General Findings

Our data suggest that many tsunami survivors in all five countries were dissatisfied with the manner in which relief and reconstruction aid was distributed by government and aid agencies. We identified six themes that continue to exert a profound and negative impact on the ability of tsunami survivors to rebuild their lives: the impact of pre-existing human rights problems on relief and reconstruction; inequity in aid distribution, impunity and lack of accountability, lack of coordination, low public confidence in coastal redevelopment, and lack of community participation.

I. **Pre-existing Human Rights Problems**

Our study findings indicate that the human rights context profoundly affected tsunami relief and reconstruction efforts. The disaster rendered groups who prior to the tsunami faced human rights vulnerabilities even more exposed to abuse. However, aid agencies for the most part failed to take into account the prevailing human rights conditions in the areas in which they worked. The result was that in some instances, relief agencies unwittingly compounded human rights vulnerabilities.

In Indonesia and Sri Lanka, the ongoing conflict between the government and armed separatist groups complicated and frustrated aid delivery. In Indonesia, humanitarian agencies focused on delivery of assistance and complied with the military directive to construct barrack housing over which the military would exercise control. Tsunami victims, particularly adult males, experienced the prior military presence in Aceh as repressive since they were vulnerable to abuse on suspicion of being supporters of the separatist Free Aceh Movement (GAM). Many survivors live in the barracks in name only, remaining off-site during the day and returning only as minimally necessary to maintain aid eligibility. Many local human rights and aid groups welcome the international presence as a restraining influence on the military but some criticize the failure of international groups to confront the military about its aid regulations. Government authorities in Aceh have restricted humanitarian agency access to survivors on the grounds that suspected GAM activity creates a security threat. The result of such measures is that some survivors are not reached and there is no outside monitoring of their condition.

In Sri Lanka, conflict hinders access to survivors by aid organizations. The Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) control parts of the tsunami-damaged areas in the north and east of Sri Lanka. The failure of the government and the LTTE to reach an agreement that would allow the insurgent group to receive and distribute aid leaves many in the north and east unassisted. Moreover, fear of both the LTTE and state authorities because of their past human rights abuses keeps tsunami victims from seeking aid. Due to the conflict, there are many IDPs already in camps who are now joined by tsunami IDPs. However, each group is treated differently, with tsunami survivors receiving more benefits. Such disparities cause tensions within camps, but a political decision has not been reached to equalize levels of aid. Related to this conflict, the kidnapping of children by the LTTE for service as soldiers has continued post-tsunami with attempted raids reported in IDP camps. The inability of the government of Sri Lanka to offer protection remains an ongoing concern.

In India and Thailand, prior acts of violence and discrimination against Dalits (untouchables) and Burmese migrant workers in many instances have prevented members of these groups from seeking aid. Dalits are not included on government lists of tsunami survivors eligible for aid, and a history of social and political exclusion has discouraged some from challenging government policy, although some NGOs are working specifically with Dalit communities to fill this gap. In the immediate aftermath of the disaster, many Burmese migrant workers went into hiding for fear of being arrested. Fear of arrest
has also discouraged Burmese migrants from claiming the bodies of their dead loved ones. Thousands of bodies remain unidentified and some NGOs estimate that many of these may be Burmese migrants who worked in the tourist areas. Lack of vigorous enforcement of anti-discrimination laws, and lack of protections for migrants in Thailand and for lower castes in India, have contributed to the vulnerability of Dalits and Burmese migrant workers to human rights violations in the relief and reconstruction phases. In the Maldives, the authoritarian nature of the regime has prevented the realization of human rights and has inhibited the development of civil society capable of demanding rights. And residents on outlying islands in the Maldives traditionally have been excluded from participation in civic life, further frustrating efforts to organize an effective response among these survivors. Survivors have little input into decisions made to provide relief both in the short-term and in reconstruction.

Finally, in all areas visited, the years of human rights abuses or weakness in enforcement mechanisms have led to a lack of trust in government. Tsunami survivors and key informants express a lack of confidence that their governments are capable of guaranteeing high-quality provision of services, transparency in decision-making and implementation, and protection of human rights for tsunami survivors throughout the reconstruction period. In general, government was seen as a threat to freedom and autonomy, while private and international groups often were seen to have exaggerated powers to ameliorate their troubles. Unrealistic expectations of survivors for what nongovernmental groups can accomplish has led to disappointment and may lead later to withdrawal and resentment if their needs are not met.

