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Part III  
Post-Tsunami Aid and Other Issues

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# Aceh's Tsunami Aid: One Year After

## Poverty Reduction Needs a Bigger Role in Australian Aid

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On December 26, 2004, an earthquake struck 150 km off the coast of Aceh. Forty-five minutes later the tsunami wave hit Aceh and within minutes it swept clean an 800 km coastal strip of Aceh. The March 28, 2006, earthquake added to the toll in the island Nias and southern parts of Aceh. The power of nature in these events is scarcely comprehensible, causing immense social, economic and environmental devastation<sup>1</sup> to areas that were already poor, while sparking unprecedented emergency support. In Aceh, Nias and other parts of North Sumatra, more than 200,000 people were killed or missing and about 500,000 people were internally displaced, with the destruction of large swaths and property.

Never before has a response to a natural disaster occasioned so much international scrutiny. Its regional impact was one reason. It affected 12 countries plus the nationals of many more. The unprecedented amount of money raised was another reason for the international scrutiny. Bilateral and multilateral donors, NGOs, corporations and individuals around the world pledged US\$13.6 billion.<sup>2</sup>

The governmental Rehabilitation and Reconstruction Agency (BRR) estimated that

to restore lost assets the people of Aceh and Nias will need at least US\$ 5.8 billion. This includes taking into account rising inflation due to high demand for reconstruction-related goods. Additional resources will be needed to upgrade facilities that were already in poor condition before the disasters hit, particularly in conflict-affected areas and in Nias. Total pledges for reconstruction and development in Aceh and Nias amount to about US\$ 9 billion.<sup>3</sup>

Before the tsunami, more than a third of the population of Aceh and Nias lived in poverty. Now, almost half live below the poverty line or are dependent on food aid. Full recovery will take years. The calamity unleashed an unprecedented national and international response for emergency needs. Rebuilding the economy is a great challenge and is best served by starting physical reconstruction as swiftly as possible. It is estimated that the disaster has reduced the 2005 GDP by 5 percent in Aceh and 20 percent in Nias, though the impact varies greatly by district with two of them losing half their GDP. This signals that an additional 325,000 people in Aceh, and 149,000 in Nias might fall below the poverty line without

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adequate safety nets. Post tsunami prices have increased more sharply than nationwide, in particular in the provincial capital of Banda Aceh, where year-on-year inflation in October 2005 reached 37.5 percent — largely due to the heavy demand for construction materials and skilled labor. The construction boom has also led to a 30-40 percent surge in wages across all professions.<sup>4</sup>

After more than one year of the tragedy and despite of recovery efforts by BRR along with the staff of 124 international NGOs, 430 local NGOs, dozens of donor and United Nations agencies, various government agencies, some military, and many others, the visitors are still struck by the scenes of utter devastation. The greatest hope for a more lasting recovery has come from the signing of a peace accord in Helsinki between the Government and the Free Aceh Movement (GAM) on August 15, 2005, ending a 30-year conflict during which almost 15,000 people had died. Past accords have not held, but lessons have been learned and so far the prospects look good. Former GAM combatants are reintegrating into their original communities, arms are being handed over on schedule, Indonesian military forces in Aceh are scaling back as promised and local institutions are welcoming GAM leaders into decision-making positions.

There is a possibility of a “virtuous circle”. On the one hand, tsunami gives peace a chance, and the reconstruction efforts present an opportunity to strengthen the peace by bringing entire communities together and make a plan for their future. On the other hand, waves of humanitarian relief which are not thought out strategically in fact could pulverize Aceh socio-culturally. It could take away the dignity, prestige and local cultural uniqueness and trigger tension or even a new conflict.

The tokens were showed by Irwanto<sup>5</sup> as

followed. Firstly, global response is inseparable from issues of prestige and competition for economic and political influence that has occurred thus far. Many countries compete with each other to provide the biggest assistance and compete for the spotlight in world news. Due to the influence of the assistance and huge political pressure, the recipient countries seem to have a difficulty in negotiating their positions when confronted with other agenda attached to the assistance. And it is worth mentioning that some of the funds will be funneled through non-governmental organizations which certainly have their own visions and missions. The lesson learned from East Timor, showed us that such thing could result in an extremely chaotic situation and produce exploitative local society groups.

Eye on Aceh in its report<sup>6</sup> found that many local communities had not been properly consulted about reconstruction, and there had been a failure to build local capacity. Reconstruction efforts had also increased social tension in Aceh, while turf wars between donor agencies, competition for project areas and a reluctance for donors to exchange information had dogged the reconstruction effort. The report stated that many Acehnese citizens were left feeling powerless and were frustrated about unexplained delays, and easily avoided mistakes such as design flaws in houses or boats.<sup>7</sup>

The second token related to the reporting in media especially electronic media-TVs all over the world, especially in Indonesia, has focused more on the issues of exploitation of viewers’ compassion and concern by presenting deplorable images and stories. To some extent, such reporting is needed to generate solidarity and raise funds from the people. It occurs in donor countries that this kind of media reporting among other is used to collect humanitarian

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relief funds, which are needed, but at the same time, form an inseparable part of the competition for sphere of influence and attention. As a result, the people reacted quite emotionally. It eventually resulted in the biggest fund raising event ever witnessed by today's generation and waves of volunteers eager to offer help in affected areas. There are many positive aspects that can be learned from such a reaction, but one should be aware of its negative aspects exploited by the media: helplessness, desperation, destruction, confusion, and misery. All of these aspects are very prominent in this event, however, the way the problem was presented, continually influences the solution suggested in later days. And, the solution based on the image projected will be quite detrimental to the victims.<sup>8</sup>

Thirdly, due to emotional reaction, many courses of actions have neglected some fundamental issues. As a result of the pitiful misrepresentation of the disaster victims, several actions made with good intentions could potentially prove to be even more damaging to the victims. A large number of volunteers who come to Aceh could obstruct Acehnese people's attempt to wake up to their nightmares. Self-esteem, dignity, and Acehnese cultural pride can only be reconstructed if the people have the central role in rebuilding themselves. Similarly, the efforts to overcome trauma and distress after the disaster – can possibly be effectively made only if they have meaningful activities for survival. They are just like sick men who need doctors, nurses, and other people, but they themselves must play a part in their recovery. Acehnese children were gathered, and even ready to be “distributed” forgetting that those children are culture bearers for the future of Aceh. Widescale adoption of Acehnese children can become a cultural looting in effect. However,

this occurs because the logic of the philanthropists has been reconstructed in such a way that they think the remaining Acehnese people affected by the disaster are “helpless”, and therefore, needful of help.<sup>9</sup>

## One year after

It took the Government several months to formulate its strategy. The Government's master plan for rehabilitation and reconstruction contained two critical decisions that were to initially delay reconstruction. The first was to establish a ministerial level Rehabilitation and Reconstruction Agency (BRR) to provide leadership of the recovery; though it took some months before the agency became fully operational. The second was to insist that communities take the lead in planning their own recovery; participatory processes are often slower than top-down alternatives but should be more effective over the long term because the plans have full community support.

Four key priorities has been set up by BRR for 2006: (1) provide decent shelter to all: Through the transitional shelter campaign, accelerating the pace of permanent house-building, resolving the remaining policy and strategy dilemmas, and meeting remaining gaps through direct implementation where needed<sup>10</sup> (2) rehabilitate vital infrastructure: Especially the transport links along the west coast, urban drainage and facilities, and coastal protection; also preparing a longer term plan for infrastructure development; (3) strengthen institutional and human capacities: By building the capacities of local governments to handle complex infrastructure and development schemes; building the capacities of independent organizations to monitor this and help guard against corruption; and by continuing to

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restore education and health facilities and services<sup>11</sup> (4) restore livelihoods<sup>12</sup>: By ensuring the construction boom create sustainable job opportunities and new skills are created.

