	Department of Archaeology
DLPIU	District Level Project Implementing Unit
DUDBC	Department of Urban Development and Building Construction
GESI	Gender Equality and Social Inclusion
GoN	Government of Nepal
ICNR	International Conference on Nepal's Reconstruction
I/NGO	International/Non-Government Organisation
NPC	National Planning Commission
NMKP	Nepal Majdoor Kisan Party (Nepal Peasants' and Workers' Party)
NRA	National Reconstruction Authority
NSET-Nepal	National Society for Earthquake Technology-Nepal
OPC	Ordinary Portland Cement
PA	Participation Agreement
RC	Reinforced Concrete
SSHRC	Social Sciences and Humanities Research Council of Canada
ToT	Training of Trainers
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VDC	Village Development Committee



# EXECUTIVE SUMMARY

Post-disaster reconstruction is a complex process of social transformation, whereby multiple forms of expertise, knowledge and political-economic relations come into play, reconfiguring relationships between state and citizen as well as local, national and international communities. Following the devastation of Nepal's 2015 earthquake, the Government of Nepal promulgated the Reconstruction Act 2015 and established the National Reconstruction Authority (NRA). The NRA subsequently introduced various reconstruction-related laws, policies and provisions with the objective of facilitating 'owner-driven' housing reconstruction, and heritage reconstruction under the 'Build Back Better' approach. For this purpose, the NRA deployed around 2,700 engineers to assist earthquake-affected households to build 'earthquake-resistant houses'—a process incentivised by the provision of the Private Housing Reconstruction Grant of NPR 300,000 (c. USD 2,600). The government also provisioned subsidised loans of up to NPR 2,500,000 in the Kathmandu Valley at 2 per cent interest for urban reconstruction.

However, in Bhaktapur the complexities related to landownership, citizenship documentation, and financing were widespread, delaying reconstruction in many areas. Landownership issues were widespread in Bhaktapur during the damage impact assessment and identification of housing grant beneficiaries. Further, Bhaktapur Municipality's 'heritage code' shaped the outcome of private housing reconstruction. Similarly, reconstruction of major World Heritage Sites was a contested domain in Bhaktapur due to the enforcement of international guidelines mandated by the Department

of Archaeology, in addition to the Municipality's own policies for heritage reconstruction.

In this context, our study aimed to explore how these different forms of expertise and governance practices intertwined in the overall reconstruction process by inquiring into the three domains of construction, law and finance. To accomplish this objective, ethnographic research was carried out in three earthquake-affected districts: Dhading and Sindhupalchowk besides Bhaktapur. This report is based on the case study of Bhaktapur Municipality of Bhaktapur district where the research team conducted ethnographic research for several months in three phases from 2018 to 2019. Research included observations and in-depth interviews at the household level, as well as key-informant interviews with officials and individuals at Bhaktapur Municipality, the Department of Archaeology (DoA), the National Reconstruction Authority (NRA), National Society for Earthquake Technology–Nepal (NSET–Nepal), and the Central Level Project Implementing Unit (CLPIU) at the Department of Urban Development and Building Construction (DUDBC) in Kathmandu as well as political leaders in Bhaktapur.

## Findings

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- **Landownership:** Issues around landownership and its documentation were common in Bhaktapur Municipality during the damage impact assessment and identification of housing grant beneficiaries. High-density settlements and joint land ownership practices between brothers led to conflicts between family members as well as within the wider community. Brothers who had

joint ownership over their homestead land or damaged houses needed mutual consent during the documentation process to apply for the housing grant. People preferred to live in the old settlement regardless of the size of their land, which created conflict among brothers as well as with neighbours.

- **Heritage code for private housing reconstruction:** Bhaktapur Municipality's 'heritage code' had greater influence on post-earthquake reconstruction designs than the NRA's building codes. Homeowners within the core heritage areas had to adhere to the code mandated by the Municipality, which also provisioned subsidies for construction materials for heritage homes such as wood and traditional bricks (*dachhi appa*). People felt proud of their traditional culture and Newari architectural styles, but they were dissatisfied with some of the mandated elements of the heritage house design they deemed 'impractical'.
- **World Heritage:** Reconstruction of World Heritage Sites in Bhaktapur was contested due to differences in the working modalities and principles of the DoA and Bhaktapur Municipality. The UNESCO guidelines adopted by the DoA defined heritage narrowly, leading to contestations about heritage reconstruction. As opposed to the UNESCO guidelines, Bhaktapur Municipality opted for their own designs to revive Malla-period architecture as part of their cultural identity. The Municipality also refused international-funding for heritage reconstruction.

- **Users' committees vs contractors:** The Municipality adopted community-based reconstruction through 'users' committees', which were viewed as cost-efficient, transparent, and ensuring a deep sense of ownership of historical cultural identity. In contrast, the contractor-led reconstruction model under the DoA was viewed by local authorities as corrupt and driven by a profit motive which compromised quality in heritage reconstruction.
- **Finance:** Reconstruction finance was a major concern for Bhaktapur residents. Due to its location near the urban capital city of Kathmandu and as home to a major World Heritage Site, it cost about NPR 2,000,000 (c. USD 17,300) to NPR 5,000,000 to build a reinforced concrete (RC) house, which far exceeded the reconstruction grant. Since people could not meet the lending bank's requirement—showing reliable income sources—many could not benefit from subsidised loans; instead they accessed loans from cooperatives. Selling agricultural land was also a common financial strategy, but at cheap prices—about NPR 300,000 or NPR 400,000 per *aana*\*—either to real-estate agents (brokers) or to neighbours. For some residents, business opportunities in trade, transportation, and construction materials such as bricks increased when reconstruction boomed.

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\* One *aana* is equivalent to 31.80 sq m or 342.25 sq ft.

# 1. INTRODUCTION

The 25 April 2015 earthquake in Nepal and its biggest aftershock a couple of weeks later on 12 May caused massive losses of human lives, property, and infrastructure as well as a major hit to the country's economy. The earthquake affected 31 out of the country's then 75 districts,<sup>1</sup> and among them 14 districts in central Nepal were severely affected. Nearly 9,000 people lost their lives, and about 800,000 private houses<sup>2</sup> and in excess of 6,000 government buildings<sup>3</sup> were completely or partially damaged with a total of USD 7 billion in losses (a third of the country's GDP). The earthquake also damaged approximately 2,900 historical, cultural and religious monuments and heritage properties, including the seven World Heritage Sites located in the Kathmandu Valley. A sum of USD 206 million was estimated to be required for heritage reconstruction alone.<sup>4</sup>

Bhaktapur district, long considered a jewel of traditional Newar architecture and home to world-renowned heritage structures listed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), was hit hard by the 2015 earthquakes, killing 333 people<sup>5</sup> and damaging more than 30,000 private houses.<sup>6</sup>

As of 20 March 2020 a total of 28,455 households had been listed as potential beneficiaries for private housing reconstruction grants in the district,<sup>7</sup> of which 6,888 households are in Bhaktapur Municipality alone.<sup>8</sup> The earthquakes also caused extensive damage to historical heritage structures, including the World Heritage Site of Bhaktapur Durbar Square. A total of 116 historical and cultural monuments were damaged or destroyed such as the National Art Gallery, Vatsala Devi Temple, Siddhi Laxmi Temple, Tawa Sattal and Nyatapola Temple.<sup>9</sup>

The International Conference on Nepal's Reconstruction (ICNR) was held on 25 June 2015,<sup>10</sup> where donor countries and development partners pledged USD 4.4 billion as grant and loans for formal reconstruction. Thereafter, parliament passed the Act Relating to Reconstruction of the Earthquake Affected Structures 2015, popularly known as the Reconstruction Act 2015, which led to the establishment of the National Reconstruction Authority (NRA) on 25 December 2015. The NRA was granted extraordinary jurisdiction to oversee overall reconstruction activities, including the disbursement of housing grants to earthquake-affected families, and implement monitoring and quality control to ensure the

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1 The number of districts has increased to 77 following the reorganisation of the country into a federal state in 2017.

2 This figure increased over time as the NRA conducted damage assessments in different phases.

3 National Planning Commission, *Post-Disaster Recovery Framework 2016-2020* (Kathmandu: National Planning Commission 2016).

4 National Planning Commission, *Post-Disaster Needs Assessment Report* (Kathmandu: National Planning Commission 2015).

5 Ibid.

6 Data accessed from Housing Recovery and Reconstruction Platform's (HRRP) district profile infographic

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of Bhaktapur based on NRA/CBS data, dated Feb 10, 2018.

7 NRA data accessed on 20 March 2020 from <http://www.nra.gov.np/np>.

8 Data on beneficiaries recommended for Private Housing Reconstruction by the Central Level Implementing Unit of MoFALD. [http://mofald-clpiu.gov.np/public/kcfinder/upload/files/RC\\_Bhaktapur\\_Bhaktapur.pdf](http://mofald-clpiu.gov.np/public/kcfinder/upload/files/RC_Bhaktapur_Bhaktapur.pdf).

9 KII no. 4, 23 September 2018, Bhaktapur.

10 KII no. 4, 23 September 2018, Bhaktapur.

safety and quality of reconstruction by developing building norms and standards. To expedite reconstruction activities, the NRA established six Sub-Regional Offices, in Gorkha, Dolakha, Kavrepalanchowk, Nuwakot, Kathmandu and Lalitpur districts, to coordinate reconstruction work between central authorities and local bodies in the 14 most-affected districts.<sup>11</sup> District Coordination Committees were also set up in 31 earthquake-affected districts to coordinate, monitor and appraise reconstruction activities in those districts, with 160 Resource Centres in every three to six Village Development Committees (VDCs),<sup>12</sup> to support communities in undertaking their own reconstruction. Meanwhile, the NRA enacted various other laws, policies and guidelines regarding private housing reconstruction with an emphasis on engineering expertise, considering local materials, knowledge and skills, as well as people's needs, in order to reduce the impact of future disaster risk.<sup>13</sup>

However, the complexities related to land-ownership, citizenship documentation, and financial challenges were widespread, delaying reconstruction in many areas. Landownership was especially challenging in Bhaktapur. Traditionally, Newar communities have resided in compact settlements around core heritage sites, with multiple families (headed by brothers) living in the same physical structure due to the limited amount of landholdings families have in urban spaces. These dynamics contributed to the

challenges of identifying earthquake-affected households entitled to housing reconstruction grants since the NRA's initial assessment acknowledged as victims only those who had formally documented land ownership. The assessment excluded multiple families living in the same household and those lacking official landownership documents.<sup>14</sup> Most of the families in Bhaktapur's urban settlement areas owned small plots of land. Due to the nature of such high-density settlement, there were many land-related issues and conflicts between family members as well as within the wider community, hindering reconstruction. Similarly, the nature of urban settlements and Bhaktapur Municipality's 'heritage code',<sup>15</sup> a guideline meant to ensure that houses in the core heritage area are built according to traditional Newar architectural designs, had multiple effects on the process of household financialisation. Since the cost of reconstruction greatly exceeded the government grant of NPR 300,000 (c. USD 2,600), homeowners were obliged to sell their land and access loans from sources such as local cooperatives. Finally, the reconstruction of the World Heritage Site was one of the most controversial issues in Bhaktapur.<sup>16</sup>

In this context, the research project, 'Expertise, Labour and Mobility in Nepal's Post-Conflict, Post-Disaster Reconstruction: Construction, Law and Finance as Domains of Social Transformation,' was funded by the Social Sciences and Humanities Research Council of Canada (SSHRC) to undertake research on these

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11 'NRA Sub-Regional Offices Authorised for Rebuilding' *The Kathmandu Post*, 28 June 2016. <https://kathmandupost.com/miscellaneous/2016/06/28/nra-sub-regional-offices-authorized-for-rebuilding>

12 A village development committees was the smallest unit of local government before the reorganisation of the country's administrative structure into a federal state following the 2015 constitution. In the new arrangement, multiple VDCs were merged to form rural municipalities, or integrated into existing larger municipalities.

13 National Planning Commission, *Post-Disaster Recovery*.

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14 Yogesh Raj and Bhaskar Gautam, *Courage in Chaos: Early Rescue and Relief after the April Earthquake* (Kathmandu: Martin Chautari, 2015).

15 Bhaktapur Municipality has developed a guideline to regulate and promote house reconstruction according to traditional Newar architectural designs within World Heritage Sites and other places within the municipality.

16 Sewa Bhattarai, 'Clash of Cultures in Bhaktapur,' *Nepali Times*, 1 June 2018, <https://www.nepalitimes.com/banner/clash-of-cultures-in-bhaktapur>

themes. This three-year project (2017-2020) intends to develop a comprehensive analytical framework to understand the multidirectional flows of people—and the forms of expertise that come and go with them—and generate new insights into the relationships between and among expertise, labour and mobility as vectors of social transformation in situations where post-conflict and post-disaster processes of state restructuring and reconstruction intersect.

The research team has sought to understand how the vectors of expertise, labour and mobility are shaping the twin projects of state restructuring and post-earthquake reconstruction in Nepal by inquiring into the three domains of construction, law and finance. In the field of construction, we looked into how reconstruction needs to be understood as a process that is both sociocultural and technical in nature. We also sought to understand how knowledge produced by construction professionals intersects with community-based knowledge and building practices. Meanwhile, exploration in the law domain focused on how people at the ground level interact with the laws and policies of reconstruction, particularly in relation to the documentation required to navigate the reconstruction process. As for finance, we delved into understanding the multiple sources of funding available for reconstruction and the rationalities and institutions that influenced financial flows and access to them.<sup>17</sup>

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17 'Expertise, Labour, and Mobility in Nepal's

Though the full research project was multi-sited<sup>18</sup> and entailed comparative analysis,<sup>19</sup> the present report presents only the findings from Bhaktapur district.<sup>20</sup> It provides a descriptive account of the damage and impact of the 2015 earthquakes in Bhaktapur, and more specifically the post-earthquake reconstruction, with an emphasis on the reconstruction of private houses and heritage sites.