II. INEQUITIES IN AID DISTRIBUTION

The data indicate that throughout the tsunami-impacted areas studied, inequities in distribution of assistance plague survivors. Inequality in distribution potentially affected all survivors, although vulnerable populations, in particular women and members of certain ethnic or religious groups, face particular obstacles to receiving assistance.

In Sri Lanka, India, and Thailand, it was not uncommon to find that fishermen in one village received aid to rebuild their damaged boats, while fishermen in a nearby village received no assistance. In some instances, villagers alleged that corruption by government officials caused such disparities. In other instances where the aid was provided by private organizations, villagers in locations that the aid group did not select for receipt of goods were perplexed by this treatment. They had received no information about why they were not eligible for help. In Indonesia, the military threatened to withhold aid from some villagers as a means to exert control over where they resettle. Researchers also reported allegations of military personnel siphoning off relief supplies for their private use. In Sri Lanka, survivors allege that reconstruction has proceeded at different rates depending on ministerial influence, and a disparity in rebuilding is borne out by the data. Plans for rebuilding housing in the tsunami-impacted areas of the north and east lagged behind the damaged areas in the south—districts that elect a disproportionate number of the parliamentarians and where the prime minister maintains a home. In the Maldives, survivors complain that response to their needs sometimes depends on the whims of a particular island chief or on connections with the central government in the capital.

In some instances, government regulations operate to exclude some populations who have lost family members, their livelihood, or property from receiving government assistance. In Indonesia, eligibility for government relief is restricted to individuals with a state-issued identification card. Residents must be vetted by the military authorities to receive this card—a security measure imposed prior to the tsunami to restrict support for the separatists. Individuals who do not have a card, either because it was lost or because they had never applied—were unable to receive relief. The majority of disaster victims in India are fishers and the government used lists of members of fishermen’s societies as
the vehicle for distributing relief. Victims whose names did not appear on these lists were ineligible for temporary shelter and assistance and were forced to rely on private groups for support. Members of the Dalit caste, port laborers, small business proprietors, and widows of fishers all have livelihoods dependent on the devastated fishing industry but are excluded from membership in the fishers’ societies and thus from government aid. And in Thailand, the government did not compensate Burmese migrant workers for their losses. The government provided free medical care to foreign tourists injured in the tsunami, but required Burmese migrant workers to pay for their medical treatment.

In addition to government regulations, several factors appear to contribute to disparities in aid distribution among tsunami survivors. In Sri Lanka and Indonesia, the ongoing conflict between government and separatist forces has complicated aid distribution. Lack of an agreement between the government of Sri Lanka and the LTTE to permit the separatist group to receive and distribute aid in the areas it controls has hindered assistance to those survivors. Key informants and survivors in Aceh report that the military restricts aid to those who reside in government barracks, on the ground that aid given outside such compounds may fall into the hands of the separatists. Thus political tensions impede direct access and efficient distribution to tsunami survivors.

The tsunami caused extensive damage to roads and bridges, making it difficult to reach survivors. In the emergency phase of relief efforts, assistance from the militaries of other countries made it possible to get basic supplies to those in need. Problems with access continue in remote areas. As survivors relocate inland, a new challenge has emerged. In Indonesia, Sri Lanka, and Thailand, researchers found that in the months after the tsunami, some survivors who had lost their homes relocated to inland areas—some at quite a distance from their homes—to live with relatives. These survivors remain in need, but are unable to access assistance because they reside outside the affected area where distribution centers and aid organizations are located.

Finally, key informant interviews suggest that part of the problem of aid distribution is due to government mismanagement and lack of a national strategy to address a disaster of the magnitude of the December tsunami. The number of those affected and the virtual complete devastation of communities overwhelmed the capacity of governments to mount an effective relief effort. Researchers found that in the months following the disaster, central planners and policy makers had drawn up plans to meet the immediate needs of survivors. However, at the local level there often was no awareness of these policies or there were significant gaps in their implementation. The result was that many survivors reported being turned away from government offices because they lacked appropriate documentation or information, in contravention of stated practices. Central planners often made decisions based on inaccurate information as the affected people were excluded from the planning process.

The effects of these disparities reverberate throughout tsunami-impacted communities. In India and Thailand aid policies exclude minorities and other vulnerable groups from help. The inequities are leading to social problems. In India and Sri Lanka, tsunami survivors have taken to street demonstrations to protest the lack of government responsiveness to their needs. In Indonesia, Thailand, and the Maldives, survivors expressed to researchers that they feel neglected and alienated from the government, and are frustrated that there is no mechanism available to assist them.