April 2006 the BRR which was established through Regulation in Lieu of Law No. 2 of 2005 has completed its first year of operation. One year after the tsunami, emergency relief is still needed, but the burden of effort is now focused on reconstruction. In Aceh and Nias, great areas of urban landscape remain nothing but rubble; about 67,500 people are still living in tents, many of which are going moldy. Hundreds of thousands of people still depend on food aid and emergency employment schemes. However, the implementation of the program is very low. End of March only about 3.31 percent of the total budget for rehabilitation and reconstruction (IDR 452.6 billion out of (IDR 13.67 trillion) were absorbed.<sup>13</sup>

Given the need for the construction of housing and inadequate health facilities and public service infrastructure while the capability of local government has not been recovered yet, there are many opportunities for NGOs or institutions to get involved in the relief efforts in Aceh. Announcements of project tenders are now found to be very common in Aceh. You only need to check the current vacancy advertisements in several mass media. Vacancies for positions to be based in Aceh are dominant with good salaries by good salaries to entice applicants.

Rehabilitation and reconstruction in Aceh are such a big project. The Chairman of State Audit Board (BPK), Anwar Nasution, once mentioned that the funds poured into Aceh in 2006 reached IDR 17.568 trillion<sup>14</sup> in addition to the remaining funds from the previous year as much as IDR 4 trillion. It still does not include those which directly go to the NGOs and personal accounts in various

projects.<sup>15</sup>

BRR noted that the total rehabilitation and reconstruction funds that need to be provided reach IDR 60 trillion. The funds already obtained from state budget (APBN) amount to IDR 21 trillion for four years. The IDR 24 trillion funds are obtained from non-governmental organizations and donors. The Acting head of BRR Anti-Corruption Unit, Kevin Evans, has already showed how prudence becomes his main concern in the rehabilitation and reconstruction stages. Commitment to give assistance would not be realized if the donors had no firm beliefs that their assistance would be well managed and providing an adequate salary to BRR staff is one of the efforts to make BRR free from corruption. From hundreds of the complaints received, at least nine cases of which have been forwarded to Corruption Eradication Commission (KPK), the Commission for the Supervision of Business Competition (KPPU), and also to the police. However, there is some doubt regarding the anti-corruption efforts of BRR. One staff of the BRR Anti-Corruption Unit was fired when he was — according to his statement — a bit too “loud” in asking for transparency.<sup>16</sup>

In general, the BRR's spokesperson admitted that they cannot control the flow of fund usage managed by the NGOs, particularly the foreign ones. What BRR can do is only to coordinate the projects that are undertaken. He did not rule out the possibility that the bulk of total budget of the foreign NGOs are used more for operational activities and also to pay the high salary of their staff.<sup>17</sup>

The BRR which offers hope for the future has now been in its second year of the four-year operation set by the government. Aceh is beginning to bloom. Hotels are always fully occupied by those coming from areas outside Aceh and markets are always busy. Men have gone about their

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daily routine spending time in coffee shops. NGOs with their well-paid volunteers can be seen around the downtown and remote areas, although their number has decreased from 480 NGOs and donor institutions in May 2005 to 291 institutions in April 2006.<sup>18</sup>

The BRR Chairperson Kuntoro Mangkusubroto openly expressed that the projects of BRR are vulnerable for corruption.<sup>19</sup> Many facilities built by BRR contractors were serviceable only after a very short time raising suspicions of overpricing.

## The way forward

So far the peace is holding but a number of events in 2006 will test it. The peace accord has been widely hailed by Acehnese people as an important new opportunity — a silver lining to the dark clouds of the past 12 months. In 2006, a new law to be enacted on the governance of Aceh, will involve much negotiations and public debate. The upcoming elections for the governor of Aceh and most district heads will be an important test for the consolidation of democracy in Aceh. Coordination among all stakeholders is not yet strong enough and tends to focus on information-sharing as opposed to common decision making.

BRR is trying to address this by establishing coordination forums, policy advisory groups and other mechanisms to ensure that all gaps are filled, with a minimum of duplication. It is also helping to strengthen coordination at the local level, by opening local offices and working with local governments and community leaders. However, a close look must be made as to the extent to which the survivors have actually benefited. Eighty percent of the survivors are still living in temporary shelters, many of which are substandard.<sup>20</sup> In Aceh, out of some 500,000 left homeless, at least 200,000 are still living with friends and

relatives, 60 to 70,000 are in barracks, and 67,000 in tents.<sup>21</sup> Many are without access to clean water, sanitation and health care, large numbers have no jobs, and there seems to be almost complete neglect of psychosocial health services to deal with trauma. It is the survivors who must be placed at the center of any evaluation together with the response of their national governments, which after all have primary responsibility for their welfare and security.<sup>22</sup>

To put the survivors at center stage and measure the national response, there exists a set of international guidelines — the Guiding Principles on Internal Displacement,<sup>23</sup> which apply to persons uprooted by conflict as well as natural disasters within the borders of their own countries. According to Roberta Cohen the Guiding Principles define displaced persons (IDPs) and the obligations of governments toward these populations. Although not a binding document like a treaty, the Guiding Principles are regularly acknowledged by UN resolutions as an important tool and standard for dealing with situations of internal displacement. They cover material assistance, physical safety, and the fundamental civil, political, economic and social rights of the affected population, based on international human rights and humanitarian law.<sup>24</sup>

The Principles showed by Roberta Cohen<sup>25</sup> begin with prevention, making clear that governments have a responsibility to prevent or mitigate the conditions that lead to displacement. In the case of natural disaster, this means putting into place early warning systems, disaster preparedness plans at the village level and housing standards that make buildings better equipped to withstand the effects of earthquakes. These are in fact the fundamental rights of populations living in high-risk areas. Such populations arguably should be able to claim compensation when

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public officials fail to take reasonable measures to protect them.

Since the tsunami, there has been some progress in this area. An early warning system for the entire Indian Ocean region is being developed and should become operational by mid-2006. But this is only a first step. National education campaigns and standards for disaster resistant construction are needed, as called for by Clinton.<sup>26</sup> "It takes 10% more to build an earthquake resistant house than to create a death trap," the UN's Emergency Relief Coordinator points out, but for every dollar invested, "you reap ten fold that amount later to reduced disaster intervention costs."<sup>27</sup> Indonesia is a country prone to natural disasters, making it important that monitoring takes place to ensure that preventive steps are taken.

Another fundamental right of displaced persons is access to humanitarian and reconstruction assistance. Following the tsunami, the Indonesian government to its credit, opened up Aceh to foreign air forces, international and local aid organizations and the media. But complications arose in carrying out an international relief effort in areas previously closed off to UN agencies and NGOs. Their long absence during years of conflict meant that they were unfamiliar with the terrain, which slowed down the response. Moreover, suspicions about agendas in international aid as well as national pride at times interfered with the aid effort. During the first three months in Aceh, foreign agencies did not know whether they would be allowed to stay after March and could not therefore plan effectively. In the case of the UN High Commissioner for Refugees (UNHCR), it was asked to leave even though UNHCR was engaged in a \$60 million program to build up to 35,000 permanent homes in Aceh. The Representative of the UN Secretary-General on the

Human Rights of Internally Displaced Persons was able to visit Thailand and Sri Lanka in March but did not receive a visa to visit Indonesia. Despite these early setbacks, the province of Aceh has now become open, UNHCR has been invited back, and there are large numbers of international agencies and NGOs present.<sup>28</sup>

According to basic humanitarian principles, aid must be based on impartiality and non-discrimination, which means that political opinion, race, religion and ethnicity are not to influence who receives the aid and in what amount. During the first six months after the tsunami, there were reports of aid being denied to groups or areas suspected of sympathizing with the Free Aceh Movement (GAM). Where counter-terrorism measures were in place, the NGO Forum Asia found, "they were not relaxed to enable all the victims to access aid."<sup>29</sup> Two groups that did an evaluation found that aid distribution was being used by the military as a political weapon in its struggle with the GAM.<sup>30</sup>