The report is organised into four sections. The first provides a general introduction to the report combined with an overview of the post-earthquake situation, including that of Bhaktapur. The second section briefly describes the methodology employed as well as a sketch of the field site, and the damages/impacts caused by the earthquakes. The third presents the overall findings within the specific domains of law, finance, and construction. The final summarises and concludes the report.

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Post-Conflict, Post-Disaster Reconstruction: About' University of British Columbia, accessed December 15, 2019, <https://elmnr.arts.ubc.ca/about/>

18 Fieldwork was carried out in Bhaktapur, Dhading and Sindhupalchowk districts.

19 Bina Limbu, Nabin Rawal, Manoj Suji, Prakash Chandra Subedi and Jeevan Baniya, *Reconstructing Nepal: Post-Earthquake Experiences from Bhaktapur, Dhading and Sindhupalchowk* (Kathmandu: Social Science Baha, 2019), <https://i2.wp.com/soscbaha.org/new/wp-content/uploads/2019/07/reconstructing-nepal.jpg?fit=1799%2C2700&ssl=1>

20 Forthcoming reports from Sindhupalchowk (Limbu et al 2020) and Dhading (Rawal et al 2020) will provide detailed findings from each site.

## 2. RESEARCH METHODS

The choice of Bhaktapur Municipality as a field site was to highlight the challenges in urban housing reconstruction, especially in a traditional urban centre that is home to a prominent World Heritage Site. The reconstruction of the structures in this site has been one of the most strongly debated issues, notably the rejection of German aid by the Bhaktapur Municipality<sup>21</sup> and questions over jurisdiction between the Municipality and the Department of Archaeology, with both matters widely covered by the mainstream national media.<sup>22</sup> Setting this study in Bhaktapur hence provided insights into private house reconstruction in historical urban areas as well as heritage reconstruction.

Fieldwork was carried out in three phases. The first round was conducted from 12 to 21 March 2018 in the most earthquake-affected areas of Bhaktapur, namely, Jela, Inacho, Suryamadhi and Golmadhi, all of which are near Bhaktapur Durbar Square which lie in Ward numbers 5 to 9 (Map 3). The second round was conducted from 20 September to 10 October 2018. A total of 59 interviews were conducted in these two rounds. During the first phase, interviews were conducted with individuals at the household level, and during the second, with key individuals from institutions and government entities closely associated with reconstruction-related activities. These

included NRA engineers, officials at Bhaktapur Municipality, the Monument Conservation and Palace Maintenance Office, Bhaktapur, of the Department of Archaeology (DoA), banks and cooperatives as well as leaders from different political parties and contractors responsible for heritage reconstruction. Some follow-up interviews were conducted in Kathmandu in June-August 2019 with members of the NRA executive committee, officials at the Centre Level Project Implementation Unit (CLPIU) at the Department of Urban Development and Building Construction (DUDBC), DoA and National Society for Earthquake Technology-Nepal (NSET-Nepal).

TABLE 1  
Interlocutors in Bhaktapur

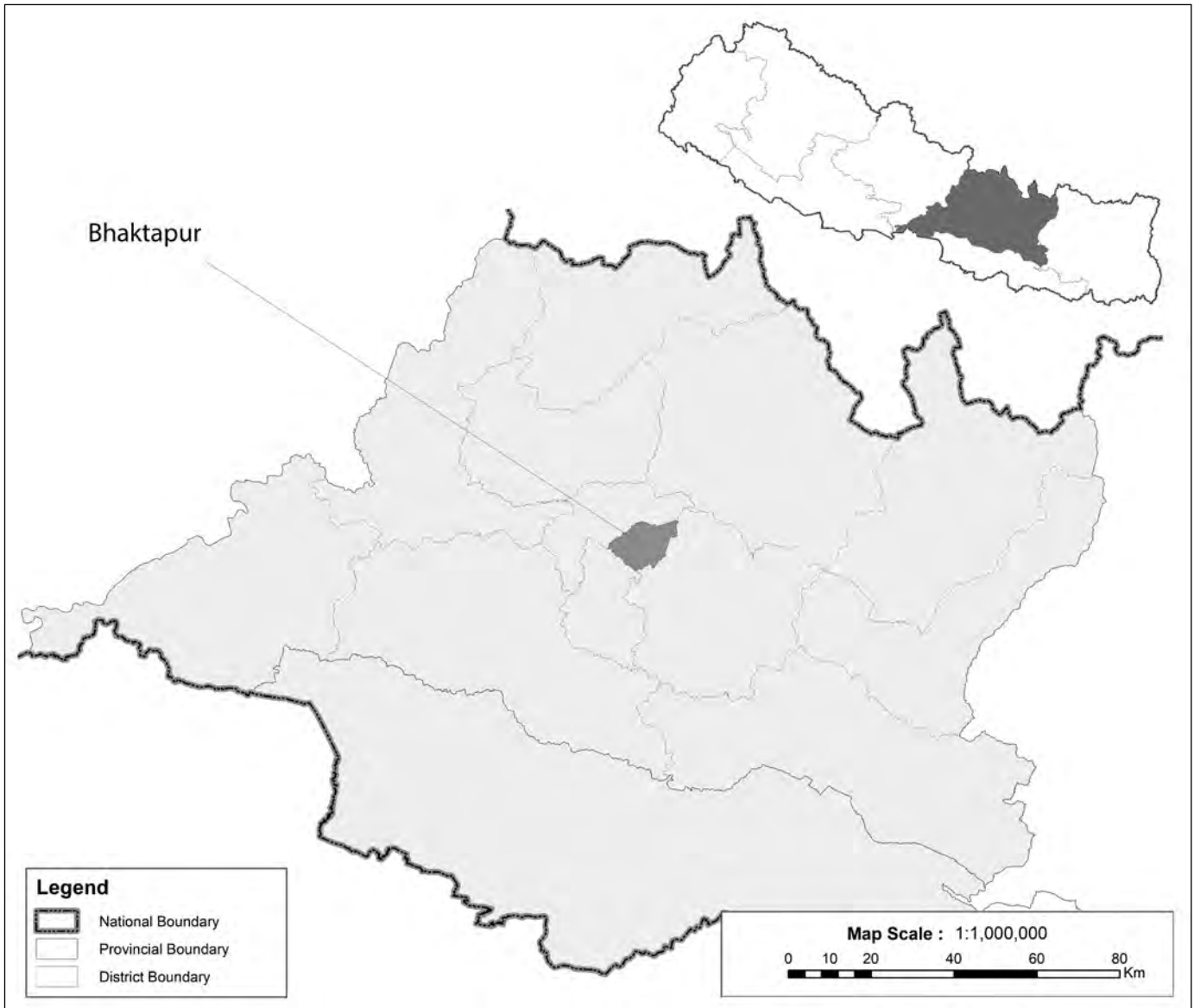
SN	Fieldwork	Male	Female	Total
1.	First Phase	33	15	48
2.	Second Phase	7	4	11
	Total	40	19	59

Ethical clearance was provided by the University of British Columbia's Behavioural Research Ethics Board. Before receiving ethics approval, the core team members (including all Nepal-based members) successfully completed the TCPS2 CORE (Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans Course on Research Ethics) tutorial. All interviewees offered informed consent before the interview began, and consent was also sought from them for voice recording. For interviews that could not be recorded, the main points were jotted down during the interview, and detailed notes were developed immediately afterwards. Additional information was gathered through

21 The refusal to accept German help is all the more remarkable since Germans ran the Bhaktapur Development Project between 1974 and 1986.

22 'German Development Bank Pulls Out of Heritage Rebuilding Project,' *The Kathmandu Post*, 27 April 2018, <https://kathmandupost.com/news/2018-04-27/german-development-bank-pulls-out-of-heritage-rebuilding-project.html>

MAP 1  
Nepal and Bagmati Province



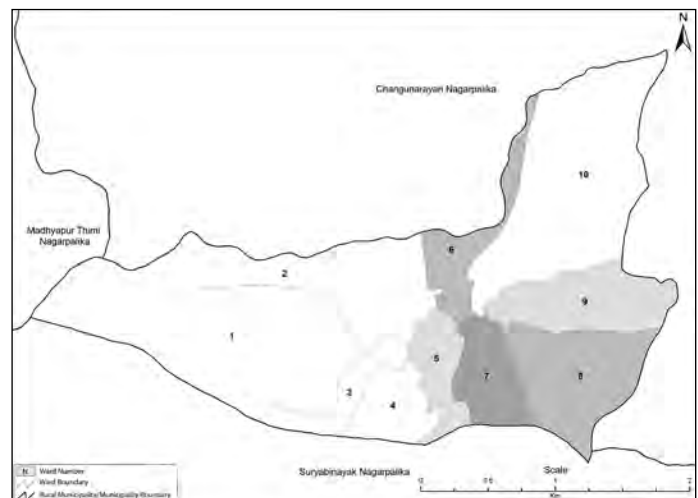
Source: Cartography by Naxa for Social Science Baha.

MAP 2  
Bhaktapur District



Source: MoFALD 2017.

MAP 3  
Bhaktapur Municipality and Its Wards



Source: Survey Department and Census 2011, Central Bureau of Statistics.

observations of ongoing reconstruction activities in the communities and heritage sites. The team also took photographs of reconstruction-related public notices, pamphlets and banners.

### **Bhaktapur: The Local Context**

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Bhaktapur was one of the three Newar kingdoms of the Kathmandu Valley (along with Lalitpur and Kathmandu), which came into existence in the late mediaeval period and battled over centuries for their political, cultural and religious identities.<sup>23</sup> Most of the historic architectural monuments from the kingdom's Malla Period, such as the royal palaces, the temples of Dattatreya, Vatsala Devi, Siddhi Laxmi and Nyatapola, and Tawa Sattal, have become important heritage sites today that reflect Newar traditions, culture and identity.

At present, due to urbanisation and internal migration, many non-Newars from different parts of the country have settled permanently in the Kathmandu Valley, including Bhaktapur.<sup>24</sup> According to the 2011 Census, the population of Bhaktapur district consists of 46 per cent Newar, 20 per cent Chhetri, 14 per cent Bahun, 9 per cent Tamang, and 12 per cent from other social groups. The primary study areas where fieldwork was conducted were the core Newar settlements near the World Heritage Site. Hence, the majority of the research participants were Newars whose families had been living there for generations.

Newar settlements are compact with mixed traditional and modern house designs. The traditional houses are three- to four-storey buildings built with a combination of timber and locally produced brick using mud mortar. However,

both traditional and the modern reinforced concrete (RC) houses<sup>25</sup> are built on tiny plots of land. Most interviewees said that they had to follow the Municipality's heritage code while building their house, particularly those adjacent to the World Heritage Site. However, there were variations in house design, depending on the location and the materials used. For instance, modern RC houses were built with locally produced bricks and cement mortar on an RC frame, three to five storeys high. Even in these RC buildings, traditional bricks (*dachhi appa*) were usually used on the façade, along with decorative wooden-frame doors and windows since these were mandatory, as prescribed by the Bhaktapur Municipality's heritage code.<sup>26</sup>

Among Newars, there was a deep sense of attachment to traditional settlements, as their social, cultural, religious, and economic life was closely associated with their neighbours.<sup>27</sup> This sense of belonging was echoed by a man who had built a house outside the old settlement area, in Changunarayan Municipality, but preferred to spend his time around Inacho, where he used to live. Asked why, he said: 'I have played and lived here since childhood. All my friends and brothers are here. In the new place, I don't get along with the neighbours. That's why I like it here much better.'<sup>28</sup>

Most people owned agricultural land outside the settlement; some engaged in businesses for a living. Community-based cooperatives were one of the characteristics of Bhaktapur. Every neighbourhood had a cooperative, and most families were involved in more than one cooperative, which helped them during the recovery and

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23 Gerard Toffin, *Newar Society: City, Village, and Periphery* (Kathmandu: Social Science Baha, 2007).

24 Andrew Nelson, 'Prestigious Houses or Provisional Homes? The Ghar as a Symbol of Kathmandu Valley Peri-Urbanism,' *Himalaya, the Journal of the Association for Nepal and Himalayan Studies* 37, no. 1 (2017): 57-71.

25 RC (reinforced concrete), also known as 'RCC' (reinforced concrete cement), refers to concrete embedded with iron rods to increase its strength.

26 Bhaktapur Municipality, *Physical Infrastructure and Construction Criteria Related Bylaws 2060 (2004)* (Bhaktapur: Bhaktapur Municipality, 2015).

27 Gerard Toffin, *Newar Society*, 193.

28 Interview no. 24, 16 March 2018, Bhaktapur.



reconstruction phase by allowing them access to loans. A number of brick factories are located in Bhaktapur, and people have been using locally produced bricks. However, even though the city was one of the major urban centres of the Kathmandu Valley, with all of the facilities and access that entailed, the pace of reconstruction in Bhaktapur was slower than in the other two districts that were part of this study and were located outside the Kathmandu Valley. Multiple factors are associated with this issue, which will be discussed in detail in subsequent sections.