III. Impunity and Lack of Accountability

Our researchers found that there was virtually no accountability of governmental or other aid providers for the reported corruption, arbitrariness in aid distribution, and violations of international standards that protect the human rights and dignity of survivors of natural disasters. Multiple factors contributed to the impunity that service providers enjoyed for the consequences of these actions. For example, in Indonesia,
researchers found that humanitarian organizations were reluctant to report incidents of corruption or malfeasance by government personnel to higher authorities for fear that state authorities would retaliate against their organizations by denying them access to affected areas. Similarly, some humanitarian groups noted that they did not refer incidents of abuse to the state because they felt such action was a monitoring function and therefore outside of their mandate to provide relief supplies and services. The absence of a clearly identified mechanism to respond to complaints is another factor that contributes the lack of reporting by humanitarian groups.

Researchers received complaints from residents of camps for internally displaced people, and groups working there, about lack of security. Members of the army entered barrack housing where women were living in search of GAM members. The women were extremely upset by the unannounced incursions but they did not report these incidents to the police, stating that they did not believe the police could exert control over the army. In Sri Lanka, there are reports of LTTE entering IDP camps to forcibly recruit child soldiers. And in the Maldives, IDPs report they are afraid to leave their temporary shelters at night for fear of attacks by drug users who reportedly roam outside. These problems point to the need for a reliable mechanism that can investigate and take further steps if necessary to hold perpetrators accountable.

Our data indicate that the national accountability mechanisms generally are weak, and the influx of tsunami assistance reveals these weaknesses more starkly. In all the countries studied, there is a lack of transparency regarding the amounts of aid the government has received and has allocated, which inhibits the participation of civil society to monitor aid distribution. Similarly, there is no reliable source of information publicly available about the amount of aid private groups have received and distributed. In many areas, there is a lack of political will by local authorities to investigate reported abuses, which may be lodged against their own agencies. Personal ties between local and state or national politicians have been the basis for securing resources at the local level. Entrenched power structures have benefited from control to tsunami assistance and appear resistant to outside oversight and public accountability. And lack of legal protections for whistleblowers—government employees who report incidents of suspected malfeasance—impede self-regulation.

Yet state officials are only one type of service provider. International and national humanitarian and development agencies are also responsible for assisting tsunami survivors, but there is no system for beneficiaries of these services to hold private providers accountable. The relevant norms are not enforceable. UN Guidelines are voluntary standards that apply only to states. While the Sphere standards apply to humanitarian NGOs and incorporate international principles to protect the rights of IDPs to assistance and to a life with dignity, they too are voluntary and there is no enforcement mechanism. As one author on disaster response has written: “Without accountability, programs inevitably become paternalistic in nature or end up serving the needs of the donors and the agencies rather than the needs of the victims.” The need for redress is clear from the perspective of tsunami IDPs, many of whom are living throughout the region in temporary housing that is inappropriately built for the climate, located in areas prone to flooding, or lacking in adequate privacy and sanitation facilities. Some NGOs have built camps and left without establishing clear responsibility for their maintenance. At one camp in Sri Lanka, there were no clean drinking water or sanitation facilities and no one from the government or any NGO had visited. Survivors are caught—they must rely on assistance but they often have little or no communication with service providers about problems with the facilities and they have nowhere to turn to gain redress.

National human rights commissions exist in each of the five countries studied and these potentially can serve as monitoring and advocacy bodies for the rights of tsunami survivors. In some countries, like Sri Lanka, the Human Rights Commission has begun investigating allegations of rights abuses. However,
some Indian NGOs working with tsunami survivors have criticized the Human Rights Commission in the state of Tamil Nadu for failing to address the human rights conditions in the tsunami-impacted areas. In the Maldives, the Human Rights Commission has been working to establish itself in the absence of enabling legislation by Parliament. Any actions that it takes plough new ground, and its ability to hold government accountable has yet to be tested. It remains an open question what role national human rights commissions may play to strengthen human rights protections for survivors. It may be that in some countries, these bodies lack sufficient independence and credibility to take on this role. Further, the commissions generally serve to report on trends and conditions and have limited enforcement powers. What is missing is an effective redress mechanism that can respond to individual and systematic allegations of abuse or violations of norms by public and private aid providers.

IV. LACK OF COORDINATION

The countries in which the tsunami stuck hardest experienced an astonishing influx of assistance from other states, UN agencies, and international NGOs. Even in countries like Thailand and India, which did not accept support from other states, national and international NGOs rushed to the affected areas. The sudden activity of large numbers of aid providers overwhelmed the capacity of states to effectively coordinate relief efforts. During our field research, about three months after the tsunami, researchers documented some of the negative impacts brought about by this lack of coordination and identified some structural features that indicate this problem continues and requires attention during the reconstruction period.