Also reported was a disparity in treatment between those uprooted by conflict in Aceh (who numbered some 100,000) and those uprooted by the tsunami (some 500,000). It took until May for aid workers to be allowed to travel beyond the coast into areas ravaged by conflict. One analyst saw large numbers of burnt down and abandoned houses and reported that "survivors of the conflict resent that virtually all the humanitarian assistance was going to tsunami survivors."<sup>31</sup> Indonesia's Human Rights Commission (Komnas Ham), found that those displaced by conflict often lacked basic services and received insufficient assistance for rehabilitation and recovery.<sup>32</sup> A Jakarta Post article described those displaced by conflict as "off the radar and agenda of the Indonesian government."<sup>33</sup>

The peace agreement between the

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government and the GAM in August 2005 led to efforts to reduce this disparity. The government announced it would deal with both conflict and tsunami affected populations to avoid inequities and tensions in the reconstruction process. As Human Rights Watch aptly put it, the government found it not to be in its interest to create “a ‘golden’ coastline of new housing and benefits while the rest of the province remains underdeveloped and ravaged by the war.”<sup>34</sup> The BRR affirming that the reintegration of both groups is “integral to the peace-building process.”<sup>35</sup> The World Bank has also begun supporting a compensation program for communities affected by conflict. However, the disparity remains, in part exacerbated by many international humanitarian organizations whose funds are earmarked only for those uprooted by the tsunami.

The government has worked to address other inequities as well. For example, it developed a program of providing cash assistance to families hosting IDPs. This ended the disparity between IDPs in government-run relocation centers who received aid and families hosting IDPs who did not. The aid encouraged greater community support for IDPs and their hosts, resulted in IDP registrations and access to other services, and injected cash into the local economy.<sup>36</sup>

The destruction of land title deeds and property records and the loss of coastal land have given rise to problems of compensation, property ownership and inheritance issues. The absence of formal title has put the poor at a severe disadvantage. Women too, especially widows, may face discrimination in regaining their homes and property. Further, the creation of buffer and security zones has interfered with exercising property rights as well as freedom of movement and the right to earn a living.

Director Kuntoro Mangkusubroto of the BRR has taken a flexible, pragmatic attitude toward buffer zones, but clear policies and administrative mechanisms are needed to review claims, help survivors replace lost documents, ensure that non-traditional forms of ownership are recognized, clarify the location of exclusion zones, and provide assistance to people who lost their land and livelihoods. Steps are also needed to help widows secure legal title to land and housing in their own names, recognize married women on title deeds and ensure that orphaned children receive entitlements to land and compensation. The World Bank has been working with the government on land titling issues, and thus far it is reported that “there has been no explosion of land disputes.”<sup>37</sup> Nonetheless, the status of much land is still unclear and Walter Kalin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, advises that the most effective way of handling large-scale property issues is to create a dedicated administrative body with a mandate for mediation, adjudication (subject to appeal to courts) and flexible types of remedies. Modification of laws and policies are also needed to “ensure that customary rights and non-traditional forms of ownership evidence are recognized” and to promote women’s rights.<sup>38</sup>

In every emergency, there are groups with special needs who are easily left behind — the poorest in the affected population, orphans and separated children, single women and women heads of household, elderly people who have lost their families, disabled people, and minority groups. In the case of children, the Indonesian government in collaboration with UNICEF rapidly undertook programs to prevent trafficking. For example, separated children were moved in with extended families and communities rather than being spirited away to other

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parts of Indonesia or abroad for adoption. Out of 2,393 children orphaned or separated from their parents in Aceh, 85 per cent are with relations or family friends and 400 have been placed in homes.<sup>39</sup> In addition to tracing efforts, guarantees are needed to ensure that children receive entitlements to land and compensation owed to their families.

In the case of women, the presence for many months of military forces in and around relocation centers, as well as lack of privacy in the barracks set up for IDPs, resulted in a rise in sexual and gender-based abuse.<sup>40</sup> In addition, domestic violence has come to the fore as well as reports of forced marriages of young women survivors to older men given the shortage of women (three times as many women as men perished in the tsunami). Income generation programs for women have been introduced but the virtual exclusion of women from the rehabilitation and reconstruction process is also regularly reported. UN officials have publicly called for regular consultation with women, in recognition of their economic contribution when evaluating compensation for lost property, and steps to overcome discrimination interfering with their regaining their homes and land.

## **Consultation with affected populations.**

Indeed, one of the reasons large portions of the government's master plan for Aceh had to be modified was because it was developed with little input from local communities. Throughout the tsunami affected countries, Representative of the UN Secretary-General Kalin and the UN's Special Rapporteur on Adequate Housing pointed to insufficient consultation with survivors in the formulation of need and loss assessments, aid distribution and reconstruction. Lack of consultation has resulted in the setting up of temporary housing far from the livelihoods of survivors and from transport.<sup>41</sup> It has also resulted in

camp designs that fail to protect women.<sup>42</sup> If reconstruction plans are to be sustainable and accepted by local communities, consultation mechanisms must not be one-time events but a structured part of the planning process, as called for in the Guiding Principles. To its credit, the BRR's approach is participatory, and the Women's Empowerment Bureau of Aceh, the World Bank and others are seeking to establish consultation mechanisms. Nonetheless, a study published in October found "a dearth of community involvement in policy making" and insufficient numbers of local people in key positions in the organizations and international agencies working on reconstruction in Aceh.<sup>43</sup>

Eye on Aceh in its assessment<sup>44</sup> was curious to know how individuals and communities in Aceh had been affected by their experience of the relief, reconstruction and development assistance programmes that have been mounted in the province since the disastrous events of 26 December 2004. All too frequently, we heard that Acehnese beneficiaries feel excluded from the rehabilitation and reconstruction process, reduced to the status of passive observers while others lay the foundations for their future.

People often spoke of the anxiety they felt in the face of unexplained delays, and of their frustration when easily avoidable mistakes — design flaws in houses or boats, for instance — rendered assistance ineffective or inappropriate. Rather than a seamless transition from relief to rehabilitation and then to development, for many local people there was a disconnect between what was needed for recovery and rehabilitation and what was delivered.<sup>45</sup>

According to the impact of projects on Aceh's social fabric, Eye on Aceh has assessed that the reconstruction aid to Aceh has all too frequently come at a social cost.

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Unequal levels of assistance, whether within or between communities or regions, and the ability of some individuals to profit from the presence of international agencies while others bear the brunt of inflation, are already fuelling social jealousy. Meanwhile, the potential for tension between those displaced by the tsunami and the communities into which many have settled will only grow as more people migrate from 'non-tsunami-affected' regions into 'tsunami-affected' ones in search of employment and assistance. As the divide between winners and losers in the reconstruction aid stakes grows, and social capital is steadily eroded, the chances increase for social conflict. Many of the programmes examined in this study appeared to lack a conflict-sensitive perspective. Meanwhile, the marginalization of women in decision-making processes reinforces existing patterns of gender discrimination.<sup>46</sup>

### **Preserving the civilian character of the relief and reconstruction effort.**

In the wake of disaster, military capacity can be invaluable to rescue and humanitarian response. Indeed, the Indonesian military in the first weeks after the disaster played a critical role in saving people, delivering aid and providing access for humanitarian agencies. But its continued role for months thereafter in the relief effort in Aceh gave rise to concerns that humanitarian aid was being "used as a tool to assert control over a population in need."<sup>47</sup>

With the August 2005 peace agreement, such concerns dissipated. At least half of the nearly 50,000 troops in Aceh withdrew and the way is being paved for civilian self-government and oversight of the province. In addition, the BRR has taken over coordination of the reconstruction effort and by most accounts is making progress. Nonetheless, it should be firmly established,

whether in peace or wartime, that humanitarian aid is the responsibility of civilian institutions. The military's long history of human rights abuse in Aceh makes it essential for neutral civilian institutions with experience in relief and reconstruction to be the only ones authorized to oversee the recovery effort in accordance with internationally recognized humanitarian principles.