### **Impact/Damage in Bhaktapur**

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Bhaktapur experienced large-scale devastation (mainly in Jela and Inacho) because of its compact settlement pattern and traditional houses built with bricks and mud mortar. According to interviewees, in Jela alone more than 22 people were killed. Many recalled the earthquake and told the researchers that they were lucky to be alive since they were outside their homes when the earthquake struck. One interviewee said that they had had their *dewali bhoj*<sup>29</sup> the day before the earthquake, and they were all at home. If the earthquake had occurred on that day, many people would have been killed. But, luckily, on the day of the earthquake, many people were in the fields.<sup>30</sup>

In the early days after the earthquake, people lived in temporary shelters, built primarily on public land owned by the Municipality, though some people also built shelters on their own land. Some stayed in temporary shelters for a week, but others lived in them for two or three years. During the first field visit, researchers observed that some families had been living in temporary shelters built with CGI sheets on the corner of their damaged or destroyed houses. There were

many structures whose reconstruction appeared to have been neglected and were on the brink of collapse, while others had completely collapsed.

In Bhaktapur, some national and international organisations and humanitarian aid workers provided support during the relief phase. Interlocutors frequently mentioned that relief materials such as rice, lentils, instant noodles, biscuits, blankets and medical check-ups were provided. Most people could not precisely identify the I/NGOs and government agencies that had distributed those relief materials. Nevertheless, they mentioned names such as ‘Astha Nepal’ (referring to Manabiya Astha Nepal), ‘Tata’ (Tata Trusts), ‘Save the Children’, ‘Oxfam’, and even just ‘Chinese people’. Unlike in the other field sites in this study, Dhading and Sindhupalchowk, none of the organisations had supported people in housing reconstruction. Some interlocutors in Golmadhi said that Astha Nepal had promised to build their houses, but they did not hear anything from them afterwards. In fact, some people expressed anger towards the government, since they believed that they had been neglected in favour of the rural areas. One interviewee in Jela said: ‘Those with money have been able to rebuild, while others sold their land or incurred heavy debts during the rebuilding process or are still living in temporary shelters.’<sup>31</sup>

Earthquake-affected families in Bhaktapur also received support from the government during the relief and rehabilitation phase. Like earthquake-affected people elsewhere, they received NPR 15,000 in relief cash in order to build a temporary shelter and NPR 10,000 as winterisation relief (in the winter of 2015-16). Most interviewees also said that they had received a grant of NPR 50,000 to lay the foundation of their houses, but some had thought this money—which was in fact the first tranche of the housing reconstruction grant—was additional cash relief.

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29 *Dewali bhoj* is the feast held by Newars after worshipping the *kul deuta* (patrilineal family deity).

30 Interview no. 24, 16 March 2018, Bhaktapur.

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31 Interview no. 11, 14 March 2018, Bhaktapur.

### 3. RESEARCH FINDINGS

Post-earthquake reconstruction is a complex conjunction of legal, political, financial and technical expertise and governmentality. This section presents an analysis of the research project's findings regarding ongoing reconstruction activities in Bhaktapur. We focus particularly on the reconstruction of individual private houses and heritage sites from the perspectives of the law, finance and construction domains, and explore their interplay within the overall process of reconstruction.

#### Law

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Nepal's post-earthquake reconstruction is governed by various institutions, such as the NRA, as well as a series of laws, policies and guidelines that were promulgated and enacted by various administrative authorities to facilitate the process. In addition, political upheavals and unstable governments (before the constitution was promulgated in 2015, establishing the present federal structure of governance that was implemented in 2017) resulted in the delayed establishment of the NRA. Further, frequent changes of the Chief Executive Officer (CEO) at the NRA had a significant impact on the progress of reconstruction. These political and policy dynamics affected people's everyday lives since they determined how policy guidelines for reconstruction were formulated and implemented. This section explores how various laws and policy guidelines affected the reconstruction activities in Bhaktapur, especially for communities living in the core heritage areas.

#### Homestead Land Issues and Family Disputes

Land (property) is a major source of economic security for Newar households in Bhaktapur.

Since multiple generations of brothers' families live jointly, land ownership was typically held by the eldest person, usually male, such as the father or the grandfather of the family. As an economic unit, Newar households have traditionally maintained strong cooperation and division of labour among brothers, but conflict can arise after the death of the parents, when all brothers make claims for inheritance/land to establish separate new households. Even when land is partitioned before the parents' demise, older and younger brothers may be allocated an additional portion of land depending on who takes care of their old parents.<sup>32</sup> These complex family structures, and their associated property ownership patterns, created tensions among brothers during the reconstruction process in Bhaktapur.

Most of the households had multigenerational joint family structures, and had been living together in the same house prior to the earthquake, either using a common kitchen and separate rooms as living quarters or by allocating one floor each to the brothers. The houses were either owned by their parents or grandparents or were in joint ownership among the brothers. Despite the multiple ownership, the land parcels were small. Most families owned a very small amount of land in the settlement area, but a majority of households also owned agricultural land ranging from one to 10 *ropani*<sup>33</sup> in the surrounding areas located in Changunarayan Municipality. This land had either been farmed by the family directly, sharecropped, or rented

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32 Katharine N. Rankin, *The Cultural Politics of Markets: Economic Liberalization and Social Change in Nepal* (Toronto: University of Toronto Press, 2004), 115-18.

33 One *ropani* is equivalent to 508.72 sq m or 5467 sq ft.

out to brick kilns<sup>34</sup> or other businesses. Some interlocutors also said that the income they earned from their agricultural land contributed to their family's daily living expenses.

When it came to residential land, conflictual relations among brothers existed even prior to the earthquake as multiple land ownership complicated the process of receiving their inheritance and building a new house. Most interlocutors said that they wanted to live in the old settlement areas, even if only on a small parcel of the land, as these areas were associated with family and friends as well as various rituals and festivals.<sup>35</sup> Hence, brothers would fight legal battles even for a small portion of land. In this regard, illustrating the multiple landownership issues and difficulties faced, one interlocutor said:

Everything was in the name of *thulo sasura* [father-in-law's elder brother]. Father-in-law had other brothers, too, but despite having their own children, the property had not been transferred to their sons. So, we went through a lot of difficulties to get the land transfer. We had been going through the process before the earthquake. This house [where the interviewee was living] was also in joint ownership of my husband and his elder brother, but later we transferred it to my husband's name. Before that, they would only say we don't have any share.<sup>36</sup>

Tensions among brothers increased further after the earthquake, as they had to produce separate land ownership certificates and build a house in their own names in order to be an

earthquake-affected household eligible to receive the housing grant.

### **Documentation and Identification of Earthquake-Affected Households**

The Government of Nepal conducted multiple damage assessment surveys at different time periods. For immediate relief distribution, an initial damage assessment was carried out by the then VDCs with the involvement of local political leaders and teachers a few days after the earthquake, which provided an overall picture of the damage. Since this initial assessment was more informal, the District Disaster Relief Committees carried out additional formal standardised damage assessments within a month of the earthquakes. These deployed expert teams led by engineers in order to gather authentic and comprehensive data to identify victims for housing grants. However, this assessment was also controversial as the survey left out many households, largely due to the limitations of the technical expert teams in understanding local contexts, and also due to political interference during the damage assessment. As a result, the NRA itself carried out the third assessment in early 2016 with support from the Central Bureau of Statistics (CBS) by deploying engineers in the field. This assessment was considered the definitive earthquake identification process for the disbursement of 'housing grants' to commence reconstruction.<sup>37</sup>

The government initially announced NPR 200,000 (c. USD 1,700) as a flat grant amount for private house reconstruction, but the policy was later revised in September 2016 when the government promised an additional NPR 100,000

34 Bricks are the major construction material in the Kathmandu Valley, and Bhaktapur district is well-known for brick production. There are 64 brick kilns in Bhaktapur alone. 'Child Labour Force Drives Brick Kilns in Bhaktapur', *The Himalayan Times*, 3 April 2019. <https://thehimalayantimes.com/kathmandu/child-labour-force-drives-brick-kilns-in-bhaktapur/>

35 See also Toffin, *Newar Society*, 193.

36 Interview no. 11, 14 March 2018, Bhaktapur.

37 The Asia Foundation, *Nepal Government Distribution of Earthquake Reconstruction Cash Grants for Private Houses* (Kathmandu: The Asia Foundation, 2016), <https://asiafoundation.org/wp-content/uploads/2016/12/Nepal-Govt-Distribution-of-Earthquake-Reconstruction-Cash-Grants-for-Private-Houses.pdf>.

for every household.<sup>38</sup> However, the beneficiary selection guidelines<sup>39</sup> considered the citizenship card and land ownership documents as the primary basis for an individual household to apply for private housing reconstruction grants. This policy created problems during the damage assessment and housing grant disbursement in Bhaktapur.

Since the NRA assessment procedures overlooked household complexities, the Bhaktapur Municipality carried out a damage assessment of its own under the direction of the Chief District Officer<sup>40</sup> even before the election of the local government in May 2017. As opposed to the NRA, the Municipality listed houses partially as well as completely damaged by the earthquake as affected, and, more importantly, it acknowledged multiple families living in the same house as separate earthquake-affected households in their own right, which was something NRA officials were not aware of.<sup>41</sup> However, since multiple ownership issues arose in the identification of beneficiaries, especially in the old settlement areas, the NRA eventually drafted revised

policies, which allowed all affected households to be eligible for the reconstruction grant.<sup>42</sup>

In terms of documentation, most interviewees said that they already had important documents such as citizenship, kinship, marriage and death certificates before the earthquake. However, there was a severe problem with land documents due to multi-generational and joint ownership amongst brothers. For example, most interlocutors said that since ownership of land had not been transferred for a generation, they could not access the housing grant in their own names as they lacked ownership documents. In other words, brothers with joint ownership over the land/house needed mutual consent to proceed with reconstruction. As a result, documentation problems emerged particularly in cases where brothers could not come to an agreement about their property for the reconstruction process due to differing personal interests. In this regard, an interlocutor who shared joint land ownership with his brother said:

My brother had built a house before the earthquake but he wants half of the grant money, while I am in need of a house more than money... Our house has collapsed. The land is also small, only 16 by 16 feet in area. So, I asked him to give me this land and rather take two-three *aana* of land in a different place. But he insists on having this small piece of land. If I give half to him, then can you imagine what would be my situation? I have two sons and their wives... I didn't talk to him after that... I felt bad; my heart was hurt. If he had only said, 'You need not live in another's house. In future, we will manage property issues.' That would have given me so much courage.<sup>43</sup>

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38 The Grant Distribution Procedure for Private Houses Destroyed by the Earthquakes 2015 provisioned NPR 200,000 as reconstruction grant but in September 2016 the grant distribution procedure was revised and the new policy not only increased the reconstruction grant to NPR 300,000 but also had the provision of NPR 100,000 for retrofitting. National Reconstruction Authority. 'Bhukampabata Chhyatigrasta Bhayeka Niji Aawas Punanirman Anudan Vitaran Sambandhi Karyavidhi 2072 (Grant Distribution Procedure for Private Houses Destroyed by the Earthquakes (2015))' (in Nepali), <http://www.clpiugmali.gov.np/public/upload/file/24.pdf>; and National Reconstruction Authority, 'Bhukampabata Prabhavit Niji Aawas Punanirman Anudan Vitaran Karyavidhi 2073' (Grant Disbursement Procedures for Private Houses Affected by the Earthquake 2016)' (in Nepali), <http://nra.gov.np/np/resources/details/ebUVxZtX4uarwnIddilr-r4la7SwaObKpVmXg2wpApCs>; and

39 Ibid.

40 The Chief District Officer is the highest-ranking administrative officer in a district.

41 KII no. 4, 23 September 2018, Bhaktapur.

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42 'Revisions to the Grant Disbursement Procedures for Private Houses Destroyed by the Earthquake (Second Amendment), 2075 (As per the decision of the Council of Minister dated 04/02/2019)', [https://drive.google.com/file/d/1PIId1GdodRS8E0pgXex\\_CQYoEEfcKfod/view](https://drive.google.com/file/d/1PIId1GdodRS8E0pgXex_CQYoEEfcKfod/view).

43 Interview no. 18, 15 March 2018, Bhaktapur.

Moreover, land ownership issues were critical among people whose parents had already died before land was partitioned among the brothers. In such cases, the brothers had to go through a long legal documentation process. Most interlocutors said that they themselves and people in the neighbourhood had had a dispute with brothers regarding land partition, leading to obstructions in the reconstruction of their houses. For instance, one interlocutor stated:

In the Newar settlements in Bhaktapur, people cannot afford enough land space to accommodate their growing families. So, multiple brothers' families have to live together in the same house. After the earthquake, these families were having conflicts about house reconstruction. The conflicts between the brothers have also hindered their neighbours' reconstruction of their own houses.<sup>44</sup>

According to the mayor of Bhaktapur Municipality, Sunil Prajapati, some people who lived on land owned by *guthi*<sup>45</sup> or as squatters on public lands could not access housing grants as they were unable to produce *lalpurja* (land ownership certificate). Due to this, he claimed that around 5 to 7 per cent of residents were not taken into consideration or categorised as earthquake-affected.<sup>46</sup> However, the revised government policy provisioned land for landless earthquake-affected households for the reconstruction of a new house.<sup>47</sup>

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44 KII no. 5, 25 September 2018, Bhaktapur.

45 *Guthi* is a social organisation among Newar communities that maintains sociocultural and religious functions (festivals, birth, marriage and death rituals). *Guthi* is also a land tenure system under which individuals, community groups, or the state donate land for religious purposes or for the preservation and management of temples/religious sites.