From our research, the picture on the ground that emerged is one of a plethora of aid providers operating with little or no synchronization of effort. State agencies do not appear to have a comprehensive understanding of the groups—particularly small NGOs—providing assistance, and therefore are unable to ensure that services and needs are matched. In some areas of Sri Lanka, researchers found NGOs had constructed more temporary housing than was needed, while overcrowding or inappropriate shelters were a problem in other areas. In general, there was lack of coordination among state agencies involved in relief efforts, even in countries such as Sri Lanka, the Maldives, and Indonesia, in which a central planning agency had formally been created. Similarly, key informants reported that the UN relief agencies had not always organized their work sufficiently and often one agency was unaware of the activities undertaken by another. Each agency and NGO adheres to its own mandate—providing assistance to children, building shelter, promoting access to healthcare—which means that there is no uniform prioritization of needs of tsunami survivors. Donors emphasize speed of aid delivery, reflecting a laudatory desire to help those in need. But a focus on timing leads NGOs on the ground to complain that they are not able to plan sufficiently to ensure their work does not duplicate that of other groups or that they are prioritizing services based on inaccurate data. While INGOs indicate that their primary responsibility is to those in need, in reality they answer to central offices far away who define the objectives and strategies. This decision-making from a distance may be at odds with what a government sees as essential and the territoriality may interfere with a coordinated response among NGOs and between the government and the NGOs.

Our study indicates that the lack of trust in government by civil society in the countries surveyed hampers the ability of the government to facilitate greater harmonization of aid provision. Prior experience of local NGOs with state officials—who NGO representatives perceive as unresponsive, dismissive, or incompetent—has meant that local NGOs with a history of success in service delivery are accustomed to working independently from the state. While such a response may be understandable, in the context of tsunami relief and recovery work, it poses a challenge to achieving much-needed coordination.
V. Coastal Redevelopment

The data indicate that there is much confusion and tension among tsunami survivors regarding the development and implementation of the coastal redevelopment plans in each of the five countries studied. Survivors and local NGOs complain that the plans are being promulgated by authorities at the national level and that communities have not been consulted. There is a lack of clarity regarding the content of the plans and uneven implementation. India, Indonesia, Sri Lanka, and Thailand are creating “buffer zones” along the coast designed to mitigate the impact of damage from future storms or tsunamis. The decisions about these zones and the financial or other incentives to move inland leave the survivors little choice about relocation. In the Maldives, the government seeks to implement a “Safe Island” plan, which involves relocation of residents from particular islands that are endangered by rising seas as a result of global warming to higher ground on larger islands, but residents had no information about the location, the timing, or the conditions under which they would be relocated and some expressed fear that their traditional culture would be destroyed through relocation and redevelopment.

There was considerable confusion over the size and regulation of the “buffer zones.” In India and Indonesia researchers found conflicting information about the size of the zone. In Sri Lanka, the government had stated that it would not subsidize rebuilding within 100-200 meters of the shore, depending on location, but that residents were free to self-finance construction. However there were reports of authorities tearing down new construction. In Indonesia, the stated policy of allowing residents to return to the villages located on the coast is not always observed in practice.

A further complication in land use results from the fact that there is considerable uncertainty about who possesses land rights in most affected areas in the region. In some cases, residents occupied land without formal legal title but relied on legal custom to establish entitlement to occupy the real estate. In India there is no provision to recognize customary occupation and fishers fear they will be forced off the land by companies seeking to create aquaculture facilities. In other cases, documents were destroyed that established title. In still other instances, prior land disputes are flaring and individual landowners fear that companies and redevelopers are manipulating the reconstruction process to acquire land at the expense of survivors. For example, in Thailand some coastal residents have been threatened by developers who seek to establish ownership over disputed plots. In Sri Lanka, there are allegations that resort developers will be able to rebuild within the buffer zones while small-business owners and residents will be urged not to do so. The debate about appropriate land use implicates the stability and livelihoods of those living along the coasts, and the lack of access to meaningful input into these decisions contributes to anger and despair among many survivors.