### **Slow Pace of Recovery and Reconstruction.**

Although timelines are not provided for in the Guiding Principles, it is understood that recovery and reconstruction in response to a disaster must be as speedy as possible. Although some Indonesian government and UN officials defend the pace of the reconstruction on the grounds of the sheer devastation in Aceh and the need for a careful and well-planned response, in May, the head of the BRR expressed shock at the slow pace of the reconstruction. Kuntoro told the press: "There are no roads being built, there are no bridges being built. There are no harbors being built. When it comes to reconstruction, zero."<sup>48</sup>

Since its establishment in late April, the BRR has moved quickly to get projects approved for roads, schools, houses and ports, and in the second half of 2005, construction speeded up. But the BRR must cope with a long and growing list of challenges, which slow up its work. Bureaucracy is one, reflected in the slow disbursement of funds to Aceh and the delays in publishing the reconstruction plan. Coordination is another, with reports of insufficient consultation between the central and provincial governments and between the government and the international community. As for the 120,000 houses that need to be built, there are property ownership issues, shortages of land, the loss of professionals,

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the inexperience of NGOs in building houses, the scarcity and high price of building materials, and transport and logistical problems.

In addition, there is corruption. President Susilo Bambang Yudhoyono came into office on an anti-corruption platform in 2004 and has been serious in seeking to uproot the practice. Kuntoro was appointed director of the BRR because of his integrity. In fact, he told an audience in Washington that the main reason the reconstruction agency was created was to ensure that it would not be tainted by the corrupt practices of other government bodies.<sup>49</sup> In addition, investigations and convictions of local officials have been taking place, in particular in Aceh. But it is also true that Transparency International ranked Indonesia among the 20 most corrupt countries in the world. Bribes are reported to be needed for identity cards and land certificates,<sup>50</sup> and NGOs like Indonesia Corruption Watch as well as the media have drawn attention to siphoning off of aid by the military, favoritism by local officials toward select constituencies, and the difficulties of the state's auditing agency in accounting for all the donations received.<sup>51</sup> A US Agency for International Development document points out that, "Weak governing institutions, inadequate rule of law, and pervasive corruption" are the principal obstacles facing the new government.<sup>52</sup> Clearly it will be a challenge for the government to ensure that corruption does not undermine the response to tsunami reconstruction and that a sharp reduction takes place between the large amount of funds received (\$4.4 billion to date out of \$7.5 billion pledged)<sup>53</sup> and the results achieved on the ground.

The researchers of Eye on Aceh according to the way in which donors and implementers handled the project cycle were surprised by the lack of donor and

implementor monitoring of projects, which might have identified ongoing problems, and of post-project evaluation, which might not only have identified issues of concern but might also have led to a crackdown on incompetent or corrupt partners. They also were alarmed to find that donors and implementors frequently ignored the recommendations of internal and external evaluations of broader agency strategies.<sup>54</sup>

Donors and implementors often appeared more focused on their own short-term need for visible results than on the longer-term needs of the local population. Eye on Aceh expressed their concern that in the rush to spend money, not only were donors and implementing agencies too busy to actively build the local capacity that will be vital if ambitious programmes are to be sustained after outside actors leave, but some programmes' partnerships actually lowered capacity and morale in some local groups. Disparities in reconstruction assistance between individuals, communities and regions runs the risk of creating new social divisions as well as of exacerbating existing ones. Reconstruction efforts had also increased social tension in Aceh, while turf wars between donor agencies, competition for project areas and a reluctance for donors to exchange information had dogged the reconstruction effort.<sup>55</sup>

They further identified an alarming level of ongoing environmental damage related to reconstruction efforts, in particular deforestation resulting from illegal logging, which not only threatens the province's biodiversity and potential for economic activities such as ecotourism but has the potential to lead to yet more natural disasters such as the flooding and mudslides that killed around 20 people and displaced thousands more in 2005.<sup>56</sup> Agencies involved in reconstruction were failing to protect the environment. The government gave the right

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to exploit the forest to 5 “old player” to supply the need of wood up to 500,000 m<sup>3</sup>/year even though the capacity of Aceh’s forest to be used only 47,000 m<sup>3</sup>/year.<sup>57</sup> There is huge demand for timber, and the logging going on to feed that demand is of real concern. There is a real danger of Aceh losing its forests.

Taken together, the impact of Aceh’s reconstruction so far appears to have contributed to a number of worrying outcomes. Many beneficiaries have been left feeling powerless and frustrated, adding stress to an already traumatized population. The persistence in inappropriate or ineffective programmes has led to substantial waste, both of money and material and of good will. Finally, there have been alarming levels of social and environmental damage.

In conclusion, the following list of concerns emanating from the tsunami should be integrated into policies and programs. These included housing rights, property rights, loss of documentation, participation in reconstruction plans, and the rights and needs of women and children. Furthermore, aid programs that pay attention to the following aspects have a better chance of

conflict. Addressing them can create a strong foundation for recovery.

### Notes

\* The author is the Executive Director of Indonesian IDE.

<sup>1</sup> The recovery effort is beset by challenges of enormous complexity. No amount of planning or ingenuity could have averted them. To quote a few: (a) Land has to be cleared of millions of tons of debris and silt before it can be used again - whether for farming or building homes; and before building houses it is vital to establish who owns what land. Large areas of land are no longer suitable for housing because they are now flood plains due to tectonic plate shifts that depressed much of the coastal shelf by up to 1.5 meters.

becoming sustainable and contributing to the long-term stability of the country, e.g. non-discrimination in the provision of aid; better coordination at the national, regional and local levels; transparency and accountability in the disbursement of funds; mechanisms to ensure that women have equal rights to land and housing; and the greater involvement of beneficiaries and host communities in the planning and implementation of reconstruction programs.<sup>58</sup>

Implementation of aid programmes should be also sensitive to potential conflicts between locals and outsiders; reduce the aid gap between ‘tsunami-affected’ and ‘non-tsunami-affected’ areas; defuse social jealousy emerging around the issue of different types of housing; ensure that all programmes do not widen the poverty gap, or cause social jealousy; avoid individualistic approaches that erode traditional communal forms and integrate a conflict management perspective into all programmes.<sup>59</sup> Tsunami and other disasters bring to the fore deep structural problems of Indonesia and provide opportunities to reverse long-standing patterns of discrimination and ethnic

(b) Education: More than 2,000 school buildings damaged; approximately 2,500 teachers died; 335 new schools built or under construction; over 1,100 new or temporary teachers trained; 1.7 million textbooks distributed. (c) Health: more than eight hospitals damaged or destroyed; 114 health centres and sub-centres damaged or destroyed. (d) Economy: US\$ 1.2 billion damage to the productive sector; projected economic decline of 5% in Aceh; 20% in Nias. (e) Fisheries: 4,717 coastal fishing boats lost; 20,000 ha fish ponds destroyed or out of action; 3,122 boats replaced or being built; 5,000 ha fish ponds repaired, back in use. (f) Agriculture: 60,000 farmers displaced; over 60,000 ha agricultural land damaged. (g) Enterprise: 100,000 small business persons have lost their livelihoods; 7,000 workers given skills training. See: BRR and UN Information Management Service, Tsunami

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- Recovery Status Report, December 14, 2005; BRR Survey, November, 2005; BRR December 2005 Report: Aceh & Nias One Year After The Tsunami.
- 2 William Jefferson Clinton, "Clinton: The Tsunami, one year later," *International Herald Tribune*, December 23, 2005
  - 3 BRR and UN Information Management Service, *Tsunami Recovery Status Report*, op.cit.
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  - 10 About 500,000 people were displaced from their homes by the tsunami. Most have been able to return to their property or to find an alternative, but about 190,000 people remain homeless in Aceh and a further 13,500 families in Nias. Some 67,500 people in Aceh remain in tents ones (BRR report, 2005).
  - 11 Many children are now taught in tents or temporary learning spaces. A large program was undertaken to train more than 1,100 new or temporary teachers. However, children's education has suffered from the disruption of service, the movement of communities in resettling, and the trauma of the disasters. More than five percent of children aged 7-12 were still not enrolled in school by August and more than ten percent of children aged 13-15 years were not going to school It appears that many children are leaving school to take up jobs, so potentially being deprived of life opportunities. The challenge, moving forward, is to complete the repairs to over 2,000 schools in Aceh and Nias, replacing the temporary facilities with disaster-resistant permanent ones (BRR report, 2005).
  - 12 The tsunami caused an estimated loss of US\$ 1.2 billion in the productive sectors. More than half of this was in the fisheries sector and the rest was divided between farming and manufacturing (BRR report, 2005).
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# US Military Troops in Typhoon-ravaged Quezon Province, Philippines

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The International Federation of Red Cross and Red Crescent Societies in its appeal issued in December 15, 2004, and quoting figures from the Philippine National Red Cross, stated the following:

“Nearly 1,800 people have been killed or reported missing in eastern and northern provinces of the Philippines as a result of floods and landslides provoked by a series of storms since mid-November. The combined impact of these events has caused significant loss of life and damage to the agricultural economy, severe disruption to daily life and infrastructure in the country. According to the latest government report, the disaster has affected some three million people, including 650,000 displaced; 939 people are dead, 837 still missing and 752 injured. Damage to crops, fishing and infrastructure is estimated at 4.69 billion pesos (around 96 million Swiss francs). The vast majority of the casualties were caused when tropical depression Winnie set off landslides and flooding at the end of November that enveloped the coastal towns of Real, Infanta and General Nakar in Quezon province.”

“Tropical depressions Merbok and Winnie brought torrential rains in eastern Luzon

which caused hundreds of landslides in the upland areas and brought cascading mud and debris to the towns of Infanta, Real, and Nakar, province of Quezon. Almost 80 percent of the infrastructure of these three towns was damaged, which were also cut off from Manila by landslides and collapsed bridges. Electricity, potable water supply and communications systems are all seriously affected. In the adjacent Aurora province, remote villages were isolated by floods and landslides.”

The successive natural disasters of mudslides and flash floods turned these areas facing the Pacific Ocean into a sea of chocolate-brown mud littered with bodies, uprooted trees, collapsed homes and bridges.

The full impact of this tragedy was dramatically shown in a photo of an island of floating logs in the Pacific Ocean, after these had come crashing down from the Sierra Madre mountains that appeared on the front page of the Philippine Daily Inquirer.

The massive devastation and deaths in Aurora and Quezon, caused by widespread and indiscriminate deforestation by big logging concerns, shocked the entire nation. Thousands of Filipinos offered material help

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for the victims such as food, clothing, blankets, cash, and many more.

## RP-US Balikatan Military Exercises for 2005

Never did the residents of Quezon province realize that another disaster, this time man-made, was going to hit them — the presence of US troops in their areas.

This was the scheduled February 21-March 6, deployment of US forces in the Philippines as part of annual military maneuvers — dubbed “Balikatan” or “shouldering the load together” — aimed at promoting the ability of US and Filipino troops to work together in a potential security threat.

Balikatan 2005 would be the 21<sup>st</sup> joint military activity of American and Filipino soldiers.

However, said exercises would focus on anti-terrorism and other vital civic-military activities “aimed at alleviating the plight of civilians who were victims of natural calamities” (Mussomeli).

Thus, 300 US soldiers and 650 of their Filipino counterparts were sent to rural population of Quezon and Laguna, which many observers say, are “guerrilla strongholds.”

It should be noted that the Arroyo government together with the US Pacific Command (USPACOM) is preparing 28 batches of Balikatan exercises for 2005. The first batch was launched in Laur, Nueva Ecija last January. The second was launched in Quezon-Laguna last February 21-March 6. And the third, in Rizal on February 27. Aside from the training and war exercises, another component of Balikatan would also include counter-narcotics operations and “humanitarian/development mission”.

US soldiers deployed in Quezon province delivered aid and conducted medical and dental mission for residents who were

displaced by the series of typhoons that hit this province in November and December, 2004. (Capt. Dennis Williams, US Embassy Military Liaison)

More than 300 US soldiers and 650 Filipino counterparts started a major military exercise in the Philippines’ rural northeast, brushing off a threat by Marxist rebels to attack the Americans if they venture into guerrilla strongholds.

The troops constructed new school buildings and provided medical and dental services to communities in nearby Laguna.

## The US war on terror

Communist guerrillas said the relief operations could be a pretext by US troops to intrude into rural New People’s Army strongholds in the two provinces to spy on — and help crush — the Marxist rebel movement. They said they were “ready to fight US combat troops that help the (military) trample on human rights and kill Filipinos.”

US Charge d’Affaires Joseph Mussomeli said there was no need to bolster the regular security provided to American troops on military exercises.

Military chief of staff Gen. Efren Abu said the civic work would be “like fighting terrorism on another front.” Communist insurgents have staged numerous attacks on military and police targets in both impoverished provinces.

## US civic action in the villages as surveillance operations

The Communist Party of the Philippines demanded the immediate pullout of the American troops in Laguna and Quezon.

CPP spokesperson Gregorio Rosal dismissed pronouncements by US and Philippine military officials that the US troops are in the area “to conduct humanitarian missions” in areas hit by floods and landslides in December, 2004.

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Rosal said US troops have been conducting operations in areas unaffected by the calamity such as the towns of Luisiana and Siniloan in Laguna.

He stated that the real objective of the US military in the so-called joint exercises is to carry out surveillance operations to familiarize themselves with the physical and social terrain in these areas.

"These are all part of the US' preparations for a possible full-scale war against the Philippine revolutionary movement," Rosal said.

## **Arrest of GABRIELA leaders in Quezon**

On March 1, a few days before the International Women's Day traditionally commemorated on March 8, four leaders and coordinators of GABRIELA, a national federation of grassroots women, were illegally arrested and detained in Quezon Province.

GABRIELA has a long history of struggle such as the campaign to oust the US military bases in the Philippines, the anti-Visiting Forces Agreement, the US war on terror, globalization policies of liberalization, deregulation, and privatization.

The four women leaders — Miralyn Gamba, 34; Nancy Elle, 33; Leonila Manalo, 32; and Aileen Ramos, 23, — were forcibly arrested while they were on their way home after conducting brief consultations with municipal and district coordinators regarding the ongoing Balikatan military exercises in Quezon and the relief and rehabilitation efforts of GABRIELA, when they were arrested by members of the 76<sup>th</sup> Infantry

Battalion (IB) of the Armed Forces of the Philippines (AFP) conducting security patrol.

Two of the four arrested GABRIELA leaders are known to be active in opposing logging operations that have resulted in the devastation of the province after typhoons visited it last year. All four are active in relief and rehabilitation efforts.

The women just came from a meeting at a resort in Bgy. Bataan, Sampaloc, Quezon when the elements of the 76<sup>th</sup> IB, AFP tried to abduct them. The women tried to seek refuge at the Sampaloc Philippine National Police (PNP) headquarters where their relatives came to their rescue. They were accused of being supporters of an NPA unit that the military was allegedly pursuing. They were detained at the Sampaloc PNP headquarters and were charged with rebellion only to be released later after their lawyers successfully contested the false charges.

According to Ms. Emmi de Jesus, secretary-general of GABRIELA-National, "the incident only goes to show that the security of the American soldiers is priority over the civil and human rights of the Filipino people."

GABRIELA demanded the immediate stop of harassments and violations of human rights of persons or groups who are against the Balikatan. The group likewise demanded the immediate end of the Balikatan military "exercises" and called for the immediate release of the detained women leaders.

The GABRIELA organizers claimed that the presence of the US troops aggravated the situation in the villages.

# Civil War, Tsunami, Humanitarian Aid and Human Security

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## **Introduction**

For the last two decades of the twentieth century, Sri Lanka has endured a civil war that has resulted in large-scale displacement of citizens and ongoing human rights violations; from torture to extrajudicial executions, disappearances and child abductions.

Whilst a 2002 peace agreement to cease hostilities brought a significant measure of relief to the country, the lives of residents were once again disrupted by 15 minutes of terror as the tsunami lashed the coastline on December 26, 2004. More than half of the country's provinces and districts were affected. Statistics suggest that 31,000 lives were lost during the tsunami and estimates of displaced persons stand at 443,000. (**Sri Lanka Development Forum: The Economy, The Tsunami and Poverty Reduction**). At the beginning of March 2005, a large number of this original figure remain displaced, many in temporary or transitional housing where infrastructure can be precarious and where the level of displeasure with the pace of repair has been increasing.

A critical perspective on how the human rights of the vulnerable populations impacted by the tsunami have been addressed is

missing in recent analyses of the effects of this natural disaster. Whilst some reports have paid particular attention to issues facing women and children (although even this data is sparse and limited primarily to anecdotal evidence), there is relatively little focus on monitoring the rights of internally displaced people (IDP); whether they are being treated with dignity, how national governments as the duty bearers are fulfilling their obligations, and whether the massive amounts of aid that have flowed into the region from around the world are reaching those so desperately in need. The tsunami brought to the surface long-standing human rights concerns that have made the vulnerability of certain groups even more apparent. Analysis of whether the tsunami has elicited further rights violations must begin against the backdrop of a beleaguered country where the rule of law often seems inconsistent and transparency questionable.

**Table 14** in the next page, indicates displacement of people due to man made and natural hazards.

## **Methodology**

As a resident of Sri Lanka working within a national NGO, the author has practical

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**Table 14. Internally Displaced People (IDP) due to Man Made and Natural Hazards.**

Category	Northern Districts	Eastern Districts	Southern Districts	Western Province	North Western Province
Post conflict IDPs	170,467	48,318	2,025	6,091	46,526
Post tsunami IDPs	76,426	283,766	146,295	72,456	66
Total IDPs	246,893	332,084	148,320	78,547	46,592

*IDP Newsletter, Vol-1, July 2005. A collaborative effort by CHA, CPA and NPDS for IDPs project*

experience within both the civil conflict and post-Tsunami environs. This study is predominantly based on interviews conducted with tsunami affected IDPs living in transitional shelters, tents and refugee camps located in the western, southern and eastern areas of the island. Interviews with IDPs took place in groups of between three and 30 individuals. Interviews were conducted in shelter sites during the hotter parts of the day. The length of interviews varied from 20 minutes to one hour. Where possible, questions were addressed to women as well as to men, however during the interview process the males tended to dominate discussions (with some exceptions). For the purposes of this report, the author also spoke with representatives of the Government at both district and national levels, representatives from local NGOs, INGOs and United Nation (UN) organizations, and members of the police and military forces. Brief interviews were also conducted with human rights officials and activists.

It was observed that issues facing women were downplayed with the exception of NGO representatives.

## Human Rights In Sri Lanka

In 1998, the United Nations adopted a set of principles to guide state treatment of internally displaced people. These guidelines sought to address the gap in the international standards for protection of this vulnerable population. The vast majority of those displaced by war do not cross international boundaries and therefore do not enjoy the protections accorded to refugees in international law. (*UN Office for the Coordination of Humanitarian Affairs, Guiding principles on internal displacement, at [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html)*). The security and protection of the internally displaced are therefore the responsibility of their own states. These principles protect 'persons...who have been forced to leave their homes...as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disaster, and who have not crossed an internationally recognized State border' (Ibid). The principles enshrine protections for women and children, establish standards of nondiscrimination, and encourage states to include IDPs in decisions about relocation, return and reintegration.

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Despite Sri Lanka's support for international treaties that enforce human rights, the abuses that have occurred in the years since independence suggest that ongoing vigilance is essential if civil liberties are to be protected in the country. It is critical to consider the history of Sri Lanka in assessing how a natural disaster such as a tsunami can increase the danger of human rights violations. Ethnic rivalries and violence; the war between the Liberation Tigers of Tamil Ealam (LTTE) and the government of Sri Lanka; a long history of government repression and human rights abuses such as torture, murder, and unlawful detentions against civilians of all ethnic groups; the totalitarian methods of the LTTE; the abduction of children by the LTTE to serve as child soldiers; all lead to vulnerabilities that can intensify in the face of a catastrophic disaster.

Further, the centralization of power in Colombo despite government effort at devolution, combined with allegations of election fraud, has eroded trust in the state. Consequently, individuals affected by the tsunami may have little faith that the government will be responsive to their needs. The existence of laws protecting rights does not guarantee these rights will be protected in practice. Despite the establishment of a national Human Rights Commission and a National Child Protection Authority, human rights violations are many. Analysis of whether the tsunami has elicited further rights violations must be held against the backdrop of a beleaguered country where the rule of law is inconsistent and transparency only a dream. (*Harvey M. Weinstein, After the Tsunami Human Rights of Vulnerable Population*)

## Findings

*Disempowerment of the IDPs and Camp Life*

There was a marked discrepancy between the reconstruction progress reports and supporting data offered by government agents and their deputies, and the experience of camp occupants. Virtually all IDPs reported that they had no idea how long they would be in temporary housing or shelters. They complained about a lack of communication from authorities regarding maintenance of the camp facilities and a lack of information regarding where and when they would be resettled. They said that government representatives collected information but failed to provide them with a follow up on relocation plans. Although the Guiding Principles (refer above) encourage community participation, no evidence of IDP input into the choice of relocation sites, timing of moves, aid priorities, land selection and the planning of houses, was sighted during the study. Several NGO representatives expressed concern that some of the region's prime real estate (forested land) in the east is being reserved for the LTTE as part of negotiations between the Government of Sri Lanka and the LTTE.

Redevelopment of infrastructure continues to be a significant problem. Problems exist with the temporary housing that has been constructed. While tents were often initially the only option available to meet acute needs, the transitional housing in which people may be forced to remain for 18 to 24 months is problematic. Although each NGO appears to have followed its own design, most transitional housing consists of shell structures with metal roofs and poor ventilation. In a tropical climate, these shelters heat up to such a degree that people are forced to spend the daylight

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hours outside. With shelter sizes restricted due to inavailability of land, privacy is at a minimum, with a number of people residing in each house at a time, and in some cases, two families per structure. The transitional housing projects vary in quality, especially where people were moved in without adequate infrastructure in place or where planners selected sites without regard to geographic factors. Temporary housing is poorly sited in flood zones.

In camps/shelter sites where NGOs and the government are each providing different services (i.e. an NGO constructs a shelter while the government provides services, cash grants and food coupons), IDPs complained that it was sometimes unclear who held responsibility for what within the camp. An example provided was that of camp maintenance: whose responsibility is sanitation or protection against flooding? There are cases in one camp we observed where the camp coordinator could not find any volunteers to clean the toilets when the army came to pump them out. The army stayed five minutes and then left without pumping the toilets.

Many complained that there was insufficient food or money to purchase food. In some situations, people were found to be cooking with wood stoves inside their houses, a practice which can contribute to acute respiratory disease. In camps where the government had developed mechanisms for providing cash and other goods, IDPs (and the village leader) said they were often uninformed of these mechanisms and complained that they had no idea what to expect from one day to the next. In camps not visited by NGO or government representatives, there was often no water available for drinking or sanitation purposes. In many locations wells remain contaminated by salt water and there was a lack of water delivery to holding tanks.

This perceived lack of coordination and support, coupled with a lack of paid employment, is proving a fertile ground for the development of problems relating to domestic violence, alcohol abuse, child abuse and social unrest. In the area of security, virtually every camp (there are exceptions) has a military (Special Task Force, Navy) or police presence. For the most part, residents welcome this protection, however, there have been reports of problems with police. One example was a stabbing incident that was not investigated. Camp residents in one location thought that police had been instructed not to press charges because people were under stress, however, (the police deny this).

It is unclear whether protection officers have received specific training to work with IDPs and to address camp management issues. As the State has an obligation to protect IDPs (in line with the Guiding Principles), especially women and children, this is an area of concern for this study. Both in shelters and in camp-like situations, conditions are far from ideal. Camp incursions do occur; from individuals selling liquor, to attempts at child abductions by the LTTE, as well as occasional reports of sexual violence. In crowded sites drunkenness among men is a problem, with growing implications of violence. During one site visit a man fell after drunkenly staggering through the main courtyard. Four to five residents then dragged him to a quiet place, informing observers that the man had lost all the members of his family and his response to loss had been to turn to alcohol. In one camp in the north, rumours of an impending attack by the LTTE against the camp guards caused great concern, however no such attack occurred.

Many IDPs have moved two or three times since the tsunami; from camps, to

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relatives to transitional shelters. During several interviews IDPs stated that they were unaware of their options regarding where they can live, as well as their rights to State protection. It was also apparent that IDPs were lacking information regarding the availability of services, particularly health services and in some cases visits by health personnel to camps had not occurred at all. Concern was also raised about a lack of attention to childhood immunizations. This varied with geography and accessibility.

While some local NGOs, INGOs, and other foreigners had provided help in some sites, others had not received assistance and as a result rumors and ill feelings were apparent. IDPs said that there had been a lack of response from the Government and complained that they were either ignored or treated poorly by local authorities when attempting to seek assistance. Interview responses overall indicated a large gap between stated Government intention and IDP perceptions of help and efficiency. (UN Office for the Coordination of Humanitarian Affairs *guiding principles on internal displacement*, at [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html)).

## **Distribution of aid and questions of corruption**

A common complaint voiced by IDPs was related to equitable and transparent distribution of international aid. In the northeast, many NGO personnel and IDPs believed that services and the pace of reconstruction were farther along in the south of the country. Repeatedly we heard allegations that progress related to land acquisition and the construction of permanent housing was more advanced in the south due to this area's representation in State parliament (more members from the south than anywhere else in the country) and because the Prime Minister (later

President) has a home on the south coast in Hambatota.<sup>1</sup> There appeared to be a profound distrust of the Government. Reasons given for this mistrust included the country's history of violence, electoral irregularities and ethnic division. The allegation that Sinhalese are treated better than Tamils seems to have re-surfaced based on a lack of parliamentary representation for the eastern Tamil population.

Statistics and Government reports mid-2005 suggested some disparity between rehabilitation progress in the south compared to the rest of the country. The Tsunami Disaster Information Unit of the District Secretariat in Batticaloa reported as of April 1, 2005, that 12,232 homes had been destroyed and 5376 homes partially destroyed as a result of the tsunami, leaving 20,888 people in welfare centers. The authorities in Batticaloa had not completed the development plan. At the same time in Ampara<sup>2</sup>, the task of acquiring land in rice paddy areas is in progress however the process is slow. In Hambatota in the south, government agents reported that the construction of transitional housing began within five weeks of the tsunami. And in the week before our visit, all those displaced had been removed from shelters. The state had selected 1200 acres of Government land and 100 acres of private land for acquisition. Land surveys had been done and donor agencies selected. The authorities had completed 80 to 100 permanent houses on the day of our visit. Authorities planned to have completed 200 additional houses by the end of April 2005, with expectations that all IDPs will have been provided with a house by the end of December 2005, a sharp contrast to what we heard in the northeast.

The Assistant Land Commissioner for the southern coastal district of Matara reported the destruction of 1810 homes, with partial damage to an additional 1892 homes. Land

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has been identified and plans developed to ensure the construction of 1500 houses in three months and a total of 1810 completed by the end of December. (Harvey M. Weinstein, *After the Tsunami Human Rights of Vulnerable Population*)

## Permanent Housing and Rebuilding

An area of concern for IDPs and development agencies working with tsunami affected individuals was the buffer zone legislation imposed by the government. Long before tsunami, buffer zones in the north and east discouraged rebuilding of housing within 200 metres of the shoreline and within 100 metres of the shoreline on the south and west coasts.

To encourage development inland, the government provided grants of Rs.250,000 (\$US2500) toward construction on permanent housing outside the buffer zone. IDPs complained that information regarding alternative options was not provided to them and that government grants (and the terms that came with them) had a big impact on decision making.

To this date, it has not been made clear why the government arrived at the decision to impose a buffer zone and little information was conveyed to IDPs. The Guiding Principles on internal displacement emphasize the importance of ensuring IDP involvement in the planning and management of their return, resettlement and reintegration, however in this case, many IDPs who fled inland immediately following the event fear is the determining factor in their decision to relocate.

We did note that along the highway, particularly in the south, residents are rebuilding commercial establishments, such as small guesthouses, as well as private homes. Thus, with their own funds, they are making a decision to remain close to the beaches. Both government officials and

police informed us that there is no forcing people off the land or of destroying rebuilt homes. However, we did hear from a local NGO that rebuilt boutiques (small shops) had been destroyed. (Harvey M. Weinstein, *After the Tsunami Human Rights of Vulnerable Population*)

## Livelihoods

The destruction of boats, hotels, and ancillary tourist businesses has affected vast numbers of families. While some INGOs have developed 'return to work' projects, most of the men remain unemployed and disaffected. Rumors about which group received what assistance from which agency lead to anger and resentment among survivors. Not only are there rumors about preferential treatment of the south compared to the northeast, but stories have also circulated regarding differential treatment within the regions themselves. In one shelter, residents reported that those outside the camp received help but not those within the shelter. They noted that authorities had delegated the Fishermen's Union to provide assistance but only for those who are members.

IDPs report unexplained variations regarding who receives financial assistance and who doesn't. Of 350 members of the Fishermen's Development Society in one area, only 18 received money for new boats or equipment. In another area, one new boat was provided for 300 fishers. This group felt cheated and one member exclaimed, "Why is it that foreign aid came but not to us?" One man complained that he did not know where to go to obtain help to buy new nets. At one camp in Matara, the fishermen complained that they did not know where to turn to get boats. Some fishermen and their wives noted that they have never been able to depend on the Government and that it was only on their

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own merit through their work, that they could live. In this group, some of the widows talked about the possibility of self-employment projects that might offer them an income and a sustainable future. The overall sense of residents in this shelter was that they needed homes and tools to rebuild their lives; they were not looking to be cared for. While NGOs report that they are initiating livelihood projects, there is a question of inconsistency in their actual implementation.

Many IDPs offered examples of bureaucratic difficulties such as being unable to obtain bank loans without a guarantor of deeds. In one case, a man reported that a bank manager refused to extend him a loan until UNHCR intervened. In some cases, mistakes on application forms led to banks sending IDPs away, making the loan application process a difficult task for those living in remote areas. Another problem has been discrepancies with beneficiary lists provided to financial establishments by District Secretariats, resulting in eligible IDPs being turned away. These problems have increased distrust of bureaucracy within communities and have led to a sense of helplessness and simmering rage. **(Harvey M. Weinstein, *After the Tsunami Human Rights of Vulnerable Population*)**

### Protection of children

The Commissioner for Probation and Child Care Services reported that as of April 11, 2005, 1080 children had lost both parents as a result of the tsunami and 3739 had lost one parent. In Northeastern Province alone, there were 740 orphans. The Government of Sri Lanka are to be commended for the speed and breadth of scope with which they documented the numbers and whereabouts of child survivors and ensuring that they were appropriately cared for. Their emphasis on keeping children within their home

communities instead of removing them to institutions was carefully considered, as was the emphasis on preventing illegal adoption. Only 16 children were placed in government homes. Selection of appropriate guardians was efficiently organized and monitored. To date, psychological and emotional support has been made readily available, as has assistance in securing their birth document, re-enrolment in schools and the provision of uniforms and school supplies. **(Sarath W. Amarasinghe, *The Commercial Sexual Exploitation of Children: A rapid assessment (Geneva: ILO 2002)***

Immediately post-tsunami, reports of child abduction were extremely rare and often anecdotal. In one instance an NGO attempted, without permission, to remove six children to a separate house to provide them education. In another recently reported case, a man from the United States who had a history of sexual offenses against children and women, was apprehended working in an orphanage in the south in the guise of helping tsunami affected children. There was also the unusual situation of seven mothers claiming the same newborn who had been separated from family members during the tsunami, a dispute finally settled through DNA identification. UNICEF reports that there may be five to ten reported cases of child trafficking after the tsunami. **(Sarath W. Amarasinghe, *The Commercial Sexual Exploitation of Children: A rapid assessment, Geneva: ILO 2002*)** Figures are unreliable and range widely but suggest small numbers. There are also examples of trafficking by family members; the South Asia Women's Fund described one case of a grandfather trying to sell his grandchild **(South Asia Women's Fund *The Tsunami Disaster in Sri Lanka: Promoting and Implementing Gender Sensitive and Child Friendly Community Based Approaches to Rehabilitation***

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(Colombo: South Asia Women's Fund, 2005)

However, again, this information is anecdotal and, in terms of numbers, rare.

There have been reports of attempted child abduction from shelters and camps in the Northeastern Province. These reports have raised the question of child abduction for recruitment as child soldiers by the LTTE. Both UNHCR and a local NGO, Sarvodaya, reported attempts of child abduction. A police official in the east described an abduction attempt from a large camp on March 29, 2005. More than one child was involved and the attempt led to a confrontation between the LTTE and Special Task Force. No shooting was involved and the raid was unsuccessful. According to the Sri Lanka Monitoring Mission, there have been few reported cases of child abduction; however the problem has not stopped altogether. (Prof. Harendra de Silva, *Power Games in War and Peace: The tragic impact of corruption, Violence and Impunity on the Sri Lankan Child*, Colombo, 2003). The Human Rights Commission reported unknown men had taken 24 boys unaccompanied by family members for haircuts preparatory to recruitment as soldiers. The boys' parents were called and they were taken home. A senior Government official in the east denied that there had been any problems with child abductions or trafficking.

## Protection of women

At this point, there appears to be little evidence of a significant increase in violence against women where the perpetrator is unknown, as a result of the tsunami. There were two reported cases of rape immediately following the tsunami; one involving the rape of a woman attacked by three strangers at a guest house and another, two women raped by six men after being abducted from a beach one week after the tsunami. In addition, an unofficial

report suggested a woman had been raped while being rescued from the waves, however this has not been substantiated.

The Coalition for Assisting Tsunami Affected Women released a briefing note that suggested specific gender-related concerns such as insensitive male camp officials subjecting women to indignities when they needed sanitary napkins, women being groped in the dark and women being excluded from camp management. We noted that in all the camps (with the exception of one), men took on the role of spokespersons, while the women remained in the background. While we were able to engage the women in discussion, it was made clear that certain topic areas, such as gender-based violence, were off limits. (Coalition for Assisting Tsunami Affected Women, *Gender Specific Issues Relating to Post Tsunami Displacement*. At [http://www.womeninlondon.org.uk/download/tsunami\\_women\\_press\\_release2.doc](http://www.womeninlondon.org.uk/download/tsunami_women_press_release2.doc)).

UNHCR has reported an increase in domestic violence and alcohol use post tsunami.

One unofficial report told of a woman whose drunken husband had poured kerosene on her with the intention to set her on fire, and another incident involved the stabbing of a woman, however the police did not respond. The South Asian Women's Fund suggests that domestic violence is hidden in Sri Lanka, as the barriers to reporting are significant. Massive displacement, crowded shelters, increased stress and alcohol consumption have the potential of heightening risk, and while NGOs are aware of instances of domestic abuse, there is minimal data and few women willing to report incidences.

## Human trafficking

Lawyers for Human Rights and Development (LHRD) suggests that trafficking of young

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boys and girls is a major problem in Sri Lanka, with a movement of girls preliminary from rural to urban areas and of boys to Colombo and beach areas of the west and south coast. Estimates of children in commercial sex exploitations range from 1500 to 30,000 with four times as many boys as girls being exploited. **(A Study on the Law and the Enforcement of the Law Relating to Trafficking in Sri Lanka, Colombo, 2004)** The underlying factors appear to be poverty and the growth of the tourist industry.

While Sri Lanka has signed and ratified relevant international treaties related to child protection and has several laws that could protect children, there has been a distinct lack of enforcement of these laws. The report **A Study on the Law and the Enforcement of the Law Relating to Trafficking in Sri Lanka (Colombo, 2004)** from LHRD reveals a distinct lack of response from police and from the judiciary. Young girls are abused not only through sex trafficking but also as domestic workers. Further, chains of trafficking have been traced to Singapore and appear to involve international criminal networks. The LHRD report also suggests that the exploitation of Sri Lankan women as domestics in the Middle East, is also a severe problem. **(Lawyers for Human Rights and Development. A Study on the Law and the Enforcement of the Law Relating to Trafficking in Sri Lanka, Colombo, 2004)**

In addition, the South Asian Women Forum has reported that abuse of domestic workers within Sri Lanka is rampant, with little protection or legal representation for those who complain. **(South Asia Women's Fund, The Tsunami Disaster in Sri Lanka: Promoting and Implementing Gender Sensitive and Child Friendly Community Based Approaches to Rehabilitation, Colombo: South Asia Women's Fund, 2005).** International NGO Solidarity has reported that there may be as many as 200,000

migrant workers moving from rural areas of Sri Lanka to factory zones and other jobs which offer little employee protection. Solidarity expressed concern that the tsunami may heighten this particular problem, as vulnerable people may be enticed to work as domestic or factory workers as an escape from poverty. This too is an area that will require close monitoring, legislation, and training of law enforcement.

## Conclusion

While the government of Sri Lanka has made a Herculean effort to respond to a major calamity, problems do exist that go beyond the technical difficulties that might be expected. There are significant gaps in our understanding of the extent of human trafficking (internal and external) in Sri Lanka. If this process is driven by poverty, the tsunami may have additional impact on it. Other dimensions of labor may also increase. The hidden problems of domestic violence and alcohol use need further investigation. The potential for human rights abuses related to equitable distribution of aid, lack of transparency, and structural problems in delivery of government services will require ongoing monitoring. The problems of child abduction and recruitment of child soldiers remain unresolved and require additional data and monitoring. IDPs, women and children in particular, have not received sufficient protection.

The impact of the tsunami on the survivors can be assessed in a systematic way and will result in programs designed to meet the identified needs of survivors. The preservation of property rights or appropriate compensation, along with the provision of identity documents, must be monitored to assure that no one is deprived of their basic rights. Livelihood must be restored based on what people want, not on what NGOs or government prefer. This is an

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area in which monitoring is essential with indicators of progress clearly defined. Finally, the problem of finding mass graves and identifying the missing remains an ongoing legacy of years of war, a legacy compounded by addition of those who lost their lives in the tsunami. However, it also is important to focus on the problems that emerged after the acute phase of the humanitarian relief process ended so that we can prepare for and mitigate the consequences of the inevitable next natural disaster.

## *Notes*

<sup>1</sup> Southern Province District in Sri Lanka

<sup>2</sup> Eastern Province District Sri Lanka