46 KII no. 8, 30 September 2018, Bhaktapur.

47 'Revisions to the Grant Disbursement Procedures for Private Houses Destroyed by the Earthquake (Second Amendment), 2075 (As per the decision of the

Interlocutors also said that before they could begin reconstruction, the design of the house had to be approved by the Municipality and also by the DoA if the land was in the core heritage area. During reconstruction, they were also asked to visit the Municipality to get approval for additional floors after completing each floor. Hence, people had to make several visits to the Municipality. The fact that the ward offices were nearby helped ease interlocutors' mobility in the documentation process. However, they still felt that the documentation process was time consuming and a bit of a hassle.

### **Bhaktapur Municipality's Heritage Code**

Bhaktapur Municipality developed the Physical Infrastructure and Construction Criteria Related Bylaws 2004 as a guideline to regulate and promote house reconstruction according to traditional Newar architectural designs within the core heritage area, which includes the World Heritage Site and other old settlement areas.<sup>48</sup> This guideline has been referred to here as the 'heritage code'. The code has been amended three times, with the latest in November 2015. The guideline spells out regulations concerning house design, use of materials, and land use. For example, it states that the maximum height of a house should be 35 feet. However, in cases where a house is adjacent to a heritage site, the house is required to be shorter than the heritage structure—though when these structures are lower than 28 feet, homeowners are free to build a house up to the 35 feet maximum allowed. Homeowners also have to follow the designs for traditional wooden doors and windows and a *jhingati* roof (single-locking ceramic tile) with a 25- to 30-degree slope.<sup>49</sup>

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Council of Minister dated 04/02/2019)'.  
48 Bhaktapur Municipality, 'Bhaktapur Nagarpalikako Bhautik Purwadhar tatha Nirman Mapdanda Sambandhi Viniyam 2060' (Physical Infrastructure and Construction Criteria Related Bylaws 2004) (in Nepali) (Bhaktapur: Bhaktapur Municipality, 2015).

49 Ibid.

However, many people found the heritage code to be impractical and out of sync with their modern lives, especially the criteria for a sloped *jhingati* roof and the height limitation of 35 feet. Therefore, despite the Municipality's incentive of subsidising construction materials, especially wood and bricks, a majority of the people built houses in the way they wanted. They said that they could not afford the prescribed house designs or materials. To give an example, one interlocutor in the core heritage area said that it would cost a minimum of about NPR 150,000 for a simple traditional window, so he was going to use a normal wooden frame window, even though he was directed by the Municipality to have traditional windows and doors on the front part of his house.<sup>50</sup>

Most people built houses exceeding the height limit and without the sloped *jhingati* roof. Since their houses were built on small plots of land, they needed more rooms for their family, so they violated the regulations against taller houses. Also, they needed a flat concrete roof in order to install a water tank. In this regard, one interlocutor said:

You can't even make a concrete roof that looks like *jhingati*. You have to make a *jhingati* roof. Who would want such a roof these days? Everybody prefers to have an open terrace to bask in the sun.<sup>51</sup>

Most of the people said that since their house did not abide by these codes, they would not get the *Ghar Nirman Sampana Praman Patra* (House Construction Completion Certificate). As a result, they were worried that they might not get any compensation if the Municipality forcefully destroyed their house in the future because it was not fully compliant with the heritage code.<sup>52</sup>

50 Interview no. 15, 14 March 2018, Bhaktapur.

51 Interview no. 31, 19 March 2018, Bhaktapur.

52 Interview no. 31, 19 March 2018, Bhaktapur.

According to the Heritage Code, the Municipality has

Officials interviewed, including a DoA official, a former deputy mayor and the present mayor of the Municipality, all favoured adherence to the heritage code, despite people's dissatisfaction. The mayor suggested that traditional architectural house designs were part of their cultural identity, and therefore had to be preserved. He complained that people were less aware than they should be, and did not understand the values of their cultural identity when they built a modern house seeking a 'new taste'. Since the traditional *jhingati* roof is difficult to build, contractors also encouraged homeowners to go against the municipal code and build a flat concrete roof. People did express concern about their traditional culture and architecture and wanted to preserve them, but with more flexible building codes according to their needs and affordability.

The DoA official stated that banks and cooperatives easily accepted all kinds of houses as collateral even though some would be ineligible to receive the completion certificate from the Municipality. This emboldened people to violate the code, since they stood to gain more funds by putting their house up as collateral for a loan than by accepting funds through the reconstruction programme. Hence, the DoA official believed that further regulation of banks and cooperatives would help improve implementation of the heritage code.<sup>53</sup> The code has been followed in the reconstruction of a public building, a school, within the heritage area. According to the principal of the Vidyarthi Niketan Secondary School, although there were complications, the heritage code was applied in the reconstruction of the school in order to promote cultural identity. The school authorities were planning to use mural paintings to modify the cement plastered wall and concrete roof to make them look like a traditional brick wall and *jhingati* roof, and also

rights to demolish non-compliant houses and homeowners have to bear the cost of demolition.

53 KII no. 9, 4 October 2018, Bhaktapur.

alter the window frames in accordance with the heritage code.

### **House Inspection and Grant Disbursement Process**

According to the 2015 Reconstruction Act, eligible homeowners are required to follow certain guidelines before accessing each of the three tranches of the NPR 300,000 reconstruction grant. Inspections at each stage determine whether a beneficiary was eligible for the next instalment. To make the housing grant distribution easier and accessible, the NRA forged an agreement with banks. Beginning in July 2016, the NRA signed housing grant agreements with designated beneficiaries who were provided with a housing reconstruction grant agreement card (*awas punarnirman anudan samjhauta patra*), which is also known as the Participation Agreement (PA) card.<sup>54</sup> This became the official document needed to receive the housing grant from banks.

Most beneficiary households easily received the first tranche of NPR 50,000 (c. USD 430) to lay the foundation of their house after receiving their PA card. But to qualify for the second tranche, registered houses were then inspected by engineers deployed by the NRA to confirm that the foundations were built according to NRA guidelines. Engineers inspected the houses under reconstruction, visiting each ward and making sure the homeowners adhered to building codes and made use of trained masons. If the beneficiaries had fulfilled these criteria, engineers put together the documentation and forwarded the beneficiary's file from the municipality to the District Level Project Implementation Unit (DLPIU), and then to the Central Level Project Implementation Unit (CLPIU). From the CLPIU, the file was forwarded to the Financial Comptroller General Office (FCGO). The FCGO then forwarded money for the second

and third tranches to the District Coordination Committee. Finally, the funds were transferred to banks for disbursement into the accounts of beneficiary households. Documentation of houses deemed ineligible by field inspection engineers was sent to the DLPIU for further analysis.

In September 2018, the NRA Steering Committee made a new decision to extend the deadlines for receiving private house reconstruction grants. The deadline for further construction and tranche applications was extended to the end of the Nepali calendar month of Poush (mid-January 2019) for those beneficiaries who had received the first tranche. Likewise, those who had received the second tranche had to collect the third tranche by the end of Baishak (mid-May 2019). This somewhat freed homeowners from the pressure of completing reconstruction with limited labourers and construction materials within the prescribed time period and they welcomed this decision. However, as in other sites, in Bhaktapur the grant distribution was also viewed as a complicated and delayed process due to the involvement of multiple institutions in documentation, verification and disbursement.<sup>55</sup> Banks had to strictly follow grant disbursement procedures as per their agreement with the NRA, but the lack of communication and coordination among the concerned institutions was perceived to delay the disbursement process.

### **Gender Equality and Social Inclusion**

Various policies and guidelines developed by the NRA have provisions for gender equality and social inclusion (GESI) to support vulnerable groups such as single women, Dalits, elderly people, and people living with

<sup>54</sup> The Asia Foundation, *Nepal Government Distribution*, 9.

<sup>55</sup> Philippe Le Billon, Manoj Suji, Dinesh Paudel, Bina Limbu, Jeevan Baniya, Katharine Rankin, and Sara Shneiderman, 'Earthquakes and Cash-flows: Disaster Financialization and the Micro Dynamics of Disaster Capitalism in Nepal,' *Development and Change* (under review); Limbu et al, *Reconstructing Nepal*.

disabilities. For instance, the revised grant disbursement guidelines issued in February 2019<sup>56</sup> allocated an additional NPR 50,000 to vulnerable homeowners—single and widowed women, Dalits and elderly people—affected by the earthquakes. Further, the Post-Disaster Recovery Framework has also clearly mentioned programmes to benefit vulnerable groups, and estimated a total budget of USD 40.6 million for these in the reconstruction timeframe.<sup>57</sup> The government also encouraged I/NGOs to support members of vulnerable groups during the reconstruction process. Consequently, I/NGOs mobilised to work for vulnerable groups in remote villages by providing technical and financial assistance for reconstruction, and livelihood-based programmes as part of the recovery effort. Similarly, GESI policies have been implemented in all training and livelihood-based programmes related to rehabilitation and reconstruction.<sup>58</sup>

However, most people the research team spoke to in Bhaktapur were unaware of the GESI policies intended for them. Some widows in the area were having difficulties rebuilding their houses. The complications due to land fragmentation were more dire for these widowed women. Some older single women were heavily dependent on other family members (such as sons and in-laws) for their sustenance as well as for taking care of the official work of registration and accessing

funds. These women saw reconstruction as an impossible task and lacked the confidence to initiate the reconstruction of their houses on their own. A widow from Inacho said:

If the government provides the remaining housing grants [second and third tranches], I will build a government standard house. I will not build the house by taking a loan. How can I pay the loan back? I cannot even earn five thousand rupees [c. USD 45] per month. If I save the money to build a house, I will have nothing to eat.<sup>59</sup>

## Construction

With the objective ‘build back better’<sup>60</sup> (BBB), the NRA produced various house design catalogues, which were released periodically to promote the construction of earthquake-resistant houses in both rural and urban areas. The BBB approach aimed to restore the social and economic conditions of people to pre-earthquake levels while creating a higher level of resilience to mitigate future disaster risks. In the context of reconstruction, the government also considered BBB as a tool to emphasise the self-respect and dignity of people who had been portrayed around the world as poor, helpless victims.<sup>61</sup> Along these lines, various technical institutions, NGOs, individual knowledge-holders and homeowners were mobilised to facilitate reconstruction activities. The NRA

56 ‘Revisions to the Grant Disbursement Procedures for Private Houses Destroyed by the Earthquake (Second Amendment), 2075 (As per the decision of the Council of Minister dated 04/02/2019)’.

57 National Planning Commission, *Post-Disaster Recovery*, 87-88.

58 According to the NRA, participation of at least 20 per cent women is mandatory in any kind of training it supports. National Reconstruction Authority, ‘Punanirma Sambandhama Barambar Sodhine Prashna tatha Uttarharu’ (Frequently Asked Questions and Answers Regarding Reconstruction) (in Nepali) (Kathmandu: National Reconstruction Authority, 2074 BS), accessed 2 April 2020. <http://nra.gov.np/uploads/docs/6H2vrYvY2D171214054247.pdf>.

59 Interview no. 12, 14 March 2018, Bhaktapur.

60 The ‘Build Back Better’ principle was introduced after the 2004 Indian Ocean tsunami and has been used by the international community as a major approach to disaster risk reduction. It can be summed up in the words adopted by the Third UN World Conference on Disaster Risk Reduction in March 2015: ‘[D]evelop and consolidate actions to build a strong basis to ensure recovery and reconstruction efforts address future disaster risks’. [https://www.wcdrr.org/uploads/MRT-one\\_summary.pdf](https://www.wcdrr.org/uploads/MRT-one_summary.pdf).

61 National Planning Commission, *Post-Disaster Needs*,



itself deployed around 2,700 engineers to the earthquake-affected districts to provide technical support to homeowners,<sup>62</sup> and they were complemented by many more deployed by NGOs and other agencies.

This section explores how these institutional interventions and technical expertise were perceived by people in Bhaktapur, to what extent they were suitable for Bhaktapur's social and cultural context, and how the involvement of two different institutions (the NRA and the Municipality) shaped the overall dynamics of reconstruction in Bhaktapur.

### House Designs

The DUDBC published a building catalogue focusing on rural housing reconstruction in October 2015, which was subsequently adopted by the NRA. Four main types of rural house designs were promoted: stone and mud mortar masonry; brick and mud mortar masonry; stone and cement mortar masonry; and brick and cement mortar masonry.<sup>63</sup> Volume II of the catalogue was published only in March 2017 with 17 house designs to support both rural and urban reconstruction,<sup>64</sup> with urban reconstruc-

tion remaining in limbo in the interim. People in rural areas also faced problems since the house designs and materials were not in line with their needs and available resources. According to the project director of CLPIU at DUDBC, the second volume was a revised version which considered alternative construction materials and people's cultural needs.<sup>65</sup> Later, in mid-2017, the NRA also published a *Corrections/Exception Manual for Masonry Structures*<sup>66</sup> and *Repair and Retrofitting Manual for Masonry Structures*,<sup>67</sup> which addressed many problems of non-compliance, enabling additional houses to qualify for further housing grants. However, even though the revised house designs for urban reconstruction were introduced, the reconstruction process in Bhaktapur could not speed up because homeowners had to follow the Municipality's heritage code, which clearly outlined requirements for the house design, size of the house, and construction materials to be used.

### Coordination between NRA and Municipal Engineers

Within the NRA, in coordination with the DUDBC, the CLPIU and the DLPIU were set up to coordinate, facilitate and implement overall reconstruction-related activities.<sup>68</sup> The CLPIU and its engineers were responsible for executing central-level programme designs, and the DLPIU and its engineers for implementing the reconstruction itself.

62 NRA's plan was to deploy 3,000 engineers in the field but the actual number was lower. See also, 'NRA Forwards Proposal to Revise Technicians' Incentives,' *The Kathmandu Post*, 18 December 2016. <http://kathmandupost.ekantipur.com.np/printedition/news/2016-12-18/nra-forwards-proposal-to-revise-technicians-incentives.html>.

63 Department of Urban Development and Building Construction, *Design Catalogue for Reconstruction of Earthquake Resistant Houses Volume I* (Kathmandu: Department of Urban Development and Building Construction, 2015), <http://www.dudbc.gov.np/uploads/default/files/0ef9f3598df115407ae9ed4e7fbab24a.pdf>

64 Department of Urban Development and Building Construction, *Catalogue for Reconstruction of Earthquake Resistant Houses Volume II* (Kathmandu: Department of Urban Development and Building Construction, 2017), <http://www.dudbc.gov.np/uploads/default/files/a1efdb9058f9151775d9a2bae473ac0b.pdf>

65 KII no. 42, 3 July 2019, Kathmandu.

66 National Reconstruction Authority, *Correction/Exception Manual for Masonry Structure* (Kathmandu: National Reconstruction Authority, 2017). <https://www.nepalhousingreconstruction.org/sites/nuh/files/2017-06/correctionManual.pdf>

67 National Reconstruction Authority, *Repair and Retrofitting Manual for Masonry Structure* (Kathmandu: National Reconstruction Authority, 2017). <http://www.nra.gov.np/uploads/docs/hK3E3YCz1b170925085057.pdf>

68 'About Us: Introduction,' Central Level Project Implementing Unit, accessed November 16, 2019, <http://www.moudclpiu.gov.np/>

In Bhaktapur Municipality, the NRA office, under the DLPIU, was in the Municipality building from where engineers executed all reconstruction-related activities. In total, there were six engineers, consisting of a team of two civil engineers, two architects, one assistant sub-engineer and one overseer. Although they had different responsibilities, coordination between NRA engineers and municipal engineers seemed effective in solving problems. For instance, to implement the Municipality's heritage guidelines, municipal engineers from the *naksa sakha* (the blueprint section) inspected each house to determine whether or not it had been built following the heritage code. The NRA engineers were responsible for qualifying the house for additional tranches.<sup>69</sup> NRA and municipal engineers coordinated in various ways, exchanging updated news and information about the reconstruction. According to an NRA engineer, they held a meeting every month to discuss the problems they faced in the field and seek solutions jointly. The municipal engineers in the field supported the NRA engineers, making it easier for the latter to get to each household and properly address concerns.

Homeowners seemed less aware about the role of the NRA engineers. During our first round of fieldwork, most interviewees were confused and could not differentiate between the NRA and municipal engineers. They said they had never met or had a conversation with NRA engineers about their house reconstruction. Instead, they frequently cited the municipal engineers who visited to observe and inspect their house. However, they had different experiences with the working styles of the engineers. Some interviewees said that engineers listened to their issues sympathetically, while others said that the engineers did not listen to them and just filled the forms and left.

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69 KII no. 3, 21 September 2018, Bhaktapur.

### **Construction Materials**

Unlike in other districts, homeowners' decisions regarding construction materials were also shaped by the Municipality's heritage code. The Municipality incentivised homeowners who abided by the heritage code during house construction. For instance, according to the mayor, a 32 per cent subsidy was given on bricks and *jhingati* tiles and 50 per cent on wood in the core heritage areas. As a disincentive for noncompliance, homeowners were cut off from basic municipal services, such as water supply and electricity connection in their new house, if found violating the heritage code.<sup>70</sup>

There are many brick kilns in Bhaktapur and homeowners did not experience a shortage of construction materials, especially bricks. But market prices soared during the reconstruction boom and despite subsidies from the Municipality, most homeowners used construction materials that were more affordable than those required by the heritage code.

Since there was a high demand for construction materials, homeowners were suspicious about their quality. The bricks were locally produced but other materials had to be imported from outside of the Kathmandu Valley, even India. The price of construction materials, especially cement and iron rods, significantly increased during the reconstruction momentum. For instance, the price of one bag of cement increased from NPR 750 to NPR 1,050 in the span of one year (2017-2018).<sup>71</sup>

### **Training for Engineers**

The dearth of a skilled labour force was one of the major challenges faced during Nepal's post-earthquake reconstruction. To produce skilled human resources and fill the gap, the NRA coordinated with various I/NGOs such as NSET-Nepal to train masons at the local level through

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70 KII no. 8, 30 September 2018, Bhaktapur.

71 Interview no. 15, 14 March 2018, Bhaktapur.

training-of-trainer (TOT) programmes to expedite the reconstruction process.<sup>72</sup> An NRA engineer said that they were provided three sets of training, out of which one was provided by the Bhaktapur Municipality itself and two by the NRA.<sup>73</sup> ToT were also provided to engineers, who in turn trained masons at the community level. Engineers were trained on how to inspect a houses and interact with householders. However, there was no information about the reconstruction of heritage sites included in the ToT.

Masons who were already skilled prior to the earthquake were given a seven-day mason training course, which covered both theory and practical exercises. The practical portion included learning about damp-proof course (DPC), placement of iron rods, and flooring. In coordination with the Bhaktapur-based Khwopa Engineering College, Bhaktapur Municipality also provided multiple mason trainings.<sup>74</sup> Unlike the ToT described by the NRA engineer above, the mayor claimed that Khwopa Engineering College was more concerned with indigenous culture and architecture, and their syllabus promoted local knowledge during mason training.

In general, the NRA engineers were satisfied with the training provided to the masons, but not as satisfied with the way engineers were trained. Another NRA engineer said that there was a gap between what they learnt during the training and the way they were working in the field. The training was given on load-bearing houses, especially those using timber, but in the field, they confronted issues related to reinforced concrete (RC) houses. According to her, very little information was given regarding RC houses during the training, and it thus became difficult to work in the field. However, she also added that there was a means of collecting feedback during the training, where the trainer would address

those comments at the next session. Giving an example of the practical challenges, she said:

One of my senior sir's house was fully cracked. Actually, his house was under the 'fully damaged' category, but he listed his house under 'partially damaged,' and said that he would repair it by himself. He then just covered the outer cracks, but later it did not work, and he needed to retrofit it. But when the engineers went there, they could not retrofit it, as they had only learnt about load-bearing houses in the training but not much about RCC houses.<sup>75</sup>

### **Labour and Mobility**

Mobility has increased in the post-earthquake context, both for safety and for employment opportunities created by reconstruction.<sup>76</sup> Due to the lack of local labourers, migrant labourers from various districts were active in post-earthquake reconstruction in Bhaktapur.<sup>77</sup> Some interlocutors said that they had hired labourers from the Tarai or India as well as from Rukum and Rolpa districts of western Nepal. Most interlocutors had hired a contractor and who was responsible for labour management.

Due to a lack of sufficient space to build houses, some families had shifted to nearby areas permanently even though that was not what they wanted to do. As mentioned earlier, as far as they could, they wanted to build a new house in their existing neighbourhood. But when it was not possible, they either bought new land or shifted to their agricultural land or in areas close to their relatives. The increasing trend of internal mobility somewhat affected their social and cultural lives as they had to frequently visit relatives and family members in their old settlement area to perform cultural activities, and celebrate rituals and festivals together.

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72 KII no. 40, 1 July 2019, Kathmandu.

73 KII no. 3, 21 September 2018, Bhaktapur.

74 Interview no. 13, 14 March 2018, Bhaktapur.

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75 KII no. 3, 21 September 2018, Bhaktapur.

76 Le Billon et al, 'Earthquakes and Cash-flows'.

77 Limbu et al, *Reconstructing Nepal*.

### **Power, Politics and Reconstruction**

Despite the presence of various political parties such as the Nepali Congress and the Nepal Communist Party (NCP), the left-leaning Nepal Majdoor Kisan Party (NMKP) (Nepal Workers' and Peasants' Party) predominantly influences the social and political development of Bhaktapur Municipality. Although formed officially in 1975, its activists had played a crucial role as a local revolutionary group during the land reform movement in the early 1960s. Since then, people have had great faith in the NMKP.<sup>78</sup> After the 2017 local election, the elected representatives of the NMKP at the municipal offices were mostly responsible for private, public as well as heritage-focused reconstruction.

The role of political parties was important especially during the relief phase immediately after the earthquakes. Leaders and cadres of political parties were actively engaged in relief distribution in coordination with various I/NGOs. However, political parties seemed passive during the reconstruction process. Different political ideologies and lack of coordination among the political parties became the main cause of exclusion in the decision-making process for reconstruction. As mentioned earlier, since the NMKP has always been in power in Bhaktapur and is influential in any kind of decision making in the city's development projects, including post-earthquake reconstruction, opposition parties were not satisfied with the NMKP's working style. Answering our question about the involvement of different political parties in reconstruction, a Nepali Congress leader said:

After federalism, there are 10 kings in Bhaktapur Municipality. The mayor and deputy

mayor have become king and queen. We are not allowed to talk against them. We are not allowed to speak about their plans and policies. We might not know everything, but if we were also included, we could have known about development activities going on in our area.<sup>79</sup>

Some interlocutors even claimed that the Municipality's subsidies for construction materials (wood and bricks) were provided only to people close to the NMKP.

### **Increased Physical Vulnerability**

As discussed earlier, most people in Bhaktapur were rebuilding their houses without adhering to the heritage code, or even to the standard building code, for a range of reasons. The most problematic element of the heritage code emphasised by interlocutors and observed in our research was the required height of the new houses. New buildings tended to be higher than prescribed.

Overall, people felt that the new buildings were somewhat safer than the older ones. However, the new buildings made of cement, bricks and steel seemed much heavier than the previous traditional buildings (made of mud, bricks and wood). Hence, people feared that although these new buildings might perform well in earthquakes of smaller magnitudes, there were lower chances of survival in the case of a bigger earthquake due to the heavy building materials used. Some interlocutors said that even though traditional houses were built with mud and wood, they were more sustainable. They claimed that since some of the traditional houses were more than 100-200 years old, they were built in a far more durable construction style. Along these lines, the mayor said:

RCC houses do not have such kind of sustainability, even if they were built with the best

<sup>78</sup> Martin Hoftun, William Raeper and John Whelpton, *People, Politics and Ideology: Democracy and Social Change in Nepal* (Kathmandu: Mandala Book Point, 1999).

<sup>79</sup> KII no. 5, 25 September 2018, Bhaktapur.

quality materials. But at present, materials like cement, iron rods, sand, and so on lack good quality, and given this, traditional houses are much better.<sup>80</sup>

Similarly, the former deputy mayor of Bhaktapur Municipality also claimed that traditional houses were made to suit the health and well-being of the people and were therefore more sustainable. For instance, he gave the example of the Nayatapola Temple, stating that the temple had been built in the early 18th century but had endured past natural calamities and was hardly damaged in the 2015 earthquakes. He argued that the modern RC house has only about a 50-year lifespan. According to him, various technical problems, such as a lack of skilled labour and a lack of construction materials, especially wood, had made it difficult for homeowners to adhere to the traditional style of architecture.<sup>81</sup>

### Heritage Reconstruction

Along with private housing and public building reconstruction, the government has also been working to reconstruct heritage sites. The Department of Archaeology (DoA) developed the Basic Guidelines on Conservation and Reconstruction of Heritages Damaged by Earthquake, 2016<sup>82</sup> for heritage reconstruction under the mandate of UNESCO, and has been coordinating with various national and international stakeholders in the process of heritage reconstruction. Out of the 891 damaged heritages of archaeological and cultural importance

across earthquake-affected districts, the reconstruction of 380 heritages structures, including four in Bhaktapur Durbar Square, had been completed as of August 2019, at a cost of about NPR 2 billion (c. USD 17.5 million).<sup>83</sup>

The earthquake had an immense impact on the architectural heritage of Bhaktapur Municipality, with a total of 116 heritage structures partially or completely damaged.<sup>84</sup> The Department of Archaeology and Bhaktapur Municipality reached an understanding to divide responsibilities in reconstructing these structures.

Soon after the earthquakes, a steering committee called the Post-Earthquake Excavation and Preservation Committee was formed in Bhaktapur Municipality at the initiation of Prem Suwal, the member of parliament from Bhaktapur at the time. Other members included local political leaders, heritage experts, engineers from the Khwopa Engineering College, Municipality officials, representatives of the community, and the Director General of the DoA.<sup>85</sup> The committee acted as a focal body to coordinate with the DoA and the Municipality in the absence of a local government at the time. According to a DoA official, after the local elections in May 2017, the reconstruction of heritage sites in Kathmandu, Lalitpur and Bhaktapur districts was undertaken by DoA and their respective municipalities, with a clear understanding of which structures were to be built by whom. The official claimed that heritage reconstruction in Bhaktapur Municipality has proceeded more smoothly and quickly than in Kathmandu and Lalitpur, as people were more concerned about their history, culture and architecture, besides

80 KII no. 8, 30 September 2018, Bhaktapur.

81 KII no. 6, 27 September 2018, Bhaktapur.

82 Department of Archaeology, 'Bhukampale Chhyati Puryayeka Sampadaharuko Samrakhsan yavam Punanirman Sambandhi Adharbhut Nirdeshika-2072' (Basic Guidelines on Conservation and Reconstruction of Heritages Damaged by Earthquake, 2016) (in Nepali), [http://www.doa.gov.np/downloadfile/FINAL%20APPROVED\\_CONSERVATION%20GUIDELINES\\_2072\\_1467719101.pdf](http://www.doa.gov.np/downloadfile/FINAL%20APPROVED_CONSERVATION%20GUIDELINES_2072_1467719101.pdf)

83 National Reconstruction Authority, 'Reconstruction of 380 archaeological/cultural heritage sites completed,' [http://www.nra.gov.np/en/news/details/9m2igU3fOuZd5\\_A8hiXxoX0EC2acyka-VuknGT3mYnbQ](http://www.nra.gov.np/en/news/details/9m2igU3fOuZd5_A8hiXxoX0EC2acyka-VuknGT3mYnbQ)

84 KII no. 4, 23 September 2018, Bhaktapur.

85 KII no. 4, 23 September 2018, Bhaktapur; KII no. 39, 18 August 2019, Kathmandu.

being technically and financially capable.<sup>86</sup> This was mainly because the Municipality also runs the local Khwopa Engineering College, which has produced engineers with knowledge about local cultural heritage and architectural designs, and it also has a steady source income from entry fees levied on tourists.

Out of the 116 destroyed monuments, 10 were slated for reconstruction by the DoA and the rest by the Municipality. The Siddhi Laxmi Temple and Silu Mahadev Temple within the Durbar Square premises were under reconstruction by the DoA as of March 2018, and the National Art Gallery was also under the DoA though work on it did not start until December 2018. In addition, the DoA was planning to reconstruct the Maheshwari Pith and Satsangh Bhawan along with the Ghatkuruwa Ghar and the Hanumante area. The Municipality was reconstructing the temples of Kedarnath, Vatsala Devi, Harihar Narayan and Tribikram Narayan. However, jurisdictional issues between the DoA and the Municipality also seemed to be a factor influencing the process of heritage reconstruction. For instance, the official from the Bhaktapur DoA office said that all heritage property is owned by the Government of Nepal and the DoA is responsible for heritage reconstruction and preservation. But municipal officials claimed that property inside the municipality is under municipal jurisdiction, and therefore they had the authority to decide how they want to reconstruct heritage structures. Despite the understanding between the DoA and the Municipality about who was going to do what in terms of heritage reconstruction, these competing claims of jurisdiction and architectural design created conflicts.

### **Approaches to Heritage Reconstruction:**

#### ***Amanat* (Users' Committee) vs Contractor**

The DoA and Bhaktapur Municipality followed two different approaches to reconstruction. As a government entity, the DoA was bound

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86 KII no. 39, 8 August 2019, Kathmandu.

by national laws and policies, including the Public Procurement Act (2007),<sup>87</sup> which clearly stipulates that any construction work should be tendered out and done through a contractor.<sup>88</sup> In contrast, the Municipality worked through *amanat* (users' committees). Users' committees for heritage reconstruction were formed at the community level and consisted of political party cadres, cultural and heritage experts, and social leaders. When such committees are formed in Nepal, they are registered with local governments, which releases funds to the committee on instalments. The main reason Bhaktapur Municipality preferred working with users' committees was to reduce unnecessary costs. In the contract system, the Municipality would have to allocate an additional 5 per cent of the budget for insurance, 5 per cent for contingencies, 15 per cent for overheads, and 10 per cent for market inflation, increasing the cost by more than 40 per cent over the actual construction budget.<sup>89</sup>

There are constraints to working with users' committees as well but not insurmountable as an interviewee from the Municipality's heritage section said:

Users' committees are allowed to work with a budget up to six million [Nepali rupees] [c. USD 52,000]. If the amount exceeded six million, we have to go through the contract system. But we worked by breaking down the total amount into multiple smaller amounts.<sup>90</sup>

However, the Municipality had other procedural hassles related to government price rates. Following the earthquake, inflation-adjusted wage rates for craftspeople increased to about

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87 'The Public Procurement Act, 2063 (2007),' Nepal Law Commission, <http://www.lawcommission.gov.np/en/archives/category/documents/prevaling-law/statutes-acts/the-public-procurement-act-2063-2007>

88 KII no. 39, 8 August 2019, Kathmandu.

89 KII no. 4, 23 September 2018, Bhaktapur.

90 KII no. 4, 23 September 2018, Bhaktapur.

NPR 2,000 for an eight-hour workday, but the government rate for labourers was only NPR 800. Hence, to ensure compatibility of expenses with the budget, the Municipality had to ‘cheat’ and show more labourers had worked than actually did. A municipal official said: ‘Due to such legal provisions, we are compelled to engage in such *farji* (fraudulent) practices.’<sup>91</sup>

Commenting on how reconstruction was going on, community members and even representatives from opposition parties appreciated the approach adopted by the Municipality. One non-NMKP leader also said that the reconstruction of heritage sites should not be given to a contractor.<sup>92</sup> However, some members of opposition political parties criticised the users’ committees for being dominated by representatives of the NMKP<sup>93</sup> and felt that the committees’ working style was not consultative.

There was a common belief among interviewees that the involvement of the local community in heritage reconstruction ensured quality and transparency. They argued that the contractor-led reconstruction implemented by the DoA was intended to maximise profits since contractors were adept at cost-cutting and that led to a compromise in quality in the reconstruction as they used low-grade materials. The mayor further claimed that reconstruction led by the Municipality provided a greater sense of ownership among the community, as they would have to donate money, material and labour to rebuild monuments. For the reconstruction of the Wakupati Narayan Temple, community members donated about NPR 4.5 million. The mayor made another distinction between the work led by the DoA and the Municipality thus:

How can the work done by a contractor be good? People neither felt ownership over these

projects, nor did they live up to the quality. There were also high chances of corruption and fund leakage as the contractors would try to make as much profit as possible at the cost of quality.<sup>94</sup>

The work of users’ committees was also applauded by a DoA official in Bhaktapur, who said they were cost effective, hastened the pace of work, and ensured better quality. He said that although the DoA had expert teams consisting of archaeologists, architects, engineers and heritage experts to supervise contract work, the attitude of the contractors was a problem. That was why the NMKP had mobilised their cadres to oversee the DoA contractor-led heritage reconstruction work. ‘Contractors are such that they would resort to cost-cutting even at the blink of an eye,’ he said.<sup>95</sup>

#### **UNESCO Mandates and Department of Archaeology**

UNESCO’s Operational Guidelines for the Implementation of the World Heritage Convention 2019<sup>96</sup> stipulate the importance of authenticity and integrity of world heritage property and their cultural values in terms of form, design, material, function, and traditions, as well as their management system. The guidelines clearly spell out that ‘the reconstruction of archaeological remains or historic buildings or districts is justifiable only in exceptional circumstances. Reconstruction is acceptable only on the basis of complete and detailed documentation and to no extent on conjecture.’<sup>97</sup>

The new DoA guideline for heritage

91 KII no. 4, 23 September 2018, Bhaktapur.

92 KII no. 6, 27 September 2018, Bhaktapur.

93 See also Shakya 2019.

94 KII no. 8, 30 September 2018, Bhaktapur.

95 KII no. 9, 4 October 2018, Bhaktapur.

96 ‘UNESCO: Culture: World Heritage Centre: About World Heritage: The Convention: Operational Guidelines 2019’; UNESCO, accessed November 7, 2019, <https://whc.unesco.org/en/guidelines>.

97 Ibid, 27.

reconstruction<sup>98</sup> is based on the UNESCO guidelines, which was one of the reasons for the rift between the Municipality and the DoA. The UNESCO guidelines allow reconstruction of heritage structures in the previously existing style, and only if there is enough evidence may a different style be employed. This obstructed the Municipality's desire to rebuild the heritage structures back in an earlier style dating to the Malla Period in Bhaktapur that had lasted from the mediaeval period until 1769.<sup>99</sup> The mayor claimed that they had enough evidence of Malla Period architectural designs and even some materials that had been carefully preserved. He therefore argued that the Municipality should be allowed to reconstruct the damaged structures in the Malla Period design. It was not only municipal authorities that revealed their dislike of UNESCO's directives but other political leaders and members of the community were also against the enforcement of the UNESCO guidelines on heritage reconstruction. For example, the former deputy mayor, representing the Nepal Communist Party (NCP), believed that UNESCO did not understand the norms and values of the country and the community.

UNESCO has hundreds of member countries; it is not necessary that the same rules suit all the countries. The rules should be made accountable to the context of each country. Things dictated from Paris cannot be implemented here.<sup>100</sup>

However, the DoA had different perspectives about the UNESCO guidelines. According to a DoA official, the 1972 UNESCO Operational Guideline clearly stipulated that member states

are sovereign countries, and they are allowed to cancel their membership at any time. From this perspective, they are not forced to follow the guidelines; they are free to make their own decisions. But he also stated that the reconstruction will have to follow the same cultural essence and architectural design that Nepal had agreed upon with UNESCO at the time of being entered into the World Heritage Sites list. In this regard, the DoA official said:

In 1979 we registered the Kathmandu Valley in the World Heritage List. At that time, we agreed that these are our existing architectural cultural elements and we will preserve them without letting their essence deteriorate. We will preserve them in what forms and structure they are now, with UNESCO as our witness. UNESCO does not say what we have to do or don't have to do. But UNESCO warns us [the government of Nepal] to act according to what we had promised them.<sup>101</sup>

The DoA was aware of the concerns raised by the Municipality but was unable to do anything in its favour. The DoA official stated that although the Municipality's vision of reviving Malla Period architecture was laudable, one cannot be emotional in the absence of complete evidence. He said for Malla-era architecture can be considered for the purpose of reconstruction if there is evidence of the original size, height, external and interior designs, uses and meaning of each element, and so forth. He stated that so far there is only one painting as evidence of Malla architecture, solely upon which the DoA cannot rely, as the painter could have misrepresented the size, height or design of the structure. Giving an example with his pen, he illustrated how a painter could paint a two-metre-long pen or a two-inch-long pen depending upon his representational choices, and the same thing applied with Malla

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98 Department of Archaeology, 'Basic Guidelines'.

99 The Malla Period began in the early 13th century and lasted till 1768-69 when the Kathmandu Valley was invaded by the Gorkhali king, Prithvi Narayan Shah. Bhaktapur was the last of the three Valley kingdoms to be conquered.

100 KII no. 6, 27 September 2018, Bhaktapur.

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101 KII no. 39, 8 August 2019, Kathmandu.





Photo 2 : The National Art Gallery building. One part of the building (on the left) is built in the Malla style and the other in the Rana style, inspired by Victorian architecture. Photo: Manoj Suji.

Period heritage structures. His opinion was that Nepal has faced various earthquakes since the end of the Malla Period, and Bhaktapur's rulers had already developed new technology and built new structures. Even the structures built by Rana rulers are more than 100 years old. These heritage properties have their own cultural, historical and architectural essence, and he believed that it would be better to preserve them as Nepal promised to UNESCO.<sup>102</sup>

The desire for the revival of Malla Period architecture was not only engendered after the 1990s return to democracy and the open affirmation of diverse identities, but was also perceived as a means of resisting centralised power over Bhaktapur's autonomy—after the defeat of Malla rulers by the Gorkhali Shah kings going back to the mid-18th century—following the NMKP ideology of making Bhaktapur a self-governed entity.<sup>103</sup> To reinstate their own self-governance

mechanism, people in Bhaktapur even protested against Rana rulers in the late 1940s, and the Panchayat rulers in late 1970s.<sup>104</sup> Bhaktapur Municipality has been governed by the NMKP since the restoration of democracy in 1990, and the promotion of traditional Newari culture, history and architecture as part of their identity through social, educational and political awareness has been a central part of its political strategy. This is also echoed in Bhaktapur Municipality's slogan, *Purkhale Sirjeko Sampati: Hamro Kala ra Sanskriti* (Creation of Our Ancestors: Our Art and Our Culture), through which the NMKP claims pride and ownership over Bhaktapur's culture, including architectural design. For all of these reasons, the Municipality (i.e., the NMKP) sees reconstruction as a desirable opportunity to replace Rana-style structures with Malla Period architecture.

102 KII no. 39, 8 August 2019, Kathmandu.

103 Gregory Grieve, *Rethorizing Religion in Nepal* (New

York: Palgrave MacMillan, 2006).

104 Ibid.

### German Aid Debacle

German aid to Bhaktapur for heritage reconstruction through the Bhaktapur Development Project dates back to the early 1970s. The Bhaktapur Development Project was initiated with an agreement between the then His Majesty's Government of Nepal and the West German development agency, Gesellschaft für Technische Zusammenarbeit (GTZ), and its objective was to renovate and conserve historical cultural monuments in Bhaktapur. As a result, the Germans reconstructed some 187 heritage structures in Bhaktapur between 1974 and 1986, some of which had been damaged by the 1934 earthquake. However, despite the wide praise the project received from the national government for Bhaktapur's successful development, it was highly criticised by the local communities because the project undermined their concerns, as they were not fully consulted.<sup>105</sup> The reconstruction of Chyasilin Mandap was controversial because the German project replaced the four central wooden pillars with steel pillars encased in concrete, which were linked to steel trusses in the ceiling. Community members resisted the use of steel because the timber and stone previously used had historical value, but their voice was not heard.<sup>106</sup> Due to these issues, the people of Bhaktapur resisted German proposals for assistance after the 2015 earthquakes since they were thought to be against people's sentiments about historical Newari architectural design, and also because they had not forgotten their being excluded from decision-making regarding their own city.<sup>107</sup>

The rejection of German aid for heritage reconstruction figured prominently in the media.<sup>108</sup>

105 Grieve, *Rethorizing Religion*.

106 Sudarshan Raj Tiwari, 'Heritage in Danger,' *The Kathmandu Post*, 12 November 2016, <https://kathmandupost.ekantipur.com/news/2016-11-12/heritage-in-danger.html>

107 Tiwari, 'Heritage in Danger'; Grieve, *Rethorizing Religion*.

108 Sewa Bhattarai, 'Clash of Cultures'; Chandani KC, 'Preserving the Intangible,' *The Nepali Times*,

There has been a lot of debate as to whether this was a good move by the Municipality or not. Those for accepting German aid were of the view that since the Germans had been involved in other development activities in the past, their help should have been taken to rebuild damaged heritage sites in Bhaktapur. The former deputy mayor also opined that the Municipality should have been more diplomatic in order to reach a middle ground.

Insiders privy to the negotiations on German aid had a different take. According to an official from the Bhaktapur Municipality, the terms of reference (ToR) of the grant agreement mentioned that the reconstruction process would be led by a German group. Their main focus was on the Pujari Math temple, but they were also interested in reconstructing the Vidyarthi Niketan, Padma and Sajha secondary schools. However, the Municipality had a different vision, wanting to relocate the schools, which had been built in an area known as *Unansaya Chok* (99 Courtyards),<sup>109</sup> in order to revive the Malla Period structures that stood in those locations previously. That was the main point of disagreement between the Municipality and the Germans. In addition, there was dissatisfaction with the perception that German aid was to be spent largely on German staff salaries and expenses.<sup>110</sup>

The mayor believed that the Germans were interested in fulfilling their own interests with the aid money. He added that if the aid had been accepted, the Germans would give 10 million Euros, but the Municipality would then have

30 September-6 October 2016, <https://archive.nepalitimes.com/article/Nepali-Times-Buzz/saving-the-intangible.3303>; Suyog Prajapati, 'Bhaktapur Shows the Way by Rebuilding Itself,' *Nepali Times*, 23 February-1 March 2018, <https://archive.nepalitimes.com/article/nation/bhaktapur-shows-the-way-by-rebuilding-itself.4210>

109 Before the 1934 earthquake, there were a total of 99 courtyards within the Royal Place, but the 1934 earthquake damaged most of them.

110 KII no. 4, 23 September 2018, Bhaktapur.

had to work under German rules, their expertise, and approval in the use of materials. This process, as stated by the mayor, was demeaning to their *atmasamman* (self-dignity). Hence, he had no regrets about the rejection of German aid and said: ‘We may take five years to rebuild our heritage. So what? We will be rebuilding it by ourselves at least.’<sup>111</sup>

Another issue around foreign aid for heritage reconstruction also revolved around the question of trust. Giving an example of reconstruction of the Kasthamandap Temple in Kathmandu by the Chinese, the mayor feared that their traditional techniques would be copied by Germans through visual recording methods during the construction period. Echoing these concerns, the head teacher of Vidyarathi Niketan School said, ‘If this continues, there may be another Kasthamandap in China in the future.’<sup>112</sup>

### **Reconstruction Funding**

Municipal officials and the mayor were confident that they could reconstruct heritage sites using their own funds. The government has provided NPR 400 million (c. USD 3.5 million), which covered about 15 per cent of the total reconstruction cost. However, the main source of funding (35 per cent of the total reconstruction cost) came from the entrance fees levied on tourists to enter the Bhaktapur Durbar Square, private housing tax, rental tax, and various other internal sources.<sup>113</sup> The Municipality was also planning on collecting taxes from all households in coordination with the hundreds of cooperatives within the municipality. The mayor claimed that they could raise ‘billions of rupees’ by collecting a donation of about NPR 1 million from each cooperative.

In terms of financing heritage reconstruction, a DoA official was also appreciative of the fact

that tourist entrance fees had been used for heritage conservation alone. He said:

The fund’s money could be needed for institutional expenses, like paying the staff, health services, drinking water projects, and so on. But in the case of Bhaktapur, they used that money specifically for the conservation of heritage.<sup>114</sup>

However, shortages of skilled stone and wood artisans and quality wood were unanimously cited as challenges for heritage reconstruction. A contractor in charge of heritage site reconstruction under the DoA stated that he was struggling to source the appropriate size of wood to replicate the ancient wooden architectural designs. He also added that growing opportunities elsewhere had discouraged the youth from taking up traditional occupations, creating a huge shortage of skilled labour.

### **Finance**

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As mentioned in previous sections, the Government of Nepal had announced partial financial assistance for reconstruction in the form of a grant to earthquake-affected families. Since the grant by itself was not enough to completely rebuild what had been lost, people also came to interact with various formal and informal financial institutions and individuals during the reconstruction momentum. In other words, the reconstruction process created opportunities for some people as they became involved in various construction-related businesses, employment, and money-lending, which introduced new forms of financialisation. This section explores the different forms of financialisation and financial activities and how these have shaped the overall reconstruction activities in Bhaktapur.

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111 KII no. 8, 30 September 2018, Bhaktapur.

112 KII no. 6, 27 September 2018, Bhaktapur.

113 KII no. 8, 30 September 2018, Bhaktapur; See also Prajapati 2018.

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114 KII no. 9, 4 October 2018, Bhaktapur.

## Post-Earthquake Financing

Following the formal reconstruction programme, the government offered financial assistance of NPR 300,000 (c. USD 2,600) to earthquake-affected households whose house was completely damaged and NPR 100,000 for retrofitting.<sup>115</sup> In addition, the cabinet announced an additional NPR 50,000 to vulnerable groups and homeowners within heritage areas for incorporating cultural features in their newly-built houses.<sup>116</sup>

The government promised subsidised reconstruction loans of up to NPR 2.5 million and NPR 1.5 million at 2 per cent interest rate, respectively, within the Kathmandu Valley and outside to the earthquake-affected families. It also provisioned NPR 300,000 interest-free loans through *samuhik jamani* (social collateral)<sup>117</sup> to members of micro-finance institutions.<sup>118</sup> When the subsidised loans phased out in August 2018, the government issued another concessional loan of up to NPR 300,000,<sup>119</sup> with the govern-

ment providing 5 per cent interest to the banks, and loanees paying the rest of the interest with the banks only allowed to scale up profits by up to 2 per cent on their base rate.<sup>120</sup> However, most of the people did not benefit substantially from this provision mainly due to lack of information and complicated loan procedures. This was despite the NRA's and the banks' attempts to make loans accessible to everyone through awareness programmes about concessional loan provisions.<sup>121</sup>

Finance was one of the major factors which both promoted and impeded the reconstruction process in Bhaktapur. Easy access to finance accelerated the pace of reconstruction for wealthy and well-connected families, while the difficulties that poorer and more isolated families faced in securing loans slowed reconstruction for them. For instance, at the time of our first phase of fieldwork, families who had money from selling their land or getting loans from cooperatives had already built their houses, while those with little or no land or otherwise unable to get large loans from the cooperatives were still struggling to lay the foundation. In addition, sociocultural ties among neighbours, kinship and social networks, and involvement in cooperatives before and after the earthquake have all played a crucial role in shaping the financial landscape for reconstruction.

Interlocutors frequently stated that building a reinforced concrete (RC) house within the municipality would cost about NPR 2,000,000 (c. USD 17,300) to NPR 5,000,000, which far

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115 National Reconstruction Authority, 'Grant Disbursement Procedures for Private Houses Destroyed by the Earthquake 2016'.

116 'Revisions to the Grant Disbursement Procedures for Private Houses Destroyed by the Earthquake (Second Amendment), 2075 (As per the decision of the Council of Minister dated 04/02/2019)'.

117 In the social collateral loan process, a group of people who are usually relatives, neighbours or friends stand guarantee that the loan beneficiary will repay the loan. If the borrower is not able to pay the loan, the guarantors agree to pay the loan on his/her behalf.

118 National Reconstruction Authority, 'Bhukampa Prabhavit Gharpariwarlai Aawasiya Ghar Punanir-manka Lagi Pradan Garine Punarkarja Karyavidhi 2072' (Procedure for Private Housing Reconstruction Subsidised Loan for Earthquake Affected Households 2015' (in Nepali), [http://nra.gov.np/resources/details/IDeFXwDc2J1HIsAWIIYsyUMVkjWdH9Z0UXk7ZSKmP\\_c](http://nra.gov.np/resources/details/IDeFXwDc2J1HIsAWIIYsyUMVkjWdH9Z0UXk7ZSKmP_c).

119 National Reconstruction Authority, 'Sahuliyatpurna Karjaka Lagi Byaj Anudan Sambandhi Ekikrit Karyavidhi 2075' (Integrated Working Procedures for Subsidised Credit 2018) (in Nepali), National Reconstruction Authority, [http://nra.gov.np/resources/details/zufzZqkcwOgper\\_YSVhL9FZrwZAZU-PR6p8IVDRonYCW](http://nra.gov.np/resources/details/zufzZqkcwOgper_YSVhL9FZrwZAZU-PR6p8IVDRonYCW)

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120 According to the Nepal Rastra Bank, in the case of commercial banks, the base rate for deposit and lending is 9.45% but banks have varied base rates up to 13%. <https://www.nrb.org.np/cmfmrates.php?search=02>.

121 National Reconstruction Authority, 'Sahuliyatpurna Rin Lina Ajha Sahaj Garne Samajhdari' (Understanding Reached to Make Subsidised Loan More Convenient) (in Nepali), [http://www.nra.gov.np/np/news/details/oBx\\_f\\_jHZ5zaDgUMM-zCdnAKVoZ-C1YKfVUoodODBuHU](http://www.nra.gov.np/np/news/details/oBx_f_jHZ5zaDgUMM-zCdnAKVoZ-C1YKfVUoodODBuHU).

exceeded the government's reconstruction grant. To meet such high costs, people had either taken loans from cooperatives, sold their agricultural land, or both. In contrast to banks, which had higher thresholds for collateral and reneged on the provision of government-sponsored loans (NPR 2.5 million for Kathmandu Valley) cooperatives have played a crucial role in post-earthquake reconstruction in Bhaktapur. As local institutions created by residents, cooperatives provided access to loans for most families interviewed during this study. Most of the families had accessed loans from different cooperatives at annual interest rates ranging from 8 to 18 per cent. The duration of membership in cooperatives and the strength of personal networks contributed to determining the amount of the loan and its interest rate. For example, a woman interviewee who had received loans from two cooperatives was being charged a lower interest rate by the one she had been a member of for a long time.<sup>122</sup>

Siddhi Ganesh, Swet Bhairab, and Siddhi Laxmi cooperatives were frequently cited by the Bhaktapur interlocutors as sources of loans. Interestingly, some cooperatives offered special loan provisions to their members in the post-earthquake context. For instance, Siddhi Ganesh Cooperative introduced various loan policies targeting rehabilitation and reconstruction (see next section) to support earthquake-affected families who were also connected by kinship and political relations. Likewise, Swet Bhairab Cooperative changed its loan policy with regard to the eligibility criteria for loans. For instance, before the earthquake, the cooperative used to provide general loans to its new members only after three months of membership but after the disaster it allowed loans regardless of when membership was taken. Probably, as a result, the membership in the cooperative increased by 25

per cent from February 2015 to October 2018.<sup>123</sup>

### **Siddhi Ganesh Cooperative: Reconstruction and Rehabilitation Loan Policies**

Siddhi Ganesh Cooperative is among the most prominent cooperatives in Bhaktapur Municipality and has been actively involved in providing post-reconstruction finance support to many residents. According to the manager of the cooperative,<sup>124</sup> immediately after the earthquake, the cooperative introduced the Earthquake-Affected Relief Loan Policy for relief and rehabilitation. The main objective of the policy was to support its earthquake-affected members at the time—allowing a loan of up to NPR 50,000 at 6 per cent interest per annum to build temporary shelters. The process for obtaining these loans was also made easier: no collateral was required and the loan could be availed upon recommendation by two members of the cooperative. But the loan was only offered for one year, until mid-April 2016.<sup>125</sup>

The cooperative also put forth the Reconstruction Loan Policy, which was offered until mid-July 2017. Under this, earthquake-affected members could get loans of up to NPR 500,000 (c. USD 4,300) at an interest rate of 7 per cent per annum but collateral had to be produced. Importantly, the loan could only be accessed if the beneficiaries wanted to reconstruct their houses on the same plot of land in which their former houses had stood. However, according to the manager of the cooperative, the reconstruction loan provision did not interest people since the government had also announced its own subsidised loan at 2 per cent interest. He said that the loan provision was not effective mainly due to the small amount of NPR 500,000, which could not cover the full cost of reconstruction and people were more interested in the government-subsidised loans

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123 KII no. 11, 8 October 2018, Bhaktapur.

124 KII no. 7, 28 September 2018, Bhaktapur.

125 Raj and Gautam, *Courage in Chaos*.

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122 Interview no. 21, 15 March 2018, Bhaktapur.

because the amount was larger and the interest rate was also low.

After the Reconstruction Loan Policy was phased out, the cooperative introduced the New Reconstruction Loan Policy since reconstruction activities were still going on. The loan provisioned up to NPR 3 million to earthquake-affected families whose houses were completely damaged at 8.5 per cent diminishing interest rate per annum, and it was valid until mid-July 2018. After mid-February 2018, the interest rate increased to 11.5 per cent. However, the manager claimed that this new interest rate was still 1 per cent less than the cooperative's general housing loan provision.<sup>126</sup> Unlike previous loan provisions, this one allowed loans to multiple members of a single earthquake-affected family. For instance, brothers who had been living in the same households prior to the earthquake could now access loans to build separate houses by submitting a single earthquake victim identity card—categorised as fully damaged—along with an approved house design. The loan was provided on an instalment basis, according to the stage of house construction progress: 20 per cent for laying the foundation, 40 per cent after the completion of DPC, and so on.

However, the loan beneficiary had to build a house in the same place where it had been prior to the earthquake, which the manager termed as a 'loan controlling mechanism'. Otherwise, many people would have come seeking loans.<sup>127</sup> The manager said that approximately NPR 110 million had been disbursed under this provision as of mid-September 2018, although it exceeded the cooperative's principle for housing and real-estate loans (25 per cent of its total loan portfolio). He said:

This is the peak of the reconstruction and people are in need of money to build their houses, and

126 Housing loans can be accessed by any member of the cooperative whether s/he is from an earthquake-affected household or not.

127 KII no. 7, 28 September 2018, Bhaktapur.

if we don't support them during their time of need, people will have a bad impression about the cooperative.<sup>128</sup>

### **Selling Land: *Bhu Chalan Chhen Dhalan***

Unlike in Dhading and Sindhupalchowk, in Bhaktapur selling of land to finance post-earthquake reconstruction was common. Most of the interviewees said they were struggling with reconstruction due to lack of funds even though they had received two instalments of the government housing grant, pushing them to sell their agricultural land. A leader of the Nepali Congress party also claimed that about 60 per cent of the families had rebuilt their houses by selling land.<sup>129</sup> Most of the families who spoke with the research team owned farmland outside the settlement area, in Changunarayan Municipality, and had sold land to start reconstruction. Selling agricultural land, however, was not what they wanted to do since agriculture was a key source of livelihood for them, and they had a strong sense of attachment to their ancestral land. Some of them were worried about the likely consequences of losing their land, including sources of livelihood and land for the next generation. But at the same time having a house was more important than keeping agricultural land. As an old man in Jela summed it up: '*Bhu chalan chhen dhalan*' (We build our home by losing land).

With reconstruction at its peak in 2018, the number of land transactions was also at its height in Bhaktapur.<sup>130</sup> As a result, many interlocutors complained that they were obliged to sell their land at cheap prices—about NPR 300,000 (c. USD 2,600) to NPR 400,000 per *aana*—either to real-estate agents (brokers) or to neighbours whose land was adjacent to theirs. They believed that realtors had been making a profit from their land after partitioning it into residential areas

128 KII no. 7, 28 September 2018, Bhaktapur.

129 Interview no. 31, 19 March 2018, Bhaktapur.

130 KII no. 5, 25 September 2018, Bhaktapur.

with road facilities. According to the interlocutors, real-estate agents had been selling land at NPR 1 million to 1.5 million per *aana*. Since the sale of land was an increasing trend for financing reconstruction, some local residents and masons turned into *bichauliya* (middlemen), connecting brokers and sellers of land. As the middlemen knew which people in the neighbourhood needed money to rebuild their houses, they also played an influential role in encouraging homeowners to sell their land at cheap rates.<sup>131</sup>

### **Subsidised Loans: An Enigmatic Process**

Although most of the interviewees knew about the loan of up to NPR 2.5 million available to Kathmandu Valley residents at 2 per cent interest<sup>132</sup> and were also interested in it, they could not access that loan mainly due to the bank requirements and the complicated loan process.<sup>133</sup> According to the mayor, fewer than 1 per cent of the people had taken the subsidised loan because of the banks' reluctance. Some interviewees had inquired about the loan process but banks required evidence of a regular source of income.

Some interlocutors also stated that the heritage code seemed to present a barrier for receiving the subsidised loans. Recommendation from the Municipality was required while applying for the loan, but the Municipality would not provide one unless the reconstructed house followed the heritage code. Many people who had already built houses before the programme was introduced violated the heritage code. Interestingly, many people also demolished their partially damaged but repairable house as they hoped to receive a

subsidised loan. But since the subsidised loan was almost impossible to access, they faced huge financial problems during reconstruction.<sup>134</sup>

People were also interested in accessing the government-subsidised loans because they felt private banks and cooperatives charged high interest rates. To show how insecure one could be when taking loans from private banks, an interlocutor gave the example of her neighbour's house. After the earthquake, her neighbour had taken a loan from a private bank and built a beautiful house. But since he was not able to repay the loan on time, he had to sell the house in order to repay the loan.<sup>135</sup>

The bank manager of Nepal Bank Limited at Kamal Binayak also admitted that the subsidised loan did not benefit the earthquake-affected families for reconstruction due to the bank's loan procedures agreed with the NRA.<sup>136</sup> According to him,

Earthquake-affected households should not own any other house, and their house should be built in the same place where their house was prior to the earthquake. It also requires that the house should be on a four-metre-wide road and the house blueprint must be approved. Beneficiaries also have to have a reliable source of income, and income from foreign employment, real-estate and business are not considered a reliable source of income; they should have a stable salary job.

The manager also added that banks do not trust any recommendation made by the ward office.

Banks were also reluctant to promote subsidised loans due to the experiences of Nepal's 1988

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131 Interview no. 31, 19 March 2018, Bhaktapur.

132 National Reconstruction Authority, 'Procedures for Private Housing Reconstruction Subsidised Loan for Earthquake Affected Households 2015', <http://nra.gov.np/resources/details/IDeFXwDc2J1HIsAWIYsyUMVkjWdH9Z0UXk7ZSKmP.c>.

133 See also The Asia Foundation, *Nepal Government Distribution*.

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134 KII no. 7, 28 September 2018, Bhaktapur.

135 Interview no. 39, 21 March 2018, Bhaktapur.

136 KII no. 10, 5 October 2018, Bhaktapur. Nepal Bank at Kamal Binayak was also responsible for the disbursement of the government housing grants in the communities we worked with.

earthquake.<sup>137</sup> During that time the government had also offered subsidised loans to earthquake-affected families to support reconstruction. Nepal Bank Limited, Rastriya Banijya Bank, and the Agricultural Development Bank Limited were the authorised institutions to disburse the loans. But, as stated by the branch manager, most of the loan beneficiaries never paid back the loans, and the government had to convert these to grants, which was a loss for these government banks.<sup>138</sup> Due to these lessons learnt from the past, banks were sceptical about government decisions made in an emergency. In this regard, the bank manager said:

We have to work with whatever plans and policies are introduced by the government, because the government has a share in the bank. But all these loans will be converted into 'bad debt', which reduces the profitability of the bank. After learning a lesson from the past, we [the new generation staff at Nepal Bank] are more concerned about the losses to the bank. We know people are not able to build their house [with grant money] and in such a situation, the bank has to support them with soft loans. It seems that we are only seeking profit, but the truth is that the bank cannot always sustain losses.<sup>139</sup>

From the bank's perspective, there was no clear process for disbursing subsidised loans. Bank branches such as those in Bhaktapur were not allowed to take localised decisions. Hence, banks seemed to promote the more expensive general housing loans than the subsidised ones.

### Remittances & Migration

Remittances played a crucial role in post-earthquake recovery and reconstruction in

various affected districts.<sup>140</sup> However, in the case of Bhaktapur, there was no apparent linkage between remittances and post-earthquake reconstruction. Most families said no one from their family had migrated for foreign employment. Only a few homeowners said that members of their family had migrated for work in South Korea or for higher education in Australia, but these families were not receiving remittances. Only one woman interviewee said that her husband had sent some money from South Korea, with which they reconstructed their house.<sup>141</sup>

The trend of migration, especially for foreign employment, was much lower in Bhaktapur than in the other two field sites examined in the broader project, Dhading and Sindhupalchowk.<sup>142</sup> This was most likely because of the growing opportunities created in the city by rapid urbanisation and a liberalised market.<sup>143</sup> When researchers inquired about why fewer people migrate for foreign employment, interviewees said young people prefer to work at technical jobs or industries, or they own businesses because of the opportunities in the city. Older generations, on the other hand, were still engaged in agriculture and pottery.

### Business Opportunities and Higher Wages

Since massive reconstruction was going on in many areas of Bhaktapur as well as throughout the Kathmandu Valley and beyond, businesses had soared, especially transport entrepreneurship

137 This is the August 1988 earthquake of 6.6 magnitude with its epicentre in Udayapur in eastern Nepal.

138 KII no. 10, 5 October 2018, Bhaktapur.

139 KII no. 10, 5 October 2018, Bhaktapur.

140 Sijapati et al, *Migration and Resilience*; Amina Maharjan, Anjal Prakash and Chanda Goodrich Gurung, *Migration and the 2015 Gorkha Earthquake in Nepal: Effect on Rescue and Relief Processes and Lessons for the Future* (Kathmandu: HI-AWARE Consortium Secretariat, 2016). <https://lib.icimod.org/record/32310>

141 Interview no. 37, 21 March 2018, Bhaktapur.

142 Ministry of Labour and Employment, *About Migration for Foreign Employment: A Status Report for Nepal: 2015/2016 – 2016/2017* (Kathmandu: Ministry of Labour and Employment, 2017), 16. <http://www.dofe.gov.np/report.aspx>.

143 Rankin, *Cultural Politics*, 115-18.



and hardware shops.<sup>144</sup> Some brick kiln owners had doubled their investment, and transportation businesses and hardware shops had even taken loans from cooperatives.<sup>145</sup> Loans were also being taken to open sand depots and to buy

trucks and tippers. This flurry of investment had created a lot of competition that benefitted homeowners, who have multiple sources to buy construction material from. Contractors, labourers, masons, iron and aluminium welders, and carpenters were also in high demand due to the reconstruction boom in the area, fetching higher wages than usual.

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144 Le Billon et al, 'Earthquakes and Cash-flows,' Rawal et al, 'Reconstructing Nepal,' Limbu et al, 'Reconstructing Nepal,' (all forthcoming).

145 KII no. 7, 28 September 2018, Bhaktapur.

## 4. CONCLUSION

This study attempted to answer the broader question of how the entanglement of three domains of construction, finance and law, shaped the overall post-earthquake reconstruction in Nepal. Findings from Bhaktapur suggest that the complexities of joint land/property ownership and the multiple families living in the same physical building were a major issue during the damage assessment and identification of earthquake beneficiaries. Being unaware of the traditional Newari family structure and property ownership practices, NRA assessments excluded many earthquake victims from the beneficiary list, considering one house to contain only one beneficiary household. But the follow-up damage assessment by Bhaktapur Municipality bridged that gap, showing how centralised post-disaster reconstruction policies had failed to fully understand the local socio-cultural context in Bhaktapur.

Bhaktapur Municipality's heritage code seemed more powerful than the NRA's building code. Homeowners had to comply with the NRA's building codes to qualify for the additional housing grant, but the heritage code was enforced to maintain safety as well as preserve Newar cultural and architectural designs. Nevertheless, people were not satisfied with the enforcement of this code because they thought some of the requirements, such as the limitation on the height of a house and sloped *jhingati* roof, were impractical, and intentionally violated the code. Adhering to the heritage code also increased the financial burden on households since the market price of construction materials and labour increased exorbitantly during the reconstruction momentum.

Heritage site reconstruction was contentious for many reasons. First, the issue of ownership.

The DoA and the Bhaktapur Municipality both claimed that heritage properties were under their jurisdiction. The conflict between these two institutions centred around the question of who decides what to reconstruct and how. As a government entity, the DoA was bound by the Public Procurement Act to adopt contractor-led reconstruction, which was not trusted by the Municipality in terms of quality or transparency. On the other hand, the Municipality adopted the users' committee system which not only minimised the cost of reconstruction, but also increased the sense of ownership among communities. The Municipality also rejected German aid as they considered the Germans' involvement in heritage reconstruction to be an affront to their cultural identity and self-dignity.

The earthquakes and the recent political changes, in particular, the transition to federalism and the adoption of the Local Governance Act 2017, have created conditions of opportunity to redefine, and perhaps even revive, Malla Period architectures as a part of Newar culture and identity. Hence, one of the main goals of the Municipality was to revive the Malla Period architectural designs through the reconstruction process regardless of UNESCO guidelines.

Financial needs were at the centre of private housing reconstruction in Bhaktapur. Located in the urban area of the Kathmandu Valley and also hosting a major World Heritage Site, the cost of house reconstruction (for an RC house), ranged from NPR 2,000,000 (c. USD 17,300) to NPR 5,000,000, which far exceeded the government housing grant of NPR 300,000. Consequently, homeowners looked for alternative sources of finance. Interestingly, although private commercial banks were easily accessible, people sought

out local cooperatives because of their easier loan procedures and also trust in the cooperatives. The failure by banks and cooperatives to provide the required volume of loans also pushed homeowners to sell their agricultural land even

at very low prices. Taken together with the sale and purchase of land, the earthquake also created opportunities to people involved in the business of supplying construction material and providing haulage services.



This working paper is an output of the research project, 'Expertise, Labour and Mobility in Nepal's Post-Conflict, Post-Disaster Reconstruction: Construction, Law and Finance as Domains of Social Transformation'. The project conducted research in three of the most affected districts by the 2015 earthquakes: Bhaktapur, Dhading and Sindhupalchowk. This paper is based on the findings from Bhaktapur. Following the theme of the project, it looks at the interplay of different vectors as they affect issues related to construction, law and finance during post-earthquake reconstruction in the ancient city of Bhaktapur.



A private house under construction in Dattatreya Square, Bhaktapur. Photo: Manoj Suji.