VI. Lack of Community Participation

To rebuild communities that will be physically and socially resilient to the effects of natural disasters, tsunami survivors and their communities must be active and engaged participants in—not merely auxiliaries to—resettlement and reconstruction efforts. Across all areas studied, survivors complained that decisions about relief, resettlement, and reconstruction aid were largely taking place without consultation with their communities, leading to frustration and despair. Survivors living in IDP camps had little or no communication with government authorities about how long they could expect to remain housed there, whether and where they would be allowed to rebuild or be relocated, and the process for redevelopment planning in coastal areas. Some government officials interviewed displayed open disregard for survivors. In answering how decisions about the location of permanent housing were transmitted to IDPs, a reconstruction official in Sri Lanka remarked: “The [IDPs] will know it when the foundations are poured.” None of the areas visited had effective, established processes through which community members could provide input into the planning process. In the absence of such opportunities, there is little
chance for IDPs to challenge the perceived aloofness and disrespect on the part of government toward tsunami survivors.

In general, government officials and some NGOs communicate with IDPs through village leaders who may not relay the information to survivors or who do not necessarily represent the views of all segments of the community. In each country, researchers found that women were not included in decisions among IDP camp residents and frequently found their needs ignored or belittled. For example, female survivors had difficulty obtaining sanitary pads and in several countries reported that male leaders mocked or ridiculed them when they presented their requests for such supplies. In all countries, women reported a lack of security in camps. Sometimes multiple families shared temporary housing, or shelters did not have locks and could not be secured at night. In Sri Lanka and the Maldives, IDPs complained about the lack of security within camps, although there were few reports of physical abuse.

The effects of trauma on some survivors may account for their lack of engagement in decisions affecting their community. However, research on natural disasters indicates that providing individuals opportunities to shape their futures facilitates their recovery. Prior relationship of communities to government influences the readiness of communities to participate in consultative processes. Many tsunami survivors in Aceh expressed fear of the military—based on its history of human rights violations in the area—and saw consultation with authorities as a potential threat to their autonomy. At the same time, many recognized the power of the military to determine the course of reconstruction and thus wanted to influence this process, but felt unable to do so without risk of retribution if they expressed views contrary to local state and military authorities.

Similarly, there is a lack of history of effective democratic mobilization and civil participation at the local level in Thailand, Sri Lanka, and the Maldives. Key informants observed that the absence of a culture of rights—most relevant the right to participation—and lack of a history of civic participation in decisions at the local level meant that residents were unaware of their rights and unlikely to mobilize to advocate for their enforcement. Residents need to support new housing, land use, and environmental practices, and create sustainable livelihoods that will reduce vulnerability to and risk of destruction from natural disasters. What is needed are mechanisms to promote effective community engagement so that survivors have the power and capacity to improve their lives in partnership with—and not in opposition to—state and private aid agencies. This suggests the need for new models to ensure effective community participation to achieve the goal of rebuilding communities capable of withstanding future natural catastrophes.

1 On August 15, 2005, it was announced that the government of Indonesia and the Free Aceh Movement signed a peace agreement under the mediation of the former president of Finland, Martti Ahtisaari. Both sides made significant concessions. The rebels accepted the principle of local self-government and the right to form a political party; the Indonesian government agreed to release political prisoners and to offer farmland to ex-combatants. The rebels agreed to disarm and non-local Indonesian troops and police would be withdrawn. A Human Rights Court and Truth Commission were planned. Information is available at http://news.bbc.co.uk/1/hi/world/asia-pacific/4151980.stm.

2 Although such an agreement was finally reached by the government of Sri Lanka and the LTTE in June 2005 (an agreement that was bitterly rejected by government allies such as the JVP party), it was temporarily suspended by the country’s Supreme Court on July 15, 2005. While holding it to be legitimate, the court objected to various clauses. The subsequent assassination of the foreign minister, Laksman Kadirgamar, on August 12, 2005, led to a declaration of a state of emergency. On August 18, 2005, the LTTE agreed to return to the bargaining table under Norwegian mediators. As of the writing of this document, the situation remains unclear. Information is available at http://www.tamilnet.com/art.html?catid=13&artid=15392 and www.colombopage.com. See also http://news.bbc.co.uk/2/hi/south_asia/4147196.stm.

3 On August 12 and 13, 2005, a demonstration was held in Male’ to protest the lack of elections despite the formation of opposition parties. This demonstration was held on the one-year anniversary of the demonstration that resulted in the promise of
reforms. One hundred and sixty-three people were arrested initially and seventy-eight were let go the next day. The leader of the Maldivian Opposition Party was also arrested and charged with fomenting social disorder. Free speech and the right to protest remain problematic.


5 Frederic C. Cuny, *Disasters and Development*, p. 94.

6 Ibid. p. 92-